

POCo1 – Historical Background & Making of the Constitution

🏰 POC01 · Indian Polity – I · Chapter 1

CDS Level

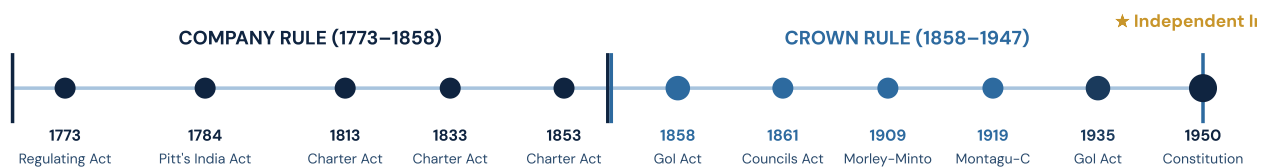
★ High Priority

✦ **CDS Focus:** This chapter is tested every year – directly and indirectly. Questions focus on: (1) matching Acts to their key provisions, (2) identifying what was "first introduced" by which Act, (3) the Constituent Assembly – its composition, committees, and key persons. The progression from Company Rule → Crown Rule → Constitution is tested as a timeline. The dates of adoption (26 Nov 1949) and enforcement (26 Jan 1950) are direct PYQs.

PART A – COMPANY RULE (1773–1858)

1. Legislative Evolution Under Company Rule

EVOLUTION OF CONSTITUTIONAL ACTS – TIMELINE



1.1 Regulating Act – 1773

PYQ Direct

Significance: The first step by the British Parliament to regulate the affairs of the East India Company. It was the *first written constitution* for governance of British India in a sense.

✦ Key Provisions

- ▶ Created the post of **Governor-General of Bengal** – Warren Hastings became the 1st
- ▶ Established a **Supreme Court at Calcutta (Fort William)** in 1774
- ▶ Governors of Bombay and Madras made subordinate to Governor-General of Bengal
- ▶ A 4-member council created to assist the Governor-General
- ▶ EIC's political activities brought under Parliamentary scrutiny for the first time

⚠ Defects

- ▶ GG had no veto – could be outvoted by 4-member council
- ▶ Jurisdiction of Supreme Court was ill-defined – clashes with GG's council
- ▶ No clear separation between political and commercial functions of EIC
- ▶ Led to frequent conflicts → necessitated Pitt's India Act (1784)

1.2 Pitt's India Act – 1784 PYQ

Key concept – Dual Control: Distinguished between **political functions** (under a new Board of Control, responsible to Parliament) and **commercial functions** (retained by Court of Directors of EIC). For the first time, the British government directly controlled Indian affairs through the Board of Control. The GG was given power over his council (could override majority). India's territories called "British possessions in India" – first formal acknowledgment of political authority.

1.3 Charter Acts – 1793, 1813, 1833, 1853 Maximum PYQs

Act	Key Provision	First / Notable Feature
Charter Act 1793	EIC's charter renewed for 20 years; GG's power enhanced; Presidency governors given legislative council	Salaries of Board of Control members charged to Indian revenues
Charter Act	EIC's monopoly over India trade <i>ended</i> (except China and tea); missionaries allowed; ₹1 lakh	First time Indian education received a specific government

Act	Key Provision	First / Notable Feature
Act 1813	annually for Indian education	grant
Charter Act 1833	EIC's commercial activities completely stopped; GG of Bengal became GG of India (Lord William Bentinck = 1st); Central Legislative Council; civil services opened to merit (not enforced)	First attempt at a <i>Central Legislature</i> for all of India; Macaulay as Law Member
Charter Act 1853	EIC's charter not renewed for fixed period (left open); competitive examination for civil services; legislative and executive functions of council <i>separated</i> for first time; 6 new legislative members added	First time Parliament introduced competitive exams; separation of legislature and executive = precursor to parliamentary system

⚠ **Charter Act Traps:** (1) EIC monopoly over *Indian* trade ended in **1813** (China trade continued until 1833). (2) First GG of India (not Bengal) = Lord William Bentinck = **Charter Act 1833**. (3) Competitive exams for civil service = **1853** — NOT 1833. (4) The 1853 Act did NOT fix a period for EIC — left open-ended (signalling its end was near). (5) Indian education grant = Charter Act **1813**.

