


Constitution Of India (COI)

 By: Yashraj Maher

Indian Constitutional Development: A Timeline

The development of the Indian Constitution spans centuries, evolving through British colonial legislation, the independence movement, and post-independence amendments. Below is a comprehensive timeline highlighting key events, dates, and figures instrumental in shaping India's constitutional framework.

Pre-Independence Period: British Colonial Era

- **1773: Regulating Act**
 - Marked the British Parliament's first step to regulate the East India Company's affairs in India.
 - Established the office of Governor-General of Bengal (Warren Hastings was the first) and an executive council of four members.
 - Set up the Supreme Court at Fort William (Calcutta) in 1774, prohibiting company servants from accepting bribes or engaging in private trade.
- **1784: Pitt's India Act**
 - Distinguished between the East India Company's commercial and political functions.
 - Created a Board of Control to oversee political affairs, placing Indian administration under direct British government supervision.
 - Reduced the Governor-General's council to three members and established councils in Bombay and Madras.
- **1813: Charter Act**
 - Ended the East India Company's monopoly over Indian trade, opening it to all British subjects.
 - Strengthened British control over the company's operations.
- **1833: Charter Act**
 - Upgraded the Governor-General of Bengal to Governor-General of India (Lord William Bentinck was the first).
 - Marked the first step toward centralization by stripping legislative powers from Bombay and Madras, establishing a central legislature.
 - Transformed the East India Company into an administrative body, ending its commercial role.
- **1853: Charter Act**
 - Separated the legislative and executive functions of the Governor-General's council.
 - Introduced a central legislative council with six members, four appointed by the provisional governments of Madras, Bombay, Bengal, and Agra.
 - Established open competition for civil service recruitment, opening the Indian Civil Service to all.
- **1858: Government of India Act**
 - Transferred governance from the East India Company to the British Crown following the 1857 Revolt.
 - Established the office of the Secretary of State for India, assisted by a 15-member council.
 - Lord Canning became the first Viceroy of India.
- **1882: Lord Ripon's Resolution**
 - Known as the "Magna Carta of Local Self-Governance in India."
 - Lord Ripon, dubbed the "Father of Local Self-Governance," introduced measures to decentralize administration and empower local bodies.
- **1919: Government of India Act (Montagu-Chelmsford Reforms)**
 - Introduced dyarchy in the provinces, dividing subjects into "Reserved" (under the Governor) and "Transferred" (under Indian ministers).
 - Established a bicameral legislature at the center: Legislative Assembly (140 members) and Legislative Council (60 members).
 - Introduced direct elections, laying groundwork for representative governance.
- **1921: Separation of Railway Budget**
 - The railway budget was separated from the general budget, reflecting growing administrative specialization.
- **1935: Government of India Act**
 - Further expanded dyarchy and provincial autonomy.
 - Served as a significant reference for the Indian Constitution's framers due to its detailed federal structure and legislative provisions.
- **1947: Indian Independence Act**

- Declared India an independent and sovereign state on August 15, 1947.
- Established responsible governments at the center and states, assigning dual legislative and constituent functions to the Constituent Assembly.

Formation of the Indian Constitution

- **December 1946: Formation of the Constituent Assembly**
 - Comprised 389 members initially: 292 elected from Provincial Legislative Assemblies, 93 from princely states, and 4 from Chief Commissioners' Provinces.
 - Reduced to 299 after partition.
- **January 22, 1947: Adoption of the Objectives Resolution**
 - Moved by Jawaharlal Nehru, it outlined the principles for India as an independent sovereign republic.
- **April 28, 1947: Formal Establishment of the Constituent Assembly**
 - Included representatives from six princely states, marking broader participation post-partition.
- **June 3, 1947: Mountbatten Plan**
 - Led to India's partition and the creation of a separate Constituent Assembly for Pakistan.
- **July 22, 1947: Adoption of the National Flag**
 - Symbolized India's emerging national identity.
- **May 1949: Ratification of Commonwealth Membership**
 - The Constituent Assembly affirmed India's status within the Commonwealth.
- **November 26, 1949: Adoption of the Indian Constitution**
 - Contained 395 articles, 22 parts, and 8 schedules.
 - Certain articles (5-9, 379, 380, 388, 392, 393) took effect immediately.
- **January 24, 1950: Signing of the Constitution**
 - Members of Parliament signed the document.
 - The national anthem was adopted, and Dr. Rajendra Prasad was elected India's first President.
- **January 26, 1950: Constitution Comes into Effect**
 - Marked Republic Day, with the remaining articles enacted.
 - Repealed the Indian Independence Act 1947 and Government of India Act 1935.
- **January 28, 1950: Supreme Court Established**
 - Began functioning as the apex judicial body.

