CONSTITUTIONAL DEVELOPMENT · 1773 – 1784

Parliament controls Company rule

1773 REGULATING ACT → CONTROL

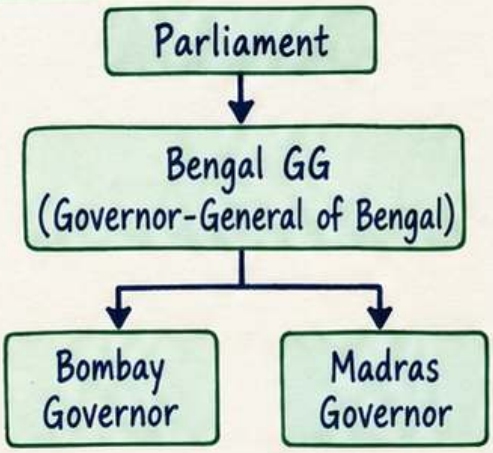
1781 AMENDING / SETTLEMENT ACT → JURISDICTION REPAIR

1784 PITT'S INDIA ACT → DUAL CONTROL

1773 · FIRST PARLIAMENTARY CONTROL

- Company misrule → British Parliament intervenes
- Governor of Bengal → GOVERNOR-GENERAL OF BENGAL
- First GG: WARREN HASTINGS
- GG assisted by 4-member Executive Council
- Bombay + Madras Governors subordinated to Bengal GG

HIERARCHY



1774 CALCUTTA SUPREME COURT

- 1 Chief Justice + 3 judges
- defect: jurisdiction uncertainty/conflict

1781 · AMENDING / SETTLEMENT ACT

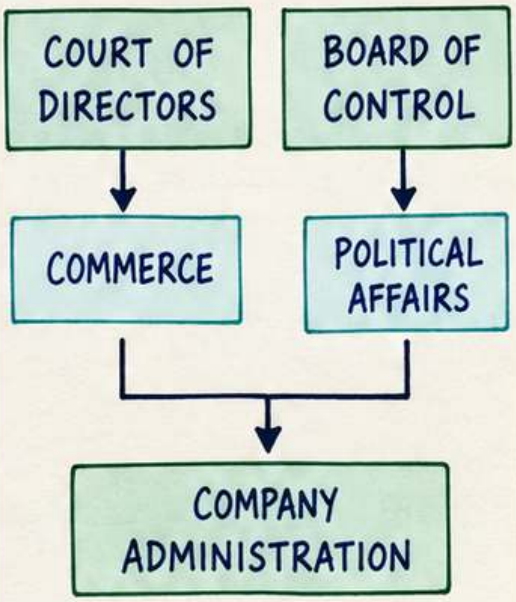
- official acts of GG, Council + Company servants kept outside Supreme Court jurisdiction
- Hindu cases → Hindu law
- Muslim cases → Mohammedan law

repairs 1773

no new governing structure

1784 · PITT'S INDIA ACT

- commercial functions ≠ political functions



- British Government gains supreme control
- dual control / dual government
- first official label: "British possessions in India"

MEMORY MATRIX (ONE LINE EACH)

1773	1781	1784
= centralisation begins + GG + Calcutta SC	= court jurisdiction clarified	= commerce/politics split + Board of Control

CHARTER ACTS · 1793–1853

Monopoly ↓ · Centralisation ↑ · Competition opens

20-YEAR CHARTER RENEWAL → Parliament progressively tightens Company monopoly

1793 EXTEND → **1813** PARTLY END → **1833** FULLY END + CENTRALISE → **1853** SEPARATE + OPEN

1793 CHARTER ACT

- Company trade monopoly extended for 20 years
- Cornwallis-style overriding power extended to future Governors-General

pro-Company continuation

1813 CHARTER ACT

- Company monopoly in Indian trade abolished
- EXCEPT: tea trade + trade with China

1813 = partial end, not total end

1833 CHARTER ACT

- remaining Company monopoly completely ended
- Company: commercial body → purely administrative body
- territories held "in trust for His Majesty"
- Governor-General of Bengal → GOVERNOR-GENERAL OF INDIA
- first GG of India: WILLIAM BENTINCK
- Bombay + Madras lose legislative powers
- GG of India gets exclusive law-making power for British India
- centralisation reaches final stage
- "Regulations" → "Acts"
- open competition / no exclusion proposed, but removed after Court of Directors opposed it

