

Westminster model is also known as parliamentary model

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## Political system and history

Present day India is a federal state with 28 federated entities divided among seven unions. Its system of government is parliamentary and based on the Westminster model. India first came into contact with the west in the early 18th century when it was annexed by the British East India Company. In the mid 19th century, it fell under British colonial rule. The colonial administration in British India or British Raj – as it was also called - was headed by a Viceroy who also cumulated the title of Governor General until 1947 when a struggle for independence, marked by a widespread non violent resistance movement resulted in independence from the British Colonial Empire.

## How was the Constituent Assembly of India Formed?

The Constituent Assembly of India was originally formed to frame the Constitution of India. Provincial Assembly were the ones who elected this committee. M. N. Roy, a pioneer of the Communist movement in India was the first person who proposed the idea of the Constituent Assembly in 1934. This idea was later proposed by the Indian National Congress in 1935.

There was a session held by the Indian National Congress presided by Pt. Jawahar Lal Nehru in April 1935 at Lucknow. During this session, the members of Congress raised an official demand for the Constituent Assembly. Although this demand was rejected.

In 1938, Pt. Jawahar Lal Nehru made an impactful statement regarding the Constitution and Assembly, 'The constitution of free India must be framed, without outside interference, by a constituent assembly elected based on adult franchise'

Later on, C. Rajagopalachari who was an independence activist and at the same time an Indian statesman, writer and lawyer raised his voice for the making of Constituent Assembly of India on 15 November 1939.

The British accepted the demand for a Constituent Assembly through their 'August offer' of 1940. The elections for the Assembly were held for the first time under the Cabinet Mission Plan of 1946. To fulfill the purpose of its making, the Constituent Assembly framed the Constitution of India and implemented it on 16 May 1946.

## How were Members of the Constituent Assembly Elected?

The Provincial Assembly elected the members of the Constituent Assembly Of India by a single, transferable-vote system. The total number of members of the Assembly were 389. Among these members 292 represented the provinces, 93 were the representatives of the princely states and 4

- ① M. N. Roy - communist movement - first person - 1934  
Later idea proposed by Indian National Congress in 1935 - Rejected
- ② Nehru - Lucknow - April 1935 - official demand but rejected
- ③ 1938 - Nehru - Impactful statement - Constituent assembly demanded to free India without interference

299 were members of Constituent Assembly

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were from the chief commissioner provinces: Delhi, British Baluchistan, Coorg and Ajmer-Merwara.

The elections that were assigned to the British Indian provinces for the 296 seats were completed by August 1946. In this election, Congress won the majority of the seats: 208. On the other hand, Muslim League had only won 73 seats. As they have lost in this election, the Muslim League refused to work with Congress and the political situation got worse. The Hindu-Muslim riots began and the Muslims demanded their own Constituent Assembly for Muslims.

On 9 December 1946, the Constituent Assembly of India met for the first time. Later on, they reassembled again on 4 August 1947 as a sovereign body.

Due to the partition between India and Pakistan, a separate constituent assembly of Pakistan was framed on 3 June 1947. Since a new assembly was formed, new elections were held for West Punjab and East Bengal. West Punjab became part of Pakistan and East Bengal became Bangladesh.

After this reorganization, the total members of the Constituent Assembly were 299 and they framed the Constitution of India. On 9 December 1946, these delegates sat for 2 years 11 months and 18 days to discuss what things and laws should be included in the Constitution. Over these two years, the Constituent Assembly had 11 sessions. This committee was chaired by B. R. Ambedkar.

### Functions of the Constituent Assembly of India:

- ✓ Frame the Constitution of India and make sure that everyone in the country gets equal rights and opportunities.
- ✓ The assembly adopted the National flag on July 22, 1947.
- ✓ Enact the laws
- ✓ In May 1949 the assembly approved India's membership in the British Commonwealth.
- ✓ On January 24, 1950, Dr Rajendra Prasad was elected the first President of India through this committee.
- ✓ Adopted both the National anthem and National Song on January 24, 1950.

### Criticism of the Constituent Assembly of India:

The major criticism of the Constituent Assembly of India was that it was not formed by universal suffrage. Many feel that it was dominated by Congress members and lawyer-politicians. There were allegations that since the Constituent Assembly was formed during the British order it was not a sovereign body. The committee took an unreasonable time to frame the Constitution. The committee consisted mostly of Hindus.