Post-Independence Constitutional Evolution

- **1956: 7th Amendment Act**
 - Allowed one person to serve as Governor of multiple states, enhancing administrative efficiency.
- **1959: Panchayati Raj System Introduced**
 - Rajasthan became the first state to adopt this decentralized governance model, followed by Andhra Pradesh.
- **1965: Sajjan Singh Case**
 - Supreme Court ruled that Parliament could amend any part of the Constitution, including Fundamental Rights.
- **1967: Golaknath Case**
 - Reversed the 1965 ruling, declaring Fundamental Rights immune to parliamentary amendment.
- **1976: 42nd Amendment Act ("Mini Constitution")**
 - Added Part IVA (Fundamental Duties) with 10 duties under Article 51A.
 - Introduced "Socialist," "Secular," and "Democratic" to the Preamble.
- **1986: Tamil Nadu Abolishes Legislative Council**
 - Reflecting a trend toward unicameral state legislatures (only six states retain bicameral systems today).
- **1992: 73rd and 74th Constitutional Amendment Acts**
 - Added Parts IX (Panchayats) and IX-A (Municipalities), along with the Eleventh and Twelfth Schedules.
 - Established a three-tier Panchayati Raj system: Gram Panchayat (village), Panchayat Samiti (block), and Zila Parishad (district).
- **2002: 86th Amendment Act**
 - Added clause (k) to Article 51A, making education of children aged 6-14 a fundamental duty (the eleventh duty).
 - Amended Article 45 to mandate free and compulsory education for children up to age 14 within 10 years.

Multiple Choice Questions (MCQs)

Below are six MCQs based on the timeline, designed to test key aspects of Indian Constitutional Development:

1. Who is regarded as the "Father of Local Self-Governance in India" according to the timeline?

a) Lord Mayo

b) Lord Canning

c) Lord Ripon

d) Lord William Bentinck

Explanation: Lord Ripon's 1882 Resolution is hailed as the "Magna Carta of Local Self-Governance," earning him this title.
2. The Preamble of the Indian Constitution had the terms 'Socialist' and 'Secular' added through which constitutional amendment?

a) 86th Amendment Act, 2002

b) 73rd Amendment Act, 1992

c) 61st Amendment Act, 1988

d) 42nd Amendment Act, 1976

Explanation: The 42nd Amendment (1976) added "Socialist," "Secular," and "Democratic" to the Preamble.
3. Which of the following Acts marked the first step towards centralization in British India?

a) Government of India Act 1858

b) Charter Act of 1813

c) Charter Act of 1833

d) Government of India Act 1935

Explanation: The 1833 Charter Act centralized authority by making the Governor-General of Bengal the Governor-General of India and removing legislative powers from Bombay and Madras.
4. How many Fundamental Duties were originally enumerated in the Indian Constitution with the addition of Part IVA?

a) Eleven

b) Ten

c) Six

d) Seven

Explanation: The 42nd Amendment (1976) introduced Part IVA with 10 Fundamental Duties; the eleventh was added later in 2002.
5. The Supreme Court of India came into existence on which date?

a) November 26, 1949

b) January 24, 1950

c) January 28, 1950

d) January 26, 1950

Explanation: The Supreme Court held its first sitting on January 28, 1950, two days after the Constitution took effect.
6. The doctrine of separation of powers, which influenced the Indian Constitution, was first properly formulated by which jurist?

a) Dr. B.R. Ambedkar

b) Lord Ripon

c) Montesquieu

d) Lord Canning

Explanation: Montesquieu's formulation of the separation of powers influenced the Indian Constitution's division of legislative, executive, and judicial functions.

