Chapter - I

INTRODUCTION AND METHODOLOGY
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The concept of government by constitution is as old as ancient Greece. Aristotle, considered as father of Political Science, in his book 'Politics' defines Constitution or Polity as the organization of a Polis in respect of its offices generally, but especially in respect of that particular office which is sovereign in all issues. In another place in his book he wrote 'A Constitution may be defined as an organization of offices of state, by which the method of their distribution is fixed, the sovereign authority is determined and the nature of the end to be pursued by association and all its members is prescribed. Thus, the Aristotelian notion is the more modern idea of a constitution. He studied 157 constitutions of the Greek City-States before writing his masterpiece 'Politics'. The Laws of the City-State of Athens, dated 621 BC, is considered as first written constitution. The earliest written constitution still governing a sovereign nation today may be that of San Marino written in the year 1600.

K.C. Wheare defines the constitution as a collection of rules which establish and regulate or govern the government. Ivor Jennings
also defines the constitution as rules governing the composition, powers and methods of operation of the main institutions of governments, and general principles applicable to their relations with citizens. According to Gilbert Plenger, a constitution in contemporary meaning is the structure of government and its component parts usually presented in a formal document.

Constitution can be either codified (written) or uncodified (unwritten) constitution. A codified constitution is one that is contained in a single document. An uncodified constitution is one that is not contained in a single document. It consist of several different sources which may be written or unwritten. Most states in the world have codified constitution. Only three – the United Kingdom, (The term United Kingdom, Great Britain, England and Britain are used interchangeably unless the context means otherwise) New Zealand and Israel – have uncodified constitution. The uncodified constitutions are the product of an evolution of laws and conventions over centuries. By contrast to codified constitutions, the uncodified constitutions include written sources like constitutional statutes enacted by Parliament and also unwritten sources such as constitutional conventions. A constitution therefore is a set of laws and conventions which together
define the composition and powers of the state institutions. A convention is an accepted way in which things are done. They are not written down in law but tend to be old established practices. They are rules of behavior that are not legally binding but are treated as binding.

The constitution, considered a fundamental law of the country and supreme law of the land, is an all time necessity because no organized country or state can live long without a constitution. The constitution therefore is indispensable for a modern democratic state, it brings order out of chaos and there is a need to define the fundamental law. Every self-respecting nation on the face of the earth therefore wants to have a constitution, if it does not already have one.

As Ivor Jennings rightly said, at some stage in the history of all nations there arises the need for formal determination of the composition and function of the main instruments of Government. Possibly order has to be produced out of chaos created by a great social revolution; or the nation throws off the yoke of a foreign conqueror; or a nation is created by the fusion of smaller political units. There are many ways of creating a new state or reorganizing the political complexion of an old one; but whatever the circumstance, the need is felt and some person or body of persons is set to draft a constitution.
How true it is! Whatever the situation may it be, if a new constitution is to be written, codified or enacted there must be some body of persons to frame it.

Modern constitutionalism first emerged in British North America with the American colonial constitutions beginning with the 'Fundamental order of Connecticut' in 1639. After the Declaration of American Independence in 1776, virtually all of the new states drafted and adopted state constitutions.

Constitutions considered as written instruments, are the work of various agencies according to the genius or special circumstances of the state concerned, some being framed by the executive branch of the Government, some by the legislature and some by a body for that purpose specially chosen and commissioned. In modern times, framing of a constitution by a specially chosen or constituted body, variably called "Constitutional Convention", "Constitution-making Body" or "Constituent Assembly" has become a normal method ever since the making of the federal constitution of the United States of America in 1787.

Second half of the twentieth century had been an era of constitution making. The new nations that emerged as a result of
decolonization in the post second world war era, seeking democratic credentials, made writing a constitution a priority. Between 1945-1975, 50 odd nations have equipped themselves with a new constitution. There are more than 200 national constitutions in existence today, all countries with few exceptions, have adopted written constitution. Of all the entire world's states, around 70 have adopted their current constitution in the period since 1989.

The Constituent Assembly is today a most common mode of making a constitution. Almost all constitutions of the post second world war era have been framed by Constituent Assembly. The drafting of constitution is by no means an easy task. It is a complex, often controversial political process. It requires the highest state-craft, statesmanship, scholarship, intellectual acumen endowed with flood of knowledge of the nation's history and the history of the world. Charged with drafting a constitution the Constituent Assembly follows a set of rules to reach agreement over controversial issues. Constitution makers often barrow from one another, not only within the framework of a particular constitutional tradition but also across the tradition.

All constitution making bodies, while drafting the constitution, give utmost attention to the form of government to be envisaged in the
The nature of executive is, therefore, an important matter in respect of which all constitution makers give priority. Since the decisions concerning government are obviously of supreme importance for the society and the state, they have to be made with utmost care.

The democratic states have endless varieties of forms of government. Based on the nature of relationship between the executive and the legislature, modern constitutional democracies can be classified as parliamentary system of government and presidential system of government.

The distinctive feature of presidential government is that the chief executive is elected independently of the legislature, holds office for a definite period, and is vested with extensive power not subject to control by the legislature. The chief executive of the United States is the President, and the term "presidential government" is primarily descriptive of the government of the United States. Under parliamentary government (also called cabinet government) the policy-determining members of the executive branch of government, the prime minister and his cabinet, are members of the legislature. Their continuance in office depends on the support of the legislature, which is responsible ultimately to the electorate. In contrast to the separation of
power prevailing under presidential government, in cabinet government the electorate vests supreme authority in the legislature. Most modern democracies have a cabinet form of government, although details in operation vary from country to country. This form of government originated in Great Britain and is best described in terms of the British government.6

The parliamentary systems of government are characterized by no clear cut separation of power between the executive and legislative branch. They have a clear distinction between the 'Head of the Government' and 'Head of the State' with the Head of the Government being the Prime Minister and Head of the State often being a figure head often either a President or a hereditary and constitutional monarch.

The decision regarding the form of government is considerably influenced by the political background. The British system of parliamentary government remained the most sought after of Britain's exports to the colony/ former colony of the commonwealth. The British model of parliamentary system of government is universally known as Westminster system. The term 'Westminster system' came from the palace of Westminster, the seat of the United Kingdom Parliament in London. The palace is a complex of buildings with magnificent...
location along the north bank of Thames river in the borough of Westminster close to the government building of White hall.

In the British system lies the true origin of the modern pattern of the different kinds of parliamentary democracies which form an important group of systems of government in the modern world.

There are other parliamentary systems whose procedures differ considerably from the Westminster system. Arend Ligphart, in 1999 divided parliamentary democracy in to two different systems— the Westminster system and the consensus system:

A) The Westminster system, usually found in the Commonwealth of Nations countries. Some Parliaments in this model are elected using a plurality voting system (first past the post), such as the United Kingdom, Canada and India, while others use proportional representation, such as Ireland and New Zealand.

B) Western European model (Spain and Germany) tend to have a more consensual debating system.

C) The Hybrid model, the semi-presidential system drawn on both presidential systems and parliamentary systems, for example, French Fifth Republic.
No simple definition of the term parliamentary government is satisfactory. This is partly because parliamentary government is not a static piece of constitutional machinery but