Bengal GG → India GG → one central legislature

1833 attempted competition; did not establish the final open system

1853 CHARTER ACT

- last Charter Act
- legislative and executive functions of GG's Council separated
- separate Legislative Council; worked like a small parliament
- open competition introduced for covenanted civil service
- opened civil service to Indians
- MACAULAY COMMITTEE, 1854 → scheme details



QUICK COMPARISON GRID

Year	Monopoly position	Key institutional change	Other key points
1793	Monopoly extended for 20 years	Cornwallis-style overriding power extended to future Governors-General	pro-Company continuation
1813	Monopoly ends EXCEPT: tea trade + trade with China	Indian trade opened (except tea/China)	1813 = partial end, not total end
1833	Monopoly completely ended	Bengal GG → Governor-General of India (first: WILLIAM BENTINCK); Bombay + Madras lose legislative powers; GG gets exclusive law-making power; centralisation reaches final stage; "Regulations" → "Acts"	Attempted open competition / no exclusion proposed, but removed after Court of Directors opposed it
1853	Monopoly already ended	Legislative and executive functions separated; separate Legislative Council	Open competition for covenanted civil service; opened to Indians; MACAULAY COMMITTEE, 1854 → scheme details

CROWN RULE + COUNCIL ACTS · 1858 – 1909

Transfer → Nomination → Indirect election → Separate electorate

1857 REVOLT → GOVERNMENT OF INDIA ACT 1858

(Also: Act for Better Government of India)

- Company rule ended
- government + territories + revenues → BRITISH CROWN
- Governor-General also styled VICEROY
- first Viceroy: LORD CANNING
- Board of Control + Court of Directors abolished → dual control ends.

Result / limit: ruler changed; Indian participation still absent.

Accuracy trap:
Write "Company rule ended", never "Company legally dissolved in 1858".

NEW INSTITUTIONAL SET-UP (1858)

SECRETARY OF STATE FOR INDIA

- British Cabinet member · full control · accountable to British Parliament

↓ assisted by

15-member COUNCIL OF INDIA

KEY CHANGES (AT A GLANCE)

	Before 1858	After 1858
Ruling authority	East India Company	British Crown
Head in India	Governor-General	Governor-General also styled Viceroy
Control in Britain	Board of Control + Court of Directors	Both abolished (dual control ends)

COUNCIL ACTS : 1861 → 1892 → 1909

1861 · NOMINATION + DECENTRALISATION

- Indians enter law-making as nominated non-official members.
- Lord Canning nominated 3 Indians in 1862.
- included Raja of Benaras + Maharaja of Patiala.
- Bombay + Madras regain legislative powers.
- decentralisation begins; reverses 1833 centralisation trend.
- limit: not elected; GG retains veto + ordinance powers.

1892 · INDIRECT ELECTION PRINCIPLE

- legislative councils enlarged.
- members may discuss Budget + ask questions.
- some non-official seats filled through institutional recommendation → formal nomination.
- word "election" not used.

Trap:
Indirect election seed, not direct election.

1909 · MORLEY–MINTO REFORMS

- legislative councils further enlarged.
- provinces: non-official majority.
- Centre: official majority continues.
- SATYENDRA PRASAD SINHA → first Indian on Viceroy's Executive Council; Law Member.
- separate electorates introduced for Muslims.
- effect: communal representation institutionalised.

GENERAL vs SEPARATE ELECTORATE (1909)

GENERAL electorate	SEPARATE electorate
all voters together	Muslim voters elect Muslim members to Muslim seats.

KEY CONTRAST (1909)

Provinces	non-official majority
Centre	official majority continues
Muslims	separate electorates introduced
Effect	communal representation institutionalised

CHRONOLOGY LADDER (KEYWORD ONLY)

1861 nomination → 1892 indirect-election principle → 1909 separate electorates

GOVERNMENT OF INDIA ACTS · 1919 vs 1935

Dyarchy moves · Provincial autonomy arrives

| 20 AUG 1917 DECLARATION | British goal: gradual introduction of RESPONSIBLE GOVERNMENT
Executive accountable to elected legislature. |
|---|---|

1919 · MONTAGU-CHELMSFORD REFORMS

PROVINCES → DYARCHY

TRANSFERRED

- public health
- education
- local self-government
- agriculture

- Governor administers with Indian ministers
- ministers responsible to legislature

RESERVED

- police
- justice
- prisons
- land revenue
- finance

- Governor + Executive Council
- not responsible to legislature

Why weak?
Finance remained reserved → transferred ministers lacked funds.