Questions on Indian Constitutional Development

1. What were the key features and significance of the Charter Acts passed by the British Parliament before India's independence?

The **Charter Acts** (1813, 1833) and the **Government of India Act 1858** were instrumental in shaping British governance in India. Here are their key features and significance:

- Charter Act of 1813:**
 - Key Features:** Ended the East India Company's trade monopoly (except for tea and trade with China), opened trade to other British subjects, and allocated funds for education and promotion of literature in India.
 - Significance:** Marked the transition of the Company from a commercial to an administrative entity and introduced early social reforms.
- Charter Act of 1833:**
 - Key Features:** Centralized administration by redesignating the Governor-General of Bengal as the Governor-General of India (first being Lord William Bentinck), stripped legislative powers from Bombay and Madras, and transformed the East India Company into a purely administrative body.
 - Significance:** Established a unified administrative framework, introduced the portfolio system (council members assigned specific departments), and laid the foundation for centralized governance.
- Government of India Act 1858:**

- **Key Features:** Transferred governance from the East India Company to the British Crown, created the office of the Secretary of State for India (with a 15-member council), and made the Governor-General the Viceroy, representing the Crown.
- **Significance:** Ended Company rule, initiated direct British control, and introduced elements like the budget system, influencing later administrative structures.

Overall Significance: These acts progressively shifted India from decentralized Company rule to direct Crown governance, laying groundwork for administrative mechanisms like centralization, portfolios, and budgets that influenced independent India’s system.

2. How did the idea of local self-government develop in India during the British period?

The concept of **local self-government** evolved during British rule as part of efforts to decentralize administration:

- **Lord Mayo’s Resolution (1870):**
 - Introduced financial decentralization, giving provincial governments more control over local finances and involving Indians in local administration to a limited extent.
- **Lord Ripon’s Resolution (1882):**
 - Known as the "**Magna Carta of Local Self-Governance**," it empowered local bodies (municipalities and district boards) with greater administrative and financial autonomy. Lord Ripon earned the title "**Father of Local Self-Governance in India**."
 - **Significance:** Aimed to foster political education and civic responsibility, marking a significant step toward decentralized governance.

Impact: These reforms, though limited, introduced the idea of local autonomy, setting the stage for the modern **Panchayati Raj system** in independent India.

3. What were the main provisions of the Government of India Act 1935, and why is it considered important for the Indian Constitution?

The **Government of India Act 1935** (Montagu-Chelmsford Reforms) introduced key provisions:

- **Provincial Autonomy and Dyarchy:**
 - Divided provincial subjects into "**Reserved**" (controlled by the Governor) and "**Transferred**" (managed by Indian ministers), granting partial self-governance.
- **Federal Structure:**
 - Proposed a federation with a bicameral central legislature: the **Council of States** and **Federal Assembly**, alongside defined powers for the center and provinces.
- **Electoral Reforms:**
 - Expanded the electorate (though still limited) and introduced direct elections for some seats.

Importance:

- Served as a major influence on the Indian Constitution, with its federal framework, bicameral legislature, and division of powers adapted into the 1950 Constitution.
 - Highlighted the balance between central authority and provincial autonomy, a key feature of India’s federal system.
-

4. Can you outline the process of the making of the Indian Constitution?

The Indian Constitution was crafted by the **Constituent Assembly** from **December 1946** to **January 1950**:

- **Formation (December 1946):**
 - Initially included 389 members (292 from provinces, 93 from princely states, 4 from Chief Commissioners’ areas), reduced to 299 after partition.
- **Objectives Resolution (January 22, 1947):**
 - Proposed by Jawaharlal Nehru, it outlined India’s vision as a sovereign republic.
- **Mountbatten Plan (June 3, 1947):**
 - Resulted in partition, creating separate assemblies for India and Pakistan; most princely states joined the Indian Assembly.
- **Drafting and Debates (1947-1949):**

- The Drafting Committee, chaired by Dr. B.R. Ambedkar, prepared the draft, debated over 11 sessions and 165 days.
- **Adoption (November 26, 1949):**
 - The Constitution, with 395 articles, 22 parts, and 8 schedules, was adopted.
- **Enforcement (January 26, 1950):**
 - Signed on January 24, 1950, it came into effect on January 26, marking Republic Day.

This process blended diverse inputs, historical lessons, and global practices into a comprehensive document.

5. What are Fundamental Duties, when were they added to the Constitution, and what is their significance?

Fundamental Duties are obligations for Indian citizens under **Article 51A, Part IVA**:

- **Addition:**
 - Introduced by the **42nd Amendment Act, 1976** with ten duties.
 - The **86th Amendment Act, 2002** added an eleventh duty on educating children aged 6-14.
- **Significance:**
 - Non-enforceable legally (unlike Fundamental Rights), they promote patriotism, national unity, and civic responsibility.
 - Encourage respect for India’s heritage, environment, and institutions, fostering ethical citizenship.

6. How does the Indian Constitution establish a federal system, and what are some of its key federal features?

The Indian Constitution establishes a federal system, termed a **"Union of States"** (Article 1), with a blend of federal and unitary features:

- **Key Federal Features:**
 - **Two Levels of Government:** Union and States with defined powers (Union, State, Concurrent Lists).
 - **Written Constitution:** Supreme and detailed, with a rigid amendment process for key provisionsu requiring state approval.
 - **Independent Judiciary:** Supreme Court resolves Union-State disputes.
 - **Bicameral Legislature:** Lok Sabha and Rajya Sabha (representing states).
- **Unitary Features:**
 - **Single Citizenship:** Unlike dual citizenship in other federations.
 - **Emergency Powers:** Centralizes authority during crises, overriding federal norms.

This "quasi-federal" structure balances regional autonomy with national unity.

7. What is the Panchayati Raj system in India, how did it evolve, and what are its key features after the 73rd and 74th Constitutional Amendments?

The **Panchayati Raj system** is a decentralized rural governance framework:

- **Evolution:**
 - **Balwant Rai Mehta Committee (1957):** Proposed a three-tier structure.
 - **Ashok Mehta Committee (1977):** Suggested enhancements in participation.
 - **L M Singhvi Committee (1986):** Advocated constitutional status.
 - **73rd Amendment (1992):** Gave constitutional recognition (Part IX).
- **Key Features Post-1992:**
 - **Three-Tier Structure:** Gram Panchayat (village), Panchayat Samiti (block), Zila Parishad (district).
 - **Gram Sabha:** Village assembly of all voters.
 - **Reservations:** For SCs, STs, and women (at least one-third seats).
 - **Elections:** Held every five years under State Election Commissions.

It empowers rural self-governance and grassroots democracy.

8. What are the different types of emergencies that can be declared under the Indian Constitution, and what are their potential impacts?

The Constitution outlines three emergency types:

- **National Emergency (Article 352):**
 - **Trigger:** War, external aggression, or armed rebellion.
 - **Impact:** Union gains sweeping powers, suspends most Fundamental Rights (except Articles 20, 21), and can legislate on state subjects.
- **State Emergency (Article 356, President’s Rule):**
 - **Trigger:** Failure of state constitutional machinery.
 - **Impact:** President assumes state functions, suspends or dissolves the state legislature.
- **Financial Emergency (Article 360):**
 - **Trigger:** Threat to India’s financial stability.
 - **Impact:** Union controls state finances, reduces salaries, and oversees money bills.

Impacts: Emergencies centralize power, potentially limit rights, and ensure stability, though their use has sparked debates on misuse.