Are all these criticisms true? Not at all! The constituent assembly consisted of members from all the religions, castes and cultures of the society. This means that equal opportunity is given to all.

R.I = 250 (278 - States & UT's, 12 members by Pres. 200)  
 2.8 → 550 +  
 570 → 570 + 12 more  
 → 582 + 12 more  
 → 594 + 12 more  
 → 606 + 12 more  
 → 618 + 12 more  
 → 630 + 12 more  
 → 642 + 12 more  
 → 654 + 12 more  
 → 666 + 12 more  
 → 678 + 12 more  
 → 690 + 12 more  
 → 702 + 12 more  
 → 714 + 12 more  
 → 726 + 12 more  
 → 738 + 12 more  
 → Not open but in  
 term of popularity

The time taken by the constituent assembly to frame the Constitution is reasonable since India is a big country and they have to account for people from all the sections of the society.

The secular provisions in the Constitution is a proof that the Constitution gave equal rights and opportunities to everyone irrespective of their caste and religion.

S.No	Countries	Borrowed Features of Indian Constitution
1. Australia		<ul style="list-style-type: none"> <li>Concurrent list</li> <li>Freedom of trade, commerce and intercourse</li> <li>Joint-sitting of the two Houses of Parliament</li> </ul>
2. Canada		<ul style="list-style-type: none"> <li>Federation with a strong Centre</li> <li>Vesting of residuary powers in the Centre</li> <li>Appointment of state governors by the Centre</li> <li>Advisory jurisdiction of the Supreme Court</li> </ul>
3. Ireland		<ul style="list-style-type: none"> <li>Directive Principles of State Policy</li> <li>Nomination of members to Rajya Sabha (1/2 every 2 years)</li> <li>Method of election of the president (6 years tenure)</li> </ul>
4. Japan		<ul style="list-style-type: none"> <li>Procedure Established by law (correct procedure followed by law)</li> </ul>
5. Soviet Union (USSR) (now, Russia)		<ul style="list-style-type: none"> <li>Fundamental duties</li> <li>Ideals of justice (social, economic and political) in the Preamble</li> </ul>
6. UK		<ul style="list-style-type: none"> <li>Parliamentary government</li> <li><u>Rule of Law</u></li> <li>Legislative procedure</li> <li>Single Citizenship</li> <li>Cabinet system</li> <li>Prerogative writs (Directs the behaviour of other arm of government)</li> <li><u>Parliamentary privileges</u></li> <li>Bicameralism (2 Chamber houses)</li> </ul>
7. US		<ul style="list-style-type: none"> <li>Fundamental rights</li> <li>Independence of judiciary</li> <li><u>Judicial review</u></li> <li>Impeachment of the president</li> <li>Removal of Supreme Court and High Court judges</li> <li>Post of <u>vice-president</u></li> </ul>

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|---------------------|--|
| 8. Germany (Weimar) | <ul style="list-style-type: none"> <li>• Suspension of Fundamental Rights during emergency</li> </ul>  |
| 9. South Africa     | <ul style="list-style-type: none"> <li>• Procedure for <a href="#">amendment in the Indian Constitution</a></li> <li>• Election of members of Rajya Sabha</li> </ul> |
| 10. France          | <ul style="list-style-type: none"> <li>• Republic</li> <li>• Ideals of liberty, equality and fraternity in the Preamble</li> </ul>                                   |

ates	Events
1934	MN Roy gave the idea of a constituent assembly for framing the Indian constitution.
1935	This idea of forming a constituent assembly was supported by leaders of the Indian National Congress, and demand was put forward.
1938	Jawaharlal Nehru, on behalf of the Indian National Congress, demanded that the constituent assembly consist of Indians only.
1940	Britishers accepted this demand in the <a href="#">August offer</a> .
1942	Before the Quit India movement, <a href="#">Cripps's mission</a> said that the formation of a constituent assembly would be after <a href="#">World War II</a> (1939-1945). The Cabinet mission formed a constituent assembly.
1946	Constituent assembly had
9th Dec 1946	<ul style="list-style-type: none"> <li>• 389 seats (296 <a href="#">British India</a> and 93 <a href="#">Princely states</a>)</li> <li>• Majority seats by Congress-208</li> <li>• The first meeting of the constituent assembly took place with 211 members.</li> <li>• The first President of the assembly was Dr Sachidanand Sinha.</li> </ul>
11th Dec 1946	<ul style="list-style-type: none"> <li>• Permanent <a href="#">President</a> Dr Rajendra Prasad.</li> <li>• <a href="#">Vice President</a> H. C. Mukherjee</li> <li>• Constitutional advisor B. N. Rao</li> </ul>
13th Dec 1946	Objective resolution was given by Jawaharlal Nehru, who laid the philosophical structure of Indian constitution. It was passed on 22nd July 1947. <ul style="list-style-type: none"> <li>• <a href="#">Lord Mountbatten</a> planned for two constituent assemblies.</li> <li>• The number of seats was reduced to 299.</li> </ul>
3rd June 1947	<ul style="list-style-type: none"> <li>• The first <a href="#">Parliament of India</a> – the constituent assembly was formed.</li> <li>• The first speaker of Independent India- G.V. Malvankar.</li> </ul>