PART B — CROWN RULE (1858–1947)

2. Legislative Evolution Under Crown Rule

2.1 Government of India Act — 1858

High Priority PYQ



GoI Act 1858

End of Company Rule

- ▶ EIC abolished; Crown took direct control
- ▶ GG became **Viceroy** — Lord Canning was the 1st Viceroy
- ▶ Board of Control and Court of Directors abolished
- ▶ **Secretary of State for India** created (in London Cabinet)



Indian Councils Act 1861

Portfolio System

- ▶ Non-official Indians nominated to legislative councils (advisory — not elected)
- ▶ Introduced **portfolio system** — each member assigned a department
- ▶ Viceroy given power to issue *ordinances* (emergency laws for 6 months)
- ▶ Legislative councils at Bombay and Madras restored; Bengal council created

- ▶ 15-member India Council to assist Secretary of State
- ▶ Passed after 1857 Revolt; Queen's Proclamation November 1858

- ▶ Marked beginning of representative (though not elected) governance



Indian Councils Act 1892

Limited Elections

- ▶ Number of additional (non-official) members increased in legislative councils
- ▶ Introduced the principle of *indirect election* – though called "nomination"
- ▶ Members could ask questions on budget (but not vote on it)
- ▶ First step towards representative government – weak but symbolic



Morley–Minto Reforms 1909

Indian Councils Act 1909

- ▶ Enlarged legislative councils; some elected members (indirect election)
- ▶ Introduced **separate electorates for Muslims** – pivotal and controversial
- ▶ First Indian appointed to Viceroy's Executive Council: **Satyendra Prasanna Sinha**
- ▶ Morley = Secretary of State; Minto = Viceroy
- ▶ Sowed seeds of communal politics; basis of future partition

2.2 Montagu–Chelmsford Reforms – GoI Act 1919

PYQ Direct

Key Concept – Dyarchy: The most important concept introduced by this Act. Provincial subjects were divided into two lists:

- **Transferred subjects** (given to Indian ministers responsible to legislature): education, public health, agriculture, local self-government
- **Reserved subjects** (remained with the Governor): finance, police, land revenue, irrigation

Montagu = Secretary of State; Chelmsford = Viceroy. Dyarchy failed because finances (reserved) controlled by Governor, so ministers couldn't implement policies without funds.

✦ Other Key Provisions – GoI Act 1919

⚠ Why Dyarchy Failed

- ▶ Indian ministers had responsibilities but no financial

- ▶ Bicameral legislature at Centre for the first time: **Council of State** (Upper) + **Legislative Assembly** (Lower)
- ▶ Separate electorates extended (Sikhs, Indian Christians, Anglo-Indians, Europeans also got separate electorates)
- ▶ Right to vote extended (limited, property-based)
- ▶ Public Service Commission established (precursor to UPSC)
- ▶ 3 of 6 members of Viceroy's Executive Council to be Indian

control

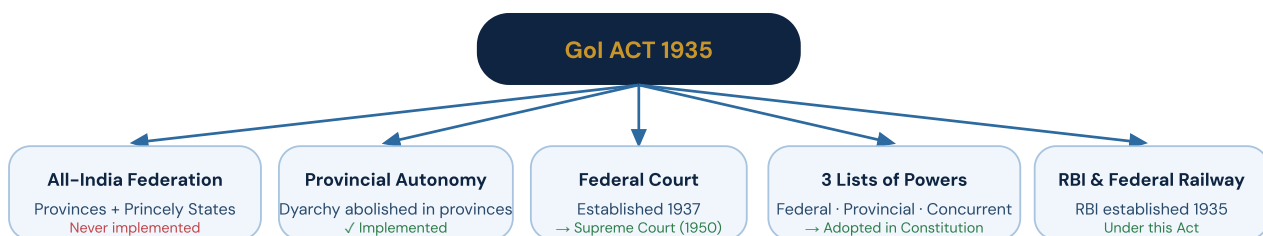
- ▶ Governor retained veto — could override ministers
- ▶ INC called it "unworkable" — boycotted elections in many areas
- ▶ Simon Commission (1927) appointed to review its working
- ▶ Report led to GoI Act 1935 which abolished provincial dyarchy

