
BRIEF HISTORY OF REPRESENTATIVE INSTITUTIONS**IN BRITISH INDIA****-Dr. G. S. Chauhan***

The growth, evolution and development of representative institutions are directly connected with the advent of British as traders and subsequently their emergence as a colonial power. Since the important developments pertaining to Constitutional developments took place post-1858, the development of the law-making apparatus before 1858 has only a historical importance. It may, however, not be out of place to notice some of the characteristic features of the earlier system. The commercial character of the East India Company showed a great impact on the development of many institutions with which its rule was associated. This was particularly evident from a closer look at the law making machinery during the British period.

The very first Charter of the East India Company (Charter of 1600) was supposed to contain the 'germ of legislative power', under which it was authorised to make 'reasonable laws, constitutions, orders and ordinances' for the good government of the Company and its employees. As compare to the Charter of 1600, the Charter of 1661 granted a much more extensive power to East India Company, as the Company very soon found that its legislative power was inadequate in practice for maintaining discipline among its servants. Further, Charter of 1726 also has a great legislative significance. Before 1726, Legislative power was vested in the Company which could be exercised in England by its general court but from 1600-1726, this legislative power had been used very sparingly. But the Charter of 1726 empowered the Governor and the Council of each presidency town to make Bye-laws, rules and ordinances for good government and regulation of the inhabitants of the settlements. However, such legislative authority as the Company possessed was of little consequence, so long as it was a trading concern. The administrative responsibilities devolved upon it in 1765 which, however, changed the situation and paved the way for parliamentary intervention and the enactment of a comprehensive legislation, known as the Regulating Act of 1773. The measure 'altered the constitution of the Company at home, changed the structure of the Government in India, subjected in some degree the whole of the territories to one supreme control in India....'¹

The Regulating Act Changed in a significant manner the legislative procedure introduced in Calcutta by the Charter of 1726 and *inter alia* empowered the Governor-General and the Council 'to make and issue...rules, ordinances and regulations', for the good order and civil government of the territories of Bengal and all the subordinate territories. Such laws and

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¹ A. B. Keith, *A Constitutional History of India, 1600-1935* (London, 1937), p.71.

regulations were to be registered with the Supreme Court, which had also been established by the Regulating Act itself.² Parliamentary control over the Indian administration of the Company was made more effective by the creation of the Board of Control, under the provisions of the Pitt's India Act in 1784, a body consisting of ministers in the British Cabinet. The Indian administration since 1784 also came under the influence of British political parties and a delicate balance of power was established between the directors of the Company and the Board of Control in the exercise of their authority over India. By now the company emerged as pre-dominantly territorial power from a commercial entity. That feature was the hall-mark of parliamentary control over India till 1858.

The last quarter of the eighteenth and the early quarter of the nineteenth century saw a rapid expansion of the British dominions in India. At the same time since the beginning of the nineteenth century itself, there was a steady influx of European traders, merchants and missionaries in India-an element of population which was not covered by the existing laws. Besides, there was a great confusion of laws and legislative authorities, as the presidencies of Madras and Bombay were also empowered to legislate. Referring to the prevailing situation it has been remarked that the 'defects were in the laws themselves, in the authority for making them and in the manner of executing them'.³

The early Nineteenth century in England felt the deep impact of Jeremy Bentham and his thoughts and philosophy of utilitarianism and liberalism. In India too, the liberal principles found expressions in several measures and enactments, the most important being the Charter Act of 1833. The basic ideas responsible for the passing of Charter Act of 1833 came from Charles Grant, the president of the Board of Control between 1830-1834. In a plan submitted to the Court of Directors, he visualised a Governor-General in whom the 'whole Civil and Military Government of India was to be more defined and efficient' and for that purpose he was to exercise a 'precedent and preventive, in place of a subsequent and corrective authority'. Grant's plan envisaged an Executive Council of five members for the Governor-General; obviously including representatives from Bengal, Madras, Bombay and Agra and the fifth, possessing expert knowledge, was to be a law member. The supreme government was to be the sole legislative authority extending over all persons, British or native, foreigners or other and all courts of justice.⁴ Despite the resistance of the Court of Directors, Grant's ideas took legal shape.