- Chairman of constituent assembly Dr Rajendra prasad.

**26th November 1949** The Constitution of India was made.

## Constitutional Development – East India Company Rule (1773 – 1857)

From 1757 to 1857, 5 major laws were created to regulate the functioning of British East India Company and to help them rule over India. The details of these 5 Acts are mentioned below.

### Regulating Act of 1773

The process of Centralization in India was initiated through the Regulating Act of 1773.

1. This is the first Act passed by the British Parliament to control and regulate the affairs of the East India Company in India.
2. As per this Act, the Governor of Bengal was made the Governor-General.
3. Warren Hastings was the first Governor-General of India.
4. This Act made Governors of Bombay and Madras subordinate to the Governor of Bengal.
5. The Governor-General was given the power to make rules and regulations.
6. The Governor-General was assisted by a Council of 4 members.
7. The number of Directors in the Company was fixed at 4.
8. The Governor-General had to follow the orders of the Directors of the Company.
9. Revenue of the company should be reported by The Court of Directors, who were the governing body of the company
10. A Supreme Court was established at Calcutta in 1774, as per the provisions of Regulating Act 1773.
11. The Supreme Court had a Chief Justice and 3 Assistant Judges.

### Pitts India Act of 1784

In the Constitutional history of India, this Act brought in many significant changes.

1. As per this Act of 1784, the territories of East India Company was called as the “British Possessions in India”
2. As per this Act, a joint Government of British India run by the Crown and Company was established. The government had the ultimate power and authority.
3. A Court of Directors was formed for Commercial Operations and 6 member Board of Control were appointed for Political affairs as per provisions of Pitts India Act 1784.

4. Governor General's Council was reduced from 4 members to 3 members.
5. Governors Councils were established in Bombay and Madras.

#### Charter Act of 1813

1. It brought an end to the monopoly of East India Company, over trade with India.
2. Trade with India was opened for all British Citizens with the exception of Tea Trade.

Learn more about the [Charter Act of 1813](#) in the given link.

#### Charter Act of 1833

1. Governor-General of Bengal became the Governor-General of India.
2. Lord William Bentick was the 1st Governor-General of India.
3. East India Company ended as a mere administrative body, it was no longer a commercial body.
4. The Governor-General was given full control over revenue, civil and military.
5. [Charter Act of 1833](#) was the final step in the Process of Centralization in India, a process that began with the Regulating Act of 1773.

#### Charter Act of 1853

1. Civil Service Examination was introduced. It was a competitive examination for recruitment into the civil services.
2. Executive and Legislative functions of the Governor-General were separated.
3. This Act provided for the addition of 6 new members to the Legislative Council, 4 members were appointed by Provisional Governments of Bengal, Bombay, Madras and Agra.
4. As per provisions of [Charter Act of 1853](#) Governor General's Legislative Council came to be known as the Central Legislative Council.
5. The Central Legislative Council started functioning as a Mini-Parliament. It adopted the same procedures of the British Parliament.

## Constitutional Development – Rule under the British Crown (1857-1947)

This begins the 2nd phase of the Constitutional development under the British Crown.

#### Government of India Act of 1858

1. [Government of India Act of 1858](#) passed by British Parliament, brought an end to the rule of East India Company. The powers were transferred to the British Crown.
2. The Secretary of State for India was given the powers and duties of the former Court of Directors. He Controlled the Indian Administration through the Viceroy of India.
3. The Secretary of State for India was assisted by the Council of India. This Council had 15 members. The Council was an advisory body.
4. Governor-General of India was made the Viceroy of India.