2.3 Government of India Act — 1935

High Priority PYQ

Most Important Pre-Constitution Act. The GoI Act 1935 is the longest-ever Act passed by British Parliament for India. Many provisions of the Indian Constitution were borrowed from this Act. It had 321 sections and 10 schedules.

GOI ACT 1935 — KEY FEATURES



Longest British Act for India | 321 Sections + 10 Schedules

Many provisions adopted by Indian Constitution | Basis: Emergency provisions, 7th Schedule (3 Lists), Federal structure, Federal Court

△ GoI Act 1935 Traps: (1) All-India Federation = **never implemented** (princely states did not join). (2) Provincial Autonomy = **implemented** (Congress won 1937 elections). (3) RBI was established under this Act — **NOT** the GoI Act 1919. (4) Dyarchy was introduced

in provinces in 1919 and *abolished* in provinces in 1935 (moved to Centre). (5) Ambedkar called it "Charter of Bondage" – NOT of freedom.

PART C – CONSTITUENT ASSEMBLY

3. The Constituent Assembly

3.1 Formation & Composition High Priority PYQ

✦ Formation

- ▶ Demanded by INC since 1934 (M.N. Roy first demanded it)
- ▶ Accepted by Cabinet Mission Plan (1946)
- ▶ Elected *indirectly* – by elected members of Provincial Legislative Assemblies
- ▶ First meeting: **9 December 1946**
- ▶ Dr. Sachidananda Sinha = temporary/interim President (oldest member)
- ▶ Dr. **Rajendra Prasad** elected permanent President (11 December 1946)
- ▶ Sir B.N. Rau = Constitutional Adviser


✦ Composition

- ▶ Total: **389 members** (initially); after partition, 299 members remained
- ▶ 292 from British Provinces + 93 from Princely States + 4 from Chief Commissioner's Provinces
- ▶ Proportional representation – 1 seat per 10 lakh population
- ▶ Not directly elected by people – provincial assembly members voted
- ▶ Dominance of INC – most members from Congress
- ▶ Notable members: Jawaharlal Nehru, Sardar Patel, B.R. Ambedkar, Rajendra Prasad, Alladi Krishnaswami Ayyar, K.M. Munshi, Gopalaswami Ayyangar

3.2 Committees of the Constituent Assembly PYQ Direct

Committee	Chairman	Key Function
Drafting Committee	Dr. B.R. Ambedkar	Most important; prepared the draft of the Constitution; 7 members; Constitution drafting completed 2 years 11

Committee	Chairman	Key Function
		months 18 days
Union Constitution Committee	Jawaharlal Nehru	Federal executive and legislature at Union level
Union Powers Committee	Jawaharlal Nehru	Distribution of powers between Centre and States
Provincial Constitution Committee	Sardar Vallabhbhai Patel	Constitutional provisions for provinces (states)
Advisory Committee on Minorities	Sardar Vallabhbhai Patel	Fundamental Rights, Minority rights, Tribal areas
Steering Committee	Dr. Rajendra Prasad	Organised and managed overall working of the Constituent Assembly
Rules of Procedure Committee	Dr. Rajendra Prasad	Rules governing the Constituent Assembly proceedings
Order of Business Committee	K.M. Munshi	Scheduling and order of assembly business

 **Key Mnemonic – Drafting Committee (7 Members):** Alladi Krishnaswami Ayyar + BR Ambedkar (Chairman) + Dr KM Munshi + KT Shah + Mohammad Saadulla + N Madhava Rau + TT Krishnamachari = Remember – Ambedkar chaired it. Two members (Syed Muhammad Saadulla and DPKhaitan) resigned/died and were replaced.