CENTRE:

- bicameralism first introduced:
  - Council of State + Legislative Assembly
- direct elections introduced
- central subjects separated from provincial subjects

1935 · GOVERNMENT OF INDIA ACT

- 321 sections · 10 schedules
- proposed ALL-INDIA FEDERATION: provinces + princely states
- federation NOT IMPLEMENTED: princely states did not join

THREE LISTS

FEDERAL | PROVINCIAL | CONCURRENT

PROVINCES:

- dyarchy abolished
- PROVINCIAL AUTONOMY introduced; operative from 1937

CENTRE:

- dyarchy proposed, never operated

INSTITUTIONS PROVIDED:

- Federal Court → established 1937
- federal, provincial + joint Public Service Commissions
- three-list distribution substantially carried into Indian Constitution

CENTRAL TRAP MATRIX (1919 vs 1935)

POINT	1919	1935
Where dyarchy?	Dyarchy IN PROVINCES	Provincial dyarchy ENDS
Dyarchy at Centre?	Not introduced	Dyarchy proposed AT CENTRE → never implemented
Nature of reform	Responsible-government step	Provincial autonomy
Central structure	Bicameral Centre: Council of State + Legislative Assembly	Proposed federation + 3 lists (Federal | Provincial | Concurrent)

1947 ACT + CONSTITUENT ASSEMBLY

Freedom to frame India's own Constitution

INDIAN INDEPENDENCE ACT 1947

PATH TO ENACTMENT

1. **FEB 1947** → Attlee announcement
2. **3 JUN 1947** → Mountbatten Plan accepted by Congress + Muslim League
3. **4 JUL 1947** → Bill introduced in British Parliament
4. **18 JUL 1947** → Royal Assent
5. **15 AUG 1947** → Act commenced

KEY EFFECTS OF 1947 ACT

1. British rule ends.
2. INDIA + PAKISTAN = two independent Dominions.
3. no constitution imposed by Britain.
4. each Constituent Assembly free to frame its Constitution.
5. sovereign CA may repeal British laws, including 1947 Act.
6. Viceroy office abolished → Governor-General for each Dominion.
7. 1935 Act continues as interim framework until new Constitution.
8. British paramountcy over princely states lapses from 15 Aug.

CENTRAL CONTRAST

EARLIER ACTS	VS	1947 ACT
Britain prescribed governance.		Indians gain constituent freedom.

CONSTITUENT ASSEMBLY

DEMAND → CREATION → SOVEREIGNTY

1. **1934** → M.N. ROY idea
2. **1935** → Congress demand
3. **1938** → Nehru articulation
4. **1940** → August Offer accepts principle
5. **1946** → CABINET MISSION PLAN creates Assembly
6. **1947** → Independence Act makes it sovereign

TRAP: Cabinet Mission created it; Independence Act made it sovereign.

COMPOSITION

389 total

- **296** British India — Provincial seats: indirectly elected by provincial legislatures.
- **93** princely states — Princely-state representatives: nominated by rulers.

After Partition: **299**

Partly elected + partly nominated; not direct adult-franchise election.

WORKING TIMELINE

1. **9 DEC 1946** → first meeting → SACHCHIDANANDA SINHA temporary president
2. **11 DEC 1946** → RAJENDRA PRASAD permanent president
3. **13 DEC 1946** → Nehru moves Objectives Resolution → basis of Preamble
4. **29 AUG 1947** → 7-member Drafting Committee → chair B.R. AMBEDKAR

11 sessions · 2 years 11 months 18 days

THREE-DATE FINISH

1. **26 NOV 1949** → ADOPTED
2. **24 JAN 1950** → 284 MEMBERS SIGN
3. **26 JAN 1950** → COMMENCED

Why 26 Jan? honours 1930 Purna Swaraj Day.

On commencement: 1935 Act + 1947 Act repealed.

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