

# Historical Background & Making of the Constitution

🏰 PON01 · Indian Polity · NDA GAT

NDA Level

★ High Priority

✦ **NDA Focus:** Questions focus on: (1) which Act introduced which "first" provision, (2) Constituent Assembly – composition, key persons, and dates, (3) dates of adoption vs enforcement of the Constitution. Expect 1-2 direct, factual questions. Matching Act → Key Feature is the most common pattern.

## PART A – COMPANY RULE (1773–1858)

### 1. Key Acts Under Company Rule

#### 1.1 Regulating Act 1773

PYQ Direct

##### ✦ Key Provisions

- ▶ First step by British Parliament to regulate EIC
- ▶ Created post of **Governor-General of Bengal** – Warren Hastings = 1st
- ▶ Established **Supreme Court at Calcutta** (1774)
- ▶ Governors of Bombay and Madras subordinated to GG of Bengal
- ▶ 4-member council to assist GG (GG could be outvoted – defect)

##### 📄 Pitt's India Act 1784

- ▶ Introduced **Dual Control** – political functions under Board of Control (Parliament), commercial under EIC
- ▶ GG got power to override his council
- ▶ India's territories called "British possessions" – first political acknowledgment
- ▶ Board of Control = first time British Govt. directly controlled India

## 🕒 **Company Rule (1773–1858) — Key Acts**

- ▶ **Regulating Act 1773:** First Parliamentary control over EIC; Governor-General of Bengal (Warren Hastings = 1st); Supreme Court at Calcutta 1774
- ▶ **Pitt's India Act 1784:** Dual Control — political under Board of Control (Parliament) + commercial under EIC; GG given override power
- ▶ **Charter Act 1813:** EIC Indian trade monopoly ended; ₹1 lakh education grant (first); missionaries permitted
- ▶ **Charter Act 1833:** EIC commercial activities stopped; GG of Bengal became GG of India (Bentinck = 1st); first Central Legislative Council
- ▶ **Charter Act 1853:** Open-ended charter; competitive exams for civil services (first ever); legislature and executive separated for first time

## 🕒 **Crown Rule (1858–1947) — Key Acts**

- ▶ **GoI Act 1858:** EIC abolished after 1857 Revolt; GG became Viceroy (Canning = 1st); Secretary of State for India created in London Cabinet
- ▶ **Morley-Minto Reforms 1909:** Separate electorates for Muslims introduced (seeds of partition); first Indian in Viceroy's Executive Council: Satyendra Prasanna Sinha
- ▶ **GoI Act 1919:** Dyarchy in provinces — Transferred (ministers) + Reserved (Governor); first bicameral legislature at Centre; Public Service Commission created
- ▶ **GoI Act 1935:** Provincial Autonomy; Dyarchy abolished in provinces; three legislative lists adopted later in Constitution; Federal Court; 321 sections

## 1.2 Charter Acts — The "Firsts"

Maximum NDA PYQs

13

### **Charter Act 1813**

First Education Grant

- ▶ EIC monopoly over **Indian trade ended** (China trade continued)
- ▶ Missionaries permitted to come to India
- ▶ **₹1 lakh annually** for Indian education — first specific education grant

33

### **Charter Act 1833**

GG of India + Central Legislature

- ▶ EIC's commercial activities fully **stopped**
- ▶ GG of Bengal became **GG of India** — Lord William Bentinck = 1st
- ▶ **First Central Legislative Council** for all India

- ▶ Macaulay appointed as first Law Member

53

### Charter Act 1853

Competitive Exams + Legislature Split

- ▶ EIC charter NOT renewed for fixed period — open-ended (signal of end)
- ▶ First **competitive examination** for civil services
- ▶ Legislative and executive functions of council **separated** for first time
- ▶ 6 new legislative members added to GG's council

#### ⚠ Common NDA Traps:

- EIC Indian trade monopoly ended = **1813** (not 1833; China trade ended 1833)
- First GG of *India* (not Bengal) = Lord Bentinck = **Charter Act 1833**
- Competitive exams for civil services = **1853** (NOT 1833)
- First education grant = **1813** (₹1 lakh)
- Legislature + executive separated = **1853**

## PART B — CROWN RULE (1858–1947)

## 2. Key Acts Under Crown Rule

58

### Gol Act 1858

End of EIC; Queen's Rule

- ▶ EIC abolished; Crown took direct control after 1857 Revolt
- ▶ GG became **Viceroy** — Lord Canning = 1st Viceroy
- ▶ Board of Control + Court of Directors abolished

09

### Morley–Minto Reforms 1909

Separate Electorates Introduced

- ▶ Enlarged legislative councils; some elected members (indirect)
- ▶ Introduced **separate electorates for Muslims** — divisive, seeds of partition
- ▶ First Indian in Viceroy's Executive Council: **Satyendra Prasanna Sinha**