3.3 Objectives Resolution – 1946 PYQ

Objectives Resolution was moved by **Jawaharlal Nehru** on **13 December 1946** and adopted on **22 January 1947**. It laid down the aims and objectives of the Constitution – which became the Preamble. Key ideas: Sovereign Democratic Republic; Justice (social,

economic, political); Liberty; Equality; Fraternity; protection of minorities; integrity of territory. It declared India's resolve to be free and self-governing.

3.4 Working of the Constituent Assembly

PYQ



Timeline

Key Dates

- ▶ First meeting: **9 December 1946**
- ▶ Objectives Resolution adopted: **22 January 1947**
- ▶ Independence: **15 August 1947**
- ▶ Constitution adopted: **26 November 1949**
- ▶ Constitution enforced: **26 January 1950**
- ▶ Duration: **2 years, 11 months, 18 days**
- ▶ Sessions: **11 sessions; 165 days in 3 years**



Numbers

Facts of the Constitution

- ▶ Total expenditure on drafting: **~₹64 lakh**
- ▶ Original: **395 Articles, 8 Schedules, 22 Parts**
- ▶ Currently: **448 Articles, 12 Schedules, 25 Parts (amended)**
- ▶ Total amendments till date: **106 (as of 2024)**
- ▶ Handwritten (calligraphed) and signed – no typewriter or print used
- ▶ Preamble written by **Sir Alladi Krishnaswami Ayyar (drafted)**



Sources of the Constitution

Borrowings

- ▶ **UK** – Parliamentary system, Cabinet system, Rule of Law, single citizenship
- ▶ **USA** – Fundamental Rights, judicial review, impeachment, President as head
- ▶ **Ireland** – DPSP (Directive Principles), method of Presidential election
- ▶ **GoI Act 1935** – Federal structure, 3 lists, Emergency provisions, Federal Court → SC
- ▶ **Canada** – Federation with strong Centre, residuary powers to Centre
- ▶ **Australia** – Concurrent list, freedom of trade and commerce

- ▶ **Germany (Weimar)** — Suspension of Fundamental Rights during Emergency
- ▶ **USSR** — Fundamental Duties (42nd Amendment)

⚠ **Constituent Assembly Traps:** (1) Constituent Assembly was NOT directly elected — elected indirectly by provincial assemblies. (2) First meeting = 9 December 1946; NOT 26 January 1950. (3) **Rajendra Prasad** = President of Constituent Assembly (NOT Ambedkar). (4) **Ambedkar** = Chairman of Drafting Committee (NOT Rajendra Prasad). (5) Constitution *adopted* = 26 November 1949; Constitution *enforced/enacted* = 26 January 1950. (6) M.N. Roy — first proposed the idea of Constituent Assembly (1934) — NOT Nehru.

⚡ POCo1 Memory Chart — Fast Revision

📄 Company Acts

- ◆ **1773** — Regulating Act; 1st GG Bengal; Supreme Court
- ◆ **1784** — Pitt's India Act; Board of Control
- ◆ **1813** — Charter; monopoly ended; ₹1L education
- ◆ **1833** — Charter; 1st GG of India; Bentinck
- ◆ **1853** — Charter; civil service exam; leg-exec separation

📄 Crown Acts

- ◆ **1858** — EIC abolished; Viceroy; Sec of State
- ◆ **1861** — Indians in councils; portfolio; ordinance
- ◆ **1892** — Limited elections; budget questions
- ◆ **1909** — Morley-Minto; separate electorates; Sinha
- ◆ **1919** — Dyarchy in provinces; bicameral centre

