



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

THE EVOLUTION OF THE INDIAN CONSTITUTION

- Dhruv Vohra

REGULATING ACT OF 1773

A giant leap in the Indian legal history was taken with the creation of the supreme court of Judicature at Calcutta under the regulating Act of 1773. The company servants made lot of money in India , when they went to UK, they started to live lavishly and even they bought the seats of House of Commons. The population of UK started to doubt the working of east India Company in India . The shareholders of the company voted and started to get the big dividends . From the years 1767, it was the rule that company will pay to the British exchequer, four lakh pounds every year to restrain its territorial acquisitions and revenues. When the company was making losses, it approached the British Government for loan . After the house of commons appointed an elect committee and a secret committee to probe the affairs of company before giving the company the loan amount . The reforms suggested that company before giving the company the loan amount. Parliament amended the constitution of it, brought company under the parliament , with this area the era of parliament enactments started.

PROVISIONS OF REGULATING ACT

The term of the directors of the east India company was increased from one year to 4 years and provision was made that every one-fourth directors were elected in rotation. The voting power of shareholders was restricted . The company directors were required to lay before the Treasury all correspondence from India relation to revenue and before a secretary of state , everything dealing with the civil and military affairs of the government of in India . The act appointed a Governor General and council of 4 at Calcutta They got all powers, civil , military regarding all

The company acquisitions as well as revenues in the kingdom of Bihar, Bengal , Orissa. Warren Hastings was appointed as the first Governor- general and other three came from England . All were to hold office for 5 years but the king could remove them if court of directors recommended the removal.

THE INDIAN COUNCIL ACT, 1861

The events of the mutiny made Britishers realize the need to adopt the Indians in the legislature of the country so that the voice of the Indians could be heard and the events like that of the mutiny of 1857 could be avoided.

The objective of this act was

- Expansion of the Gov- general Legislative council
- Restoring legislative powers to the presidencies of Bombay and madras
- Providing the establishment of legislative bodies to in other provinces

PROVISIONS OF THE ACT

- Reconstitution of the council
- Governor general' s powers increased
- Indians were associated with law making
- Governor – general' s power to issue ordinance laws.

The new legislative give council was to consist of the member of the Gov Gen's council and between 6-12 persons nominated by the gov general for 2 years . This legislative body could pass laws for the whole of India . The legislative power of the council extended over all pet – sons , whether British or Indians , foreigners or others within the Indian dominions . A legislative was created for Bengal in 1862 and another for united Province in 1886.

THE INDIAN COUNCIL ACT, 1892

It was an important landmark in the growth of the representative institutions s in the the constitutional history of the country . Sovial and religious conditions were changing in India and the Indian nationalism was emerging . Western style of education was spreading the new political awakening from the the universities of calcutta , Bombay, and madras . Apart from this the European merchants wanted to have more representations in the council . Hence Lord Dufferin realized the necessity of having the powerful council in India to have greater freedom for the government of India from the India office.

PROVISIONS OF ACT -

The number of the additional members of the governor general councils will job r less than the more than sixteen nominated members. The act increased the powers of the legislative council , it was not now only permitted to discuss the annual financial statements under the the certain circumstances but not the right ro vote on it or divided the house on any other matter related to it. On the matter of public interest the members were authorized to ask questions for six days ; s notice was required for every question .

INDIAN COUNCIL ACT , 1909

To pacify the growing unrest the people, an act was passed in 1910 which is popularly known as the Morley – Minto Reforms after the then secretary of state and the government general respectively. The most important aspect of the measure carried on the extension of their powers.

PROVISIONS OF THE ACT-

The number of the legislative members in the central legislature were increased from the sixteen to a maximum of sixty. The number of such members in the legislature of Madras, Bengal, Bombay, U.P., and Eastern Bengal was raised to fifty and in the Punjab and Burma to thirty.

Though the non-elected members continued to be in the majority but an alternative scheme was prepared for indirect election of members of the provisional councils. These members introduced the diarchy in Municipalities, and also in Muhammadans. The president of the legislative council could always disallow a question and also disallow a resolution on the public interest or on the ground that it was a matter to be raised in the provisional council.

THE GOVERNMENT OF ACT, 1919

On August 20, 1917 Montagu, the secretary of state for India, announced in the House of Commons that the policy of his Majesty's government with the government of India completely in accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions, with a view to progressive realization of responsible government in India as an integral part of the British Empire.

PROVISION OF THE ACT-

Introduction of the diarchy at the provinces – division of the provincial subjects into reserved subjects and transferred subjects.

Reserved subjects --- police, jails, irrigation, forest, etc were to be administered by the governor and his council.

Transferred subjects --- education, local self government, public health and sanitation, agriculture etc were to be looked after by the governor and the ministers.

THE GOVERNMENT OF INDIA, 1935

After failing of the Simon Commission of 1927, Gandhi launched the Civil Disobedience Movement which ended with the Gandhi – Irwin Pact of 1931. After this there were three sessions of round table conference to decide the issue of independence. But these were unsuccessful. Then in 1935 was introduced the Government of India Act which was meant to apply to both the provinces and the princely states. The Act conferred federalism in India comprising of the provinces and the Indian states.

PROVISION OF THE ACT-

- Provision for the establishment of all an Indian federal on to be based on the union of the British India and the princely states (it did not come into the existence since the princely states did not give their consent for the union)
- Division of powers into the three list – federal , provision and concurrent , residuary powers with the the governor general .
- Provincial Autonomy – The grant of a large measure of autonomy to the provinces of British India (ending with the system of diarchy introduced by the government of India act , 1919.