² *Regulating Act*, Section XXXVI.

³ Herbert Cowell, *History and Constitution of the Courts and Legislative Authorities in India* (Calcutta, 1936), p. 74.

⁴ Herbert Cowell, *History and Constitution of the Courts and Legislative Authorities in India* (Calcutta, 1936), p. 180.

In the beginning of the 19th Century the system of the law prevailing in India was in the state of confusion and the chaos and Macaulay formulated and expounded the future work of legislation in India. 'We must know that respect must be paid to feelings generated by difference of Religion, of nation and caste. Much, I'm persuaded, may be done to assimilate different system or not, let us ascertain them, let us digest them. We proposed no rash innovation, we wish to give no shock to the prejudices of any parts of our subjects. Our principle is simply this- uniformity where you can have it – diversity where must have it – but in all cases certainty'.⁵ The constitutional importance of the Charter Act of 1833 was that besides vesting all government powers in 'one central and metropolitan government', it also established a distinct Legislative Council for India, which consisted of the Governor-General, three members of the Executive Council and a law member or a legislative member. The legislative member was not to be entitled 'to sit or vote in the said Council except at meetings thereof for making laws and regulations'.⁶ The intention was to offer the seat to an English lawyer to assist the Government in the work of legislation but not to take part in the executive business.

The position of the fourth member or the law member continued to be vaguely defined, until the Court of Directors clarified that he had 'no preeminent control over the duties of (legislative) department, but he is peculiarly charged with them in all their ramifications'.⁷ Even though the law member was charged with assisting the Executive Council solely with the framing of laws, it was the intention of the Act that he should attend ordinary meetings as well since 'an intimate knowledge of what passes in Council will be of essential service to him in the discharge of his legislative functions'.⁸

The Executive Council of the Governor-General mostly consisted of Bengal civilians, knowing 'nothing about the local legislation required for Madras and Bombay'. Even the law member was mainly conversant with English law and was 'profoundly ignorant of all laws prevailing in India'. In the circumstances, as the time of the renewal of the Charter in 1853 approached, Lord Dalhousie suggested the expansion of the Legislative Council by adding 'extra members'. He recommended the inclusion of the judges of the Supreme Court, a member of the Board of Revenue and the Advocate-General. Moreover, he wanted that the 'Council ought to be...recruited, not from Bengal only but from the three presidencies'.⁹ The British Indian Association, founded in 1851, in a long petition also demanded a Legislative Council of seventeen

⁵ Whitley Stokes, *The Anglo Indian Codes*, I,x.

⁶ *Charter Act of 1833*, Section XXXIX.

⁷ A. C. Bannerjee, *Indian Constitutional Documents*, vol. I (Calcutta, 1961), p.266.

⁸ *Ibid.*, p.267.

⁹ William Lee-Warner, *The Life of the Marquis of Dalhousie*, vol. II (London, 1904), p. 231-32.

members with twelve Indians.¹⁰ The Select Committee of Parliament, however, rejected the demand of the Association.

The Charter Act of 1853 effected certain modifications in the legislative arrangements installed by the preceding Charter Act of 1833 and was significant for two reasons. Firstly, by the addition of extra members, the legislative machine was differentiated with the executive 'much more decisively'. Secondly, by introducing members from the presidencies of Bombay, Madras, Bengal and the North-Western Provinces the 'first recognition of the principle of local representation in the Indian Legislature' was made. Thus under its provisions the Legislative Council was expanded by the addition of six members, who included four representatives of the respective presidencies, besides two judges of the Supreme Court. The law member was made a full-fledged member of the Executive Council.¹¹ As a result of this, the differentiation between legislative council and executive council became more pronounced and marked. Commenting on the changes made in the structure of legislature in 1853, Cowell says: 'such a system had made advantages over that which preceded it, even while the Indian Law Commission was in full operation; for the legislative councilors had the power which the law commission had not of proposing any law which they considered necessary or beneficial, of opposing any law which they deemed unnecessary or injurious of supporting the opinion by argument in council, and of voting on every subject which came under discussion.'¹²