5. ***Lord Canning was the 1st Viceroy of India.***

Indian Council Act of 1861

1. Indians were nominated as non-official members for the 1st time in the Legislative Council of Viceroy.
2. Legislative Councils were established in Provinces and Centre.
3. Legislative powers of the Provinces of Bombay and Madras were restored.
4. Legislative Councils were started in the Provinces of Punjab, North-Western Frontier Province (NWFP), Bengal.

For more information on the [Indian Council Act of 1861](#), visit the given link.

Indian Council Act of 1892

1. The size of the Legislative Council was increased.
2. The Legislative Council was given more power, they had the power to deliberate on the Budget and could pose questions to the Executive.
3. Indirect elections were introduced for the 1st time.
4. The Principle of Representation was introduced as per provisions given in the [Indian Council Act of 1892](#).

Indian Councils Act, 1909 – Morley Minto Reforms

1. Indian Councils Act of 1909 is commonly known as Morley Minto Reforms.
2. For the 1st time, Direct elections were introduced for the Legislative Councils.
3. The Central Legislative Council was renamed as the Imperial Legislative Council.
4. The Communal representation system was introduced by giving separate electorate. It was a system where seats were reserved only for Muslims and only Muslims would be polled.
5. For the first time, Indians were appointed to the Executive Council of Viceroy. Satyendra Sinha was the law member.

Aspirants can learn more about [Morley Minto Reforms](#) in the given link.

Government of India Act, 1919 – Montagu Chelmsford Reforms

1. Government of India Act, 1919 was also known as the Montagu Chelmsford reforms.
2. Bicameralism was introduced for the 1st time.
3. Provincial and Central Subjects were separated.
4. Dyarchy, a scheme of Dual Governance was introduced in the Provincial Subjects, it was divided into Reserved and Transferred. The transferred list included agriculture, health, education, and supervision of the local government. The Transferred list was given to the Government of Ministers answerable to Provincial Council. The reserved list included communications, foreign affairs, defence; this transferred list was under the control of Viceroy.
5. Out of 6 members in Viceroy's Executive Council, 3 of them were Indians.
6. The Act provided provisions for the establishment of the Public Service Commission in India for the first time.

7. Communal Representation extended to Christians, Anglo-Indians, Sikhs.
8. The franchise was given to a limited population which was based on people who had taxable income, had property and paid land revenue of Rs 3000.
9. Montagu Chelmsford Reforms made provision for setting up a statutory commission at the end of 10 years to look into the working of the Government.

#### Government of India Act 1935

This was the longest and last constitutional measure introduced by British India. It was the result of multiple round table conferences and a report by the Simon Commission.

1. Bicameralism was introduced in 6 Provinces (Bengal, Bombay, Madras, Assam, Bihar, United Provinces) out of 11 provinces.
2. The Legislature in the provinces were enlarged.
3. As per the Act, the powers were divided into Federal List, Provincial List and Concurrent List.
4. Provincial autonomy was introduced in the Provinces by abolishing the Dyarchy.
5. There was provision for the adoption of Dyarchy at the Centre.
6. Provided provisions for establishing Federal Court, Reserve Bank of India (RBI).
7. There was provision for the establishment of All India Federation consisting of Provinces and the Princely States as units.
8. Due to the length of Government of India Act 1935, it was divided into 2 separate Acts.

#### Cripps Mission – 1942

In 1942 Cripps Mission was sent to India under the leadership of Sir Stafford Cripps. Some of the proposals given by the Cripps Mission are given below.

1. Dominion status would be given to India, after the 2nd World War.
2. Once the Second World War ends, an elected body would be set up in India for framing of Indian Constitution.
3. Even the Indian States would participate in the Constitution-making body.
4. Almost all the Parties and sections in India rejected the proposals given by the Cripps Mission.

#### Cabinet Mission – 1946

Some of the main proposals of the Cabinet Mission plan was

1. The Indian States and British Provinces would combine to form Union of India
2. A Constituent Assembly would be established consisting of 389 members.
3. 14 members from Major political parties would form an interim government
4. A representative body would be formed named as the Constituent Assembly.
5. Until the Constitution was framed, the Constituent Assembly would act as the Dominion Legislature.
6. Until the Constitution was framed, India would be administered as per the Government of India Act, 1935.

Candidates can learn more about Cabinet Mission 1946 in the given link.