⚖️ GoI Act 1935

- ◆ All-India Federation — never implemented
- ◆ Provincial Autonomy — implemented
- ◆ Dyarchy abolished (provinces); 3 Lists
- ◆ Federal Court → Supreme Court
- ◆ RBI established under this Act

🏛️ Constituent Assembly

📅 Key Dates

- ◆ 9 December 1946 — CA first meeting

🌐 Sources

- ◆ UK — Parliamentary system, Rule of Law

- ◆ First meeting: 9 Dec 1946

- ◆ President: Dr. Rajendra Prasad

- ◆ Drafting Committee: Dr. B.R. Ambedkar

- ◆ Objectives Resolution: Nehru, 13 Dec 1946

- ◆ Duration: 2 yrs 11 months 18 days

- ◆ 22 January 1947 — Objectives Resolution

- ◆ 26 November 1949 — Constitution *adopted*

- ◆ 26 January 1950 — Constitution *enforced*

- ◆ 26 Jan = Republic Day (honoured 1929 Lahore)

- ◆ USA — FRs, Judicial Review

- ◆ Ireland — DPSP

- ◆ Gol Act 1935 — Federal structure, Emergency

- ◆ Canada — Strong Centre, Residuary powers



Topic-Wise PYQs & Tricky Questions

Q1. The first Governor-General of Bengal under the Regulating Act 1773 was:

CDS PYQ

- (a) Lord Cornwallis (b) Warren Hastings (c) Lord William Bentinck
(d) Lord Wellesley

✓ Answer: (b) Warren Hastings

The Regulating Act 1773 created the post of **Governor-General of Bengal** and Warren Hastings became the first to hold this position (1773–1785). He was later impeached by the British Parliament (by Edmund Burke) — though ultimately acquitted. Lord Cornwallis was the second GG; Lord William Bentinck became the first GG of India (not Bengal) under Charter Act 1833.

Q2. The Charter Act of 1833 made Lord William Bentinck the first: CDS PYQ

- (a) Governor-General of Bengal (b) Viceroy of India (c) Governor-General of India
(d) Secretary of State for India

✓ Answer: (c) Governor-General of India

The Charter Act of 1833 changed the designation from "Governor-General of Bengal" to "**Governor-General of India**" — making Lord William Bentinck the first to hold this enhanced title with authority over all of British India. The Viceroy was a later designation, introduced by the Gol Act 1858. Secretary of State was also created in 1858.

Q3. The 'Dyarchy' system was introduced at the provincial level by: CDS PYQ

- (a) Government of India Act 1909 (b) Government of India Act 1919
(c) Government of India Act 1935 (d) Indian Councils Act 1861

✓ Answer: (b) Government of India Act 1919

The Montagu–Chelmsford Reforms (Government of India Act 1919) introduced **Dyarchy in the provinces**. Provincial subjects were divided into "transferred" (to Indian ministers) and "reserved" (with the Governor). The GoI Act 1935 abolished provincial dyarchy and gave provinces full autonomy, while introducing dyarchy at the Centre. The 1909 Act introduced separate electorates, not dyarchy.

Q4. The Indian Constitution was adopted on: CDS PYQ

- (a) 15 August 1947 (b) 26 January 1950 (c) 26 November 1949
(d) 9 December 1946

✓ Answer: (c) 26 November 1949

The Indian Constitution was **adopted** on **26 November 1949** — celebrated as Constitution Day (Samvidhan Divas). It came into **effect/force** on **26 January 1950** — celebrated as Republic Day. The date 26 January was chosen to honour the Purna Swaraj declaration of 26 January 1930. The first meeting of the Constituent Assembly was 9 December 1946; India became independent 15 August 1947.