- ▶ **Secretary of State for India** created in London Cabinet
- ▶ 15-member India Council to assist Secretary of State

- ▶ Morley = Secretary of State; Minto = Viceroy

19

### GoI Act 1919

Dyarchy + Bicameral Legislature

- ▶ **Dyarchy in provinces:** Transferred (to Indian ministers) + Reserved (with Governor)
- ▶ **First bicameral legislature at Centre:** Council of State (Upper) + Legislative Assembly (Lower)
- ▶ Separate electorates extended to Sikhs, Christians, Anglo-Indians
- ▶ Public Service Commission established (precursor to UPSC)

35

### GoI Act 1935

Most Important Pre-Constitution Act

- ▶ All-India Federation proposed (never implemented – princes refused)
- ▶ **Provincial Autonomy** – Dyarchy abolished in provinces
- ▶ **Three Lists:** Federal, Provincial, Concurrent – **adopted in Constitution**
- ▶ Federal Court established 1937 → became Supreme Court 1950
- ▶ 321 sections, 10 schedules – longest British Act for India
- ▶ RBI established under this Act

#### Dyarchy (GoI Act 1919) – Must Know:

**Transferred subjects** (given to Indian ministers, responsible to legislature): Education, Public Health, Agriculture, Local Self-Government

**Reserved subjects** (retained by Governor): Finance, Police, Land Revenue, Irrigation

Dyarchy *failed* because finances were reserved – ministers couldn't implement policies. Abolished in provinces by GoI Act 1935.

## PART C – CONSTITUENT ASSEMBLY

### 3. The Constituent Assembly (1946–1950)

#### 👥 Constituent Assembly – Formation, Dates & Key Persons



#### Formation & Composition

Cabinet Mission Plan, 1946



#### Key Dates

First meeting to Republic Day

- ▶ Formed under **Cabinet Mission Plan 1946**
- ▶ **Indirectly elected** by Provincial Assemblies — not by direct public vote
- ▶ ~1 seat per 10 lakh population
- ▶ Initial: **389 members** → after Partition: **299 members**

- ▶ First meeting: **9 December 1946**
- ▶ Objectives Resolution: **22 January 1947**
- ▶ Constitution adopted: **26 November 1949**
- ▶ Constitution enforced: **26 January 1950** (Republic Day)
- ▶ Duration: **2 yr 11 mo 18 days** · 11 sessions · 165 days · ₹64 lakh



### Key Persons

Leaders of the Constituent Assembly

- ▶ **CA President:** Dr. Rajendra Prasad
- ▶ **Drafting Committee Chair:** Dr. B.R. Ambedkar (7 members)
- ▶ **Objectives Resolution:** Jawaharlal Nehru
- ▶ **Constitutional Adviser:** Sir B.N. Rau
- ▶ **First proposed CA (1934):** M.N. Roy



### Constitution — Numbers

Original vs current

- ▶ **Originally:** 395 Articles · 22 Parts · 8 Schedules
- ▶ **Currently:** 470+ Articles · 25 Parts · 12 Schedules
- ▶ Longest written constitution in the world
- ▶ Dr. B.R. Ambedkar = "Father of Indian Constitution"

## 3.1 Important Committees of Constituent Assembly

NDA Fact-Based



### Key Committees

- ▶ **Drafting Committee** — Chairman: Dr. B.R. Ambedkar (7 members; drafted the actual Constitution text)
- ▶ **Union Constitution Committee** — Chairman: Jawaharlal Nehru
- ▶ **Union Powers Committee** — Chairman: Jawaharlal Nehru
- ▶ **Provincial Constitution Committee** — Chairman: Sardar Patel



### Sources of the Constitution

- ▶ **Government of India Act 1935** — Federal structure, Emergency provisions, 3 Lists, Federal Court
- ▶ **UK (Britain)** — Parliamentary system, Rule of Law, single citizenship, Cabinet system
- ▶ **USA** — Fundamental Rights, judicial review, written constitution, impeachment

- ▶ **Advisory Committee on Fundamental Rights** — Chairman: Sardar Patel
- ▶ **Steering Committee** — Chairman: Dr. Rajendra Prasad

- ▶ **Ireland** — Directive Principles of State Policy, election of President, nomination to Rajya Sabha
- ▶ **Canada** — Federal system with strong Centre, appointment of Governors by Centre, residuary powers with Centre
- ▶ **Australia** — Concurrent List, joint sitting of Parliament, freedom of trade



## NDA PYQ Practice — PONO1

**Q1. Which of the following Acts introduced the system of 'Dyarchy' in the provinces of India?** NDA PYQ

- (a) Government of India Act, 1909    (b) Government of India Act, 1919  
(c) Government of India Act, 1935    (d) Indian Independence Act, 1947

✓ **Answer: (b) Government of India Act, 1919**

The Montagu–Chelmsford Reforms (GoI Act 1919) introduced Dyarchy in provinces, dividing subjects into Transferred (to Indian ministers) and Reserved (with Governor). The 1935 Act abolished provincial Dyarchy and introduced Provincial Autonomy. Option (a) 1909 introduced separate electorates, not Dyarchy.

