

DEVELOPMENT OF THE CONSTITUTION AND LEGISLATURE IN INDIA

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Introduction

The National Movement for freedom struggle in India and the evolvement of the constitution by way of the varied democratic experiment took place simultaneously on the national arena. A series of studies have been undertaken on the history of freedom movement. However, the authors have not bestowed much attention to the Democratic experiments and hence a comprehensive and critical study on the Democratic experiments in the Madras Presidency was found necessary. Democratic experiment took place in all the three presidencies in India.

This study is an attempt to trace the Democratic exercises and experiments conducted in the Madras Presidency and how the present constitution was evolved out of the experiments. The study is based on the systematic observations of the day-to-day activities of the Legislators of the presidency method of elections, mode of participation, response of the people and other similar activities. An analysis of the content of the laws and resolutions passed by the legislature also fall in the purview of critical examination. It involves descriptive analysis based on the documents. Democratic experiments in the Madras presidency 1861 - 1935 is intended to explore the various exposures of the Indian people to the multi various British policies intended to satisfy them. It also explored the training ground of the Indians in the administration and law-making, which led them to develop a constitution to govern them.

Historical Background

The development of the constitution and legislature in India forms the part of the constitutional history of the British rule in India. To begin with, there were three presidencies namely, Bengal, Madras and Bombay. The legislative authority in these presidencies was established by the charter Act of 1600. The executive councils of the Governor- General of Bengal and Governors of Madras and Bombay were exercising their legislative powers over their respective territories upto 1833. The charter Act of 1833 made the Governor-General of Bengal as the Governor-General of India and vested him full power to superintend, to direct and control the Government of Bengal and Madras and these Governments, were the subordinate to the Governor - General of India till 1861. The legislative function of the Governors executive council of Bombay and Madras were taken away by the charter Act of 1833 and it was restored only by the Indian council Act of 1861. It was an attempt to decentralise the British administration in India.

The deep root of Indian democracy has proved vigorous and tenacious. There is no denying fact that British rule in India gave administrative unity to such a vast country and brought about political integration which had been denied to it until that time. The political aspect of struggle for freedom has been a subject of study and discussions till date. The Democratic aspect of Indian administration had so far remained in the darker side

'The Historic background' deals with the Sepoy mutiny and its impact, The Historic significance of the Queen proclamation of 1858, Indian council Act of 1861 and 1892. The Indian council Act of 1861 empowered the Governor of Madras presidency to nominate some non-official Indians as additional members of his council. The Indians who nominated as additional members of the Madras Governor's council were mostly Zamindars and large Ryotwari land owners. Only

towards the closing years of operation of this Act were some professional men like lawyers allowed to sit in the council. Indians had no right of asking questions. If they passed any suggestions to particular Bill, the government dismissed their suggestions. Indians were to move their own Bill are to speak and vote on the Bill which were placed on the Bill - which were placed on the council. Exercising their right, some Indian members moved in the council some of other own Bills. The legislative councils created under the Act were in no sense of the term of parliamentary bodies. They were deliberative bodies with limited scope.

Reform and Repercussions

The Reform Act of 1909 (Minto Moreley Reforms) enlarged the size and function of the council. Under its provisions, the council was expanded by increasing the number of members. The official majority was not expected to be maintained. By granting a separate electorate for the Mohammadeans and incorporating Non-Brahmins in the provinces of Madras. Communal representation was introduced for the first time. The functions of the Legislative councils were also enlarged. The power of asking supplementary questions was granted. The council was given the right to take resolution and of recording their votes there on. A greater non-official influenced over the budget was also conceded. Resolutions were allowed and votes were taken on the heads of expenditure as well as revenue. The reforms introduced a more representative government, rather than responsible government.