Under the influence of the growing non-official European population in Calcutta, the Legislative Council became increasingly assertive and independent, to which situation Lord Dalhousie made his own contributions. He himself drafted many of the standing orders for the conduct of the legislative business, until their number rose to 136.¹³ He even claimed that the Legislative Council transacted the 'business before it on much the same system as is observed in our own Parliament, but more approaching to the manner of the House of Lords than of the Commons'.¹⁴ As years passed the proceedings of the Council alarmed the authorities in England for its show of independence. Three incidents particularly cast a shadow of suspicion on its composition and proceedings. In a dispatch of January, 1861, the Government of India referred to them in these words: 'The events referred to are, chiefly, the passing of the Income-tax Act and the Arms Act...the differences which arose between the Supreme Government and the Government of Madras on the first of them; the doubts which have been raised as to the validity of laws introduced into Non-Regulation Provinces without enactment by the Legislative Council; and

¹⁰ B. B. Majumdar, *Indian Political Associations and Reform of Legislature 1818-1917* (Calcutta, 1965), p.41.

¹¹ *Charter Act of 1853*, Section 21-22.

¹² Cowell, *The History and Constitution of Courts and the Legislatures*, 75(1872).

¹³ C. H. Philips (ed.), *The Evolution of India and Pakistan, 1858-1947*, Select Documents (Oxford, 1962), p. 31.

¹⁴ Lee-Warner, *op. cit.*, p. 235.

the address of the Legislative Council for the communication to it of certain correspondence between the Secretary of State and the Supreme Government of India.¹⁵ The uprising of 1857 provided the catalyst for the forthcoming changes. It reminded the authorities of the risk involved in the continued exclusion of Indians from the deliberative bodies. At the same time, it brought to an end the 'sprouting character' of the Council.¹⁶

Lord Canning, though believing that a 'great mistake had been made in dressing it (the Legislative Council) up with all the forms and ceremonies of Parliament',¹⁷ was nevertheless of the view that any return to the system of 1833 was impossible. While the Government of Lord Canning was in the process of formulating scheme for reconstituting the Legislative Council, an episode took place which went a long way in moulding its shape. The Legislative Council presided over by Sir Barnes Peacock in August 1860 moved a resolution calling for the papers relating to the grant of £ 34,000 by the Secretary of State to the descendants of Tipu Sultan.¹⁸ Sir Charles Wood reacted sharply to what he regarded as an act of insolence on the part of the Council and was inclined to abolish the body: 'I will not constitute a House of Commons in India, which will be a farce, if not mischievous.'¹⁹ Lord Canning was against taking so drastic a step, but he also came to the conclusion that the mischief lay in having judges as members of the Council. He preferred to replace judge-members by officials and non-officials. Speaking in the House of Commons, Wood declared that the greatest defect of the Legislative Council under the 1853 Act was that 'quite contrary to my intention (it) has become a sort of debating society or petty Parliament'. Further it had constituted itself in a body 'for the redress of grievances and engaged in discussions which led to no practical result'.²⁰ What was in fact required was that in keeping with the tradition of a princely 'darbar', the Governor-General 'should assemble from time to time, a considerable number of persons whose opinions he should hear, but by whose opinion he should not be bound'.²¹ Accordingly, when, after the assumption of governance of India by the Crown in 1858, Indian Council Act, 1861 was passed by the British Parliament, provisions were made to reconstitute legislative authority in India.