Q5. Who was the President of the Constituent Assembly of India? Tricky

- (a) Dr. B.R. Ambedkar (b) Jawaharlal Nehru (c) Dr. Rajendra Prasad (d) Sardar Patel

✓ Answer: (c) Dr. Rajendra Prasad

Dr. **Rajendra Prasad** was the permanent President of the Constituent Assembly (elected 11 December 1946). He later became the first President of India. Dr. B.R. Ambedkar was the Chairman of the *Drafting Committee* — NOT the President of the Constituent Assembly. This distinction is one of the most tested CDS traps. Nehru moved the Objectives Resolution; Patel chaired the Advisory Committee.

Q6. Which Act introduced separate electorates for Muslims for the first time?

CDS PYQ

- (a) Indian Councils Act 1892 (b) GoI Act 1919 (c) Indian Councils Act 1909
(d) GoI Act 1935

✓ Answer: (c) Indian Councils Act 1909

The Indian Councils Act 1909 (Morley–Minto Reforms) introduced **separate electorates for Muslims** for the first time — a concession to the Muslim League following the Simla Deputation of 1906. This was seen as a "divide and rule" tactic. The GoI Act 1919 extended separate electorates to other communities (Sikhs, Christians). The concept was eventually abolished in the Indian Constitution (1950).

Q7. The 'Objectives Resolution' was moved in the Constituent Assembly by:

CDS PYQ

- (a) Dr. B.R. Ambedkar (b) Dr. Rajendra Prasad (c) Jawaharlal Nehru
(d) Sardar Vallabhbhai Patel

✓ Answer: (c) Jawaharlal Nehru

The Objectives Resolution was moved by **Jawaharlal Nehru** on 13 December 1946 and adopted on 22 January 1947. It outlined the aims and philosophy of the future Constitution – forming the basis of the Preamble. It declared India as a Sovereign Democratic Republic with justice, liberty, equality, and fraternity for all citizens. Ambedkar chaired the Drafting Committee; Rajendra Prasad presided over the CA.

Q8. The All-India Federation proposed by Gol Act 1935 never came into existence because: **Tricky**

- (a) INC opposed it (b) World War II intervened (c) Princely states refused to join
(d) British Parliament repealed it

✓ Answer: (c) Princely states refused to join

The All-India Federation (proposed by Gol Act 1935) required both British Indian provinces AND princely states to sign the Instrument of Accession. The **princely states refused to join** – they were not compelled. Additionally, World War II intervened and further delayed the project. However, the primary reason it never became reality was the unwillingness of the princes (who enjoyed semi-sovereign status). Provincial Autonomy, the other part of the 1935 Act, was successfully implemented (1937 elections).

Quick Reference – POC01

Firsts – Acts

- 1st GG Bengal – Warren Hastings (1773)
- 1st GG India – Bentinck (1833)
- 1st Viceroy – Canning (1858)

CA Key Dates

- First meeting: 9 December 1946
- Objectives Resolution: 22 January 1947
- Adopted: 26 November 1949
- Enforced: 26 January 1950

CA Key Persons

- President: Dr. Rajendra Prasad
- Drafting Committee: Dr. B.R. Ambedkar
- Objectives Resolution: Jawaharlal Nehru
- Constitutional Adviser: Sir B.N. Rau

- 1st Indian in Executive Council – Sinha (1909)

- Separate electorates – 1909

- Duration: 2 yrs 11 months 18 days

- M.N. Roy: first proposed CA (1934)

Dyarchy

- Introduced: GoI Act 1919 (provinces)
- Transferred: education, health, agriculture
- Reserved: finance, police, land revenue
- Abolished in provinces: GoI Act 1935
- Moved to Centre: GoI Act 1935

Key Sources

- Parliamentary system – UK
- Fundamental Rights – USA
- DPSP – Ireland
- Federal structure + Emergency – GoI 1935
- Strong Centre – Canada

Numbers

- Original: 395 Articles, 8 Schedules
- CA members: 389 (then 299 after partition)
- Drafting Committee: 7 members
- CA sessions: 11 sessions, 165 days
- Cost: ₹64 lakh

 **Mock Tests**

 **Subject Quiz**

 **Telegram**

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