Montagu Chelmsford Reforms

The 'Montagu Chelmsford Reforms and Democratic upheavals forms the basis. The growing popularity of the Home Rule Movement which under the leadership of Annie Beasant demanded self government for India The Montague Chelmsford Reforms Act in Madras, separate electorate were provided for mohammadeans, Indian Christians, Europeans and Anglo-Indians. The other constituencies, were generally named Non-Mohammadeans, all of them pertaining to constituencies for the Hindus. In the Non-Mohammadean constituencies 28 seats were reserved for Non-Brahmins in a House of 124, with 96 elected members. The first election under the Dyarchy system was held in November 1920, Congress boy - cotted the election and hence a portion of the electorate did not exercise their franchise, in spite of the Brahmins versus Non-Brahmin context. The justice party secured a fair majority of seats. The first Democratic ministry was formed by Justice Party under the leadership of A. Subbarayalu Reddiar. The Democratic changes under the Justice Ministry was to achieve equality in service between Brahmins and Non-Brahmins in the Secretariat either officer or as clerk. In 1921, Diwan Bahadur, Mr. Krishnan Nair moved a resolution to recommended to the government that disqualification based on sex under the electoral rules (for women) should be removed. The resolution was admitted paving the way for women to vote but not the right to be a candidate in the elections. This clearly shows how the electoral reforms indirectly supported the empowerment of women in India.

Demand for Provincial Autonomy

It deals with Genesis of the Act of 1935, white paper report, Reactions of the political parties, press and Madras Legislative Councils. The Act created an all Indian Federation and responsible Government with safe guards. The Act gave separate representation of communal and other groups. For the first time provinces was invested with a separate legal authority similar to that of Central Government. The entire provincial administration was placed under the charge of popular Ministers who were appointed by Governor on the advice of the chief minister advice. Separate representation in both the houses were given to different communities and sections properly qualifications which the basis for the franchise in the Act of 1919 was retained but to this were added educational qualifications. The Act emancipated the depressed classes in Legislative and

Administrative Offices. In Madras they were given 30 seats in a Legislative of 215 seats. The system of Representation was by mutual agreement among various communities.

Instrument of Democracy

This section deals with the development of Local Self Governing Institutions and its fairness of elections as they are the two primary instruments of democracy. The Morley-Minto Reforms would not have said in 1907 that if Indians were granted Swaraj, they would not rule on behalf of the country even for a week. They were mainly concerned with securing positions for them in the different fields of human activity. Consequently, to begin with, training to the poor and ignorant villages was thought of, in the Local Self governing institutions. Unfortunately, as no community was representative of the other, whether working of the Local Self Government institutions or in the Legislative, nomination of members from respective communities was the only a formality until elected members could take their proper place in them. Government did not favour open elections. In 1912 there had been a cry for elected representations in the Local Board and Municipalities. But election always remained an instrument of aristocracy thought selection of nomination was democratic. This might appear to be a paradox but an undeniable fact in the history of Indian constitution.

The growth of municipals administration, from the time of Ripon, to make it representative cell communities and interests so that, it might in the place because really representative in character of the people, and secondly, the interests of no community suffered in municipal affairs

Caste structure and its evils in the evolution of Democracy

“Caste structure and its evils in the evolution of Democracy’ brings to light the caste system and its anarchy and caste tyranny. Caste system had produced the greatest anarchy and confusion in the political camp. Instead of arraying against foreign rule, they had turned against each other the high caste were condemned as arrogant and selfish and the low costs as accursed, even though they belonged to the same religious entity. The freedom struggle had pointed out that the Hindu religion is the most disorganised than being called as unorganised religion in the world. British effort was no break down the great in equality and the undemocratic features that caste system presented. British rule salved the untouchable and made it impossible any longer, to any community to tyrannise over the other. The British wanted to prevent the caste prejudices and achieved it. As the Indian statutory commission pointed out, by racial, religion, provincial and finally caste interests. The commission warned them and relinquished such irregularities in the society.

Conclusion

The history of Democratic experiment in Maras is an illustration of the unflinching endeavour of Great Britain to help Indian Nationalist aspirations, to build Parliamentary institutions on a strong and permanent foundation. From the time of the Proclamation of Queen Victoria, Britain had initiated series of changes in the administration of India as earnestly pursued from the days of Palmerstone, Sir Charles Wood, Ripon and others. But the period from 1909 to 1935 is the most formative period in the constitutional history of India. With a definite guarantee of representation evenly distributed from 1909, the first instalment of responsible government in Madras was granted in 1919 which coincided with the rise of Non Brahmin movement. In 1935, Provincial Autonomy was granted with statutory provision for representation in the legislative and cabinet to the Depressed Classes. Thus transfer of power from British to Indian hands was not a simple political phenomenon, but it embodied fundamental and revolutionary change in society and paved the way for the mental and moral regeneration of the people.

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