The Indian Councils Act of 1861 provided that in addition to the members of the members of his Executive Council, the Governor-General was to nominate 'such persons, not less than six nor more than twelve in number...to be members of Council for the purpose of making laws and regulations only...Provided that not less than one-half of the persons so nominated shall be non-

¹⁵ Philips, *Select Documents*, op. cit., p. 33.

¹⁶ Thomas R. Metcalf, *The Aftermath of Revolt* (Trinceton, 1965), p. 263.

¹⁷ S. Gopal, *British Policy in Indian, 1885-1905* (Cambridge, 1965), p. 18.

¹⁸ S. V. Desika Char, *Centralised Legislation* (Bombay, 1963), pp. 142-143.

¹⁹ S. Gopal, op. cit., pp. 19-20.

²⁰ A. B. Keith (ed.), *Speeches and Documents on Indian Policy*, vol. II (London, 1922), pp. 10-11.

²¹ *Ibid.*, p. 13.

official persons'.²² The term of office of an additional member was to be two years.²³ The Governor - General's Council could not transact any business other than the consideration and enactment of measures into the Council for the purpose of such enactment'.²⁴ Learning from the events of 1857-58, the Governor-General was empowered to issue ordinances, in emergencies, to be in force for six months, unless disallowed by the Crown earlier or superseded by an enactment of the Legislative Council.²⁵ He was also given unambiguous powers to assent or withhold his assent or reserve for the signification of her majesty any law passed by the Legislative Council 'whether he shall or shall not be present in the council at the making thereof'.²⁶

In accordance with the policy of providing Legislative council to the provinces, such Councils were immediately created in Madras and Bombay. Bengal received a Council in 1862, the North-West Provinces in 1886 and the Punjab in 1897. But their powers were severely limited. Not only the previous sanction of a Governor-General was required for the passing of some specified kinds of Acts, the assent both of Governor and the Governor-General was required for the validation of a Provincial Act.²⁷ Further there was not the slightest attempt to demarcate the jurisdiction of the Central and Local Legislatures ' and the Central Legislature could legislate for the whole of India, a feature of the constitution that remained in force till 1919.²⁸

The Legislative Councils established under the Act of 1861 remained in existence for the next thirty years. Their power was extremely limited and they were under the complete control of the executive. However, for the first time, Indians were invited to sit in these deliberative bodies, who were always carefully hand-picked for their loyalty and conservative sentiments'.²⁹ It could be said of them that 'their constituency was Government House and they were true to it'.³⁰ The character of these Councils can be summed up in the words of Sir A.P. Macdonell, who wrote about them in 1897 that they were not 'deliberative bodies with respect to any subject but that of the immediate legislation before them. They cannot inquire into grievances, call for information or examine the conduct of the executive'.³¹ The laws enacted by these legislatures were in fact orders of the government with appearance publicity and discussion, the entire scheme was politically motivated ensuring an unbridled executive power.

²² Indian Councils Act 1861, Section X.

²³ Ibid., Section XI.

²⁴ Ibid., Section XIX.

²⁵ Ibid., Section XXIII.

²⁶ Ibid., Section XX.

²⁷ Ibid., Sections XXXIV, XL, XLI.

²⁸ M/c Report, Para 43, I.S.C.R., vol.I, Para 143.

²⁹ C.y. Chintamani, *Indian Politics since the Mutiny*(London, 1940), p. 33.

³⁰ Metcalf, *op. cit.*, p. 267.

³¹ *Minto Papers*, Minute by A. P. Macdonell, 5 September, 1887.

The Indian Council Act of 1892 was the next landmark in the development of the Indian legislative councils. The first meeting on National Congress was held in 1885 and it demanded *inter alia* the presence of elected members in the council, the right to discuss the budget and the right to ask questions.³² Lord Dufferin, noted that ‘a highly educated, and in certain respects a very able and intelligent native class has come into existence during the last three years and naturally desire to be admitted to a larger share in the conduct of their own affairs’.³³ The expression to the new aspirations was provided by the Indian National Congress which, since its inception in 1885, made the issue of Council Reform as the most important item of its programme.³⁴ Dufferin followed his ideas by appointing a Committee consisting of Sir George Chesney, Sir Charles Aitchison and James Westland in September, 1888 to enquire into the question of Council Reforms. The Committee was mainly concerned with changes in the Provincial Councils and left the questions of alterations in the Central Legislature to ‘await the result of the experiment in the provincial field’.³⁵ But the most important recommendation of the committee concerned the principle of representation, which, it thought, must apply in any scheme of Council Reforms. Rejecting any ideas of territorial constituencies, it suggested for the representation of four important interests in any future arrangements. Those interests were ‘(a) the interests of the hereditary nobility and landed classes, (b) the interests of the trading professional and agricultural classes, (c) the interests of the planting and commercial European community and (d) the interests of stable and effective administration’.³⁶ Further, the committee thought that nomination should not be the only method of appointing members to the Council, but that ‘some approximation should be made to the elective principle’.

Lord Dufferin, in a separate and oft-quoted minute, dismissed the idea that his committee's recommendation in any way approached to the spirit of English parliamentary government. The executive in India was directly responsible to the sovereign and Parliament in England and any adverse vote in the legislature against the Government could not give place to another ‘set of persons’. Consistent with the maintenance of unquestioned British supremacy, Lord Dufferin was willing to associate Indians who ‘when endowed with ample and unrestricted powers of criticism, suggestion, remonstrance and inquiry, will be in a position to exercise a very powerful and useful influence over the conduct of provincial and local public business which alone it is proposed to entrust to them’.³⁷ Lord Dufferin left India in December 1888 and his successor Lord Lansdowne

³² Sir V. Lovett, *History of Indian National Movement* (1920).

³³ S. Gopal, *op.cit.*, p. 169.

³⁴ H. L. Singh, *Problems and policies of the British in India, 1885-1898* (Bombay, 1963), pp. 121-22, also B.P. Sitaramayya, *The History Of Indian National Congress, 1885-1935* (Madras, 1935), pp.36-37.

³⁵ Singh, *op. cit.*, p. 92.

³⁶ *Select Documents*. P.60

³⁷ *M\C Report*, para 68, I.S.C.R., para 135.

pressed upon the authorities in England to the need of ' timely concession of the type suggested by Dufferin to take a great deal of wind out of the sails of the Congress'.³⁸ The Indian Councils Bill was, at first, introduced in February 1890 and though passing through all the stages in the House of Lords was not introduced in the House of Commons, as the Government of Salisbury feared the influence of Gladstone there, whose liberal language, according to him, was sure to be taken 'as a watchword by the innovators in India'.³⁹ The Bill was introduced in February 1892, and this time was passed by the common and after receiving the royal assent on 20 June, 1892 became the Indian Councils Act of 1892.

The chief merit of the new measure was the indirect manner in which the elective principle was conceded for the choosing of the members of the Councils through the manipulations of Lord Kimberley. Denying that election proper had been introduced under the reforms, G. N. Curzon, the Under Secretary of State for India did not rule out the existence of some such principle, be the method election, or selection or delegation or whatever be the particular phase that you desire to employ'.⁴⁰ Gladstone was also convinced that the Reforms would facilitate the representation of the 'upright sentiments and enlightened thought of the people of India'.⁴¹ He also supported the system of leaving the details of the Reforms to be carried out by the Government of India ' It is not our business to devise machinery for the purpose of Indian Government, it is our business to give to those who represent her Majesty in India ample information as to what we believe to be sound principles of government'.⁴²

The Indian Councils Act of 1892 was an amending Act of eight clauses. It laid down that the number of the additional members of the Legislative Council of the Governor - General' shall not be less than ten nor more than sixteen'.⁴³ Under the old provisions of the Councils Act not less than half of the additional members were to be non-officials. In contrast to the purely legislative functions of the Council up till now, the Governor-General in Council was authorised to make rules for the discussion of the annual financial statement and the asking of questions' but no member at any such meeting of any Council shall have power to submit or propose any resolution, or to divide the Council in respect of any such financial discussions, or the answer to any questions asked under the authority of this Act'.⁴⁴

³⁸S. Gopal, *op.cit.*, p.182.

³⁹ R.J. Moore, *Liberalism and Indian Politics* (London, 1966), p. 57.

⁴⁰ A. B. Keith, vol. II, *op. cit.*,p 61.

⁴¹ Moore, *op. cit.*

⁴² Keith, *op. cit.*, p. 71

⁴³ Indian Councils Act, 1892, Section 1, (1).

⁴⁴ *Ibid.*, Section 2.

In interpreting the mandate of Parliament, Lord Lansdowne noted that it has never attempted to create in India 'a complete system or symmetrical system of representation'. Though the elective principle was to be applied in securing the representation of different communities, it was to be understood that the 'ultimate selection of all additional members rests with the Government, and not with electors'.⁴⁵ In another despatch, the Government of India wrote that the Indian society being a 'congeries of interests and hereditary sentiments' the only method by which representation could properly be secured was by 'providing that each important class shall at least have the opportunity of making its views known in the Council by the mouth of some member specially acquainted with them'.⁴⁶

The Act of 1892 enlarged the Imperial Legislative Council by the addition of ten non-officials, since inclusion of more non-officials than this would have endangered the principle of an official majority. Four non-officials were to be elected by the non-official members of the provincial councils of Madras, Bombay, Bengal and the North-West Provinces. The fifth was to be selected on the recommendation of Calcutta Chamber of Commerce. 'A species of indirect election was thus inaugurated'.⁴⁷ Rest of the non-official members were to be nominated by the Governor-General to represent sectional interests. The latter invariably included a representative from the Muslim community, which was an early recognition of the principle of treating that community as an interest by itself on religious grounds. Writing about forty years later, Sir Shafaat Ahmed Khan said that the 'representation by interest was the foundation upon which the non-official elements in the Council rested'.⁴⁸

The Act of 1892 also in a way expended the sphere of activity of legislative councils but to subject to several restrictions and limitations. Hence, these bodies were in no sense of the term parliamentary bodies. They were legislative bodies and discussed immediate legislations and were not allowed to travel outside the very circumscribed sphere.⁴⁹

Further came the Indian Council Act 1909 which took further steps towards representative legislature and the most important aspect of the act was the increase of representative element in the legislative council and extension of their power. The Act of 1909 was based on the scheme drawn by Lord Minto and Lord Morley (Known as Minto-Morley Reforms)⁵⁰. The act provided

⁴⁵ Austen Chamberlain Papers, Extract from Lord Lansdowne's Minute.

⁴⁶ Ibid., Des. From Govt. of India to Secy. Of State, 26 October, 1892.

⁴⁷ I.S.C.R., Vol. I, para 131.

⁴⁸ I.S.C.R., VOL. III, Explanatory note by Shafaat Ahmed, 8 august, 1929.

⁴⁹ Nevertheless, inspite of these serious limitations on the legislatures the Privy Council ruled in Queen v. Burach, (1878) 3A.C. 889. That the legislature, when acting within the specified limitations, was not in any sense the delegate of the Imperial Parliament, but had plenary powers of legislation at large and of the same nature as those of the parliament itself.

⁵⁰ Lord Minto was the Viceroy of India at this time and Lord Morley was secretary of State for India.

for an elected majority in the provincial legislatures, allowed some elective representation at the Centre, but did not abolish official majority at the Centre. Thus, the Act provided that in all provincial councils the official majority could be dispensed with. The regulations made under the act were elaborate and sought to give representation to important interests in the country. It should be noted that the principle of communal election was accepted, notable in the case of Mohammedans, at this time and implemented by the regulations made under the act. Keith observes in this connection: 'by a vital decision the demand of Mohammedans for separate representation by members chosen by themselves only were concerned, and the further concession was made that in assigning representation regard should be had to its political importance and its services to the empire as well as to its proportionate numerical strength.'⁵¹

The deliberative functions of the council were somewhat increased by permitting resolutions on the budget, and on any other matter of public interest, except defense, foreign affairs and Native States. The effect of such resolutions was merely recommendatory and the Government could give effect to a resolution as it deemed fit. The legislature were however, like 'grand inquest' but had no real or effective power, because the executive was irremovable and was not responsible to the legislature. In the area of legislation also, their powers were restricted as legislation by them was subject to veto by Governor General and the Governors.⁵²

The British Government on 20th August, 1917, made an announcement that its Policy vis-a-vis India was that 'of increasing association of Indians in every branch of administration, and the gradual development of self governing institutions, with a view to the progressive realization of responsible government in India as integral part of British Empire.' The Act of 1919 was enacted by the British Parliament on the basis of *Report on Indian Constitutional Reforms* of the Secretary of State, Edwin S. Montagu and the Viceroy of India, Lord Chelmsford, towards the fulfillment of the above objective which conceded a little more power to the Indian hands.

The Government of India Act of 1919 initiated a sort of responsible government in the provinces which lead to the introduction of dyarchy in these provinces. The matters of administration were first divided between the Centre and the Provinces and then the Provincial subjects were further bifurcated into transferred and reserved subjects. The transferred subjects were to be administered by the Governor with the aid of the ministers responsible to the legislative council, composed mainly of elected members and thus, responsible government was sought to be constructed in a limited sphere. However, no element of responsible government was introduced at

⁵¹ A. B. Keith, *A Constitutional History of India*, 229(1937).

⁵² Jain M. P., *Indian Legal and Constitutional History*, 565(2006)

the Centre. The Government of India Act 1919, applied the principle of Communal Representation to Muslims, Sikhs, Anglo-Indians and Indian Christians, etc.

The Act of 1919 did not introduce federalism in India, devolution of power to the Provinces was by way of delegation to them from the Centre. The Centre retained its competence to legislate on any matter throughout the country so that it was not possible to challenge the validity of Central Legislation. In nutshell, the structure of the Government remained unitary and the Governor-General-in-Council remained the keystone of the whole constitutional edifice.

The Commission setup in 1927 (popularly known as Simon Commission) in pursuance to section 84A⁵³ of the Government of India Act 1919, submitted its report in 1930. The submission of Simon Commission Report in 1930 followed three round table conferences with all parties with the British Government in London from November, 1930 to November, 1932, but all this exercise resulted in a deadlock. However, the British Government proceeded to enact Government of India Act, 1935. The Act conferred a substantial measure of autonomy on the Provinces of British India and for the first time, responsible government.

The Government of India Act, 1935 for the first time introduced federalism in India comprising of Provinces and the Indian States, distributing legislative and other powers between the Centre and the Provinces and the dyarchy was abolished in the Provinces.

The Central legislature was never constituted under the provisions of the Government of India Act, 1935 as the Indian States showed reluctance to join the Federation and the Second World War intervened. However, the first elections of the Provinces took place in 1937, but their functioning was interrupted by the resignation of Congress Ministries in 1939 in furtherance of the objective to gain full independence.

On 9th December, 1946, the Constituent Assembly was setup to draft a Constitution for the Independent India and after passage of Indian Independence Act, 1947, the Central Legislature ceased to exist on 14th August, 1947. Henceforth, the Constituent Assembly was to function as Central Legislative Assembly as well until the new Constitution was framed and thereafter, until a new Legislature was constituted under the new Constitution.

The new Constitution of India was adopted on 26th November, 1949, and it became fully operation w.e.f. 26th January, 1950 and the first Parliament and first State Legislatures constituted under the Constitution started functioning in 1952.

⁵³ Section 84A of the Government of India Act 1919 provided for appointment within 10 years a Commission on Inquiry inter-alia into the development of representative institutions in British India.

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