**Q2. The Indian Constitution was adopted on:** NDA PYQ

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

✓ **Answer: (b) 26 November 1949**

The Constitution was *adopted* by the Constituent Assembly on **26 November 1949** — this is celebrated as Constitution Day (Samvidhan Diwas). It came into *force* (enforced/enacted) on **26 January 1950** — Republic Day. The first meeting was 9 December 1946. Independence was 15 August 1947.

**Q3. Who among the following was the Chairman of the Drafting Committee of the Indian Constitution?** NDA PYQ

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

✓ Answer: (c) Dr. B.R. Ambedkar

Dr. B.R. Ambedkar chaired the Drafting Committee (7 members) which actually drafted the text of the Constitution. He is called the "Father of the Indian Constitution." Nehru moved the Objectives Resolution. Rajendra Prasad was President of the CA. Patel chaired the Advisory Committee on Fundamental Rights.

#### Q4. Which Act introduced separate electorates for Muslims for the first time?

NDA PYQ

- (a) Indian Councils Act, 1861 (b) Indian Councils Act, 1892  
(c) Indian Councils Act, 1909 (d) Government of India Act, 1919

✓ Answer: (c) Indian Councils Act, 1909

The Morley–Minto Reforms (Indian Councils Act 1909) introduced the system of separate electorates for Muslims – this was one of the most significant and controversial features. The 1919 Act extended this to Sikhs, Christians, and Anglo-Indians but did NOT introduce it. This sowed the seeds of communal politics leading eventually to Partition.

#### Q5. The Government of India Act, 1935 provided for which of the following?

NDA PYQ

- (a) Dyarchy at the provincial level (b) Abolition of Dyarchy at the provincial level  
(c) Introduction of separate electorates (d) First bicameral legislature at the Centre

✓ Answer: (b) Abolition of Dyarchy at the provincial level

Gol Act 1935 abolished Dyarchy in the provinces (introduced by 1919 Act) and provided Provincial Autonomy – provinces could govern themselves without dual control. However, Dyarchy was introduced at the Centre under 1935. Option (c) separate electorates were introduced in 1909. Option (d) bicameral legislature was introduced in 1919.

#### Q6. The Constituent Assembly of India was formed on the basis of the proposal of:

NDA PYQ

- (a) Wavell Plan (b) Cabinet Mission Plan (c) Mountbatten Plan (d) Cripps Mission

✓ Answer: (b) Cabinet Mission Plan

The Constituent Assembly was formed under the **Cabinet Mission Plan of 1946**. The Cabinet Mission (Cripps, Pethick–Lawrence, Alexander) proposed the formation of the CA with members indirectly elected by provincial assemblies. Cripps Mission (1942) had proposed a Constituent Assembly after the war but was rejected. Mountbatten Plan (June 1947) dealt with the partition.

## Quick Reference – PONo1

### Key Dates

- First CA Meeting: 9 Dec 1946
- Objectives Resolution: 22 Jan 1947
- Constitution Adopted: **26 Nov 1949**
- Constitution Enforced: **26 Jan 1950**
- Duration: 2 yr 11 mo 18 days

### Key Persons

- CA President: Dr. Rajendra Prasad
- Drafting Cttee: Dr. B.R. Ambedkar
- Objectives Resolution: J. Nehru
- Constitutional Adviser: B.N. Rau
- First proposed CA (1934): M.N. Roy

### Act Firsts

- First GG of Bengal: Warren Hastings (1773)
- First GG of India: Bentinck (1833)
- First Viceroy: Canning (1858)
- Separate electorates: 1909
- Competitive exam: 1853

### Sources

- Parliamentary system: UK
- Fundamental Rights: USA
- DPSP: Ireland
- Federal structure + Emergency: Gol 1935
- Strong Centre, Governors: Canada

### Numbers

- Original: 395 Articles, 8 Schedules
- CA members: 389 → 299 (post-partition)
- Drafting Committee: 7 members
- Sessions: 11 · Days: 165
- Cost: ₹64 lakh

### Dyarchy

- Introduced: Gol Act 1919 (provinces)
- Transferred: Education, Health, Agriculture
- Reserved: Finance, Police, Land Revenue
- Abolished in provinces: Gol Act 1935
- Failed: finances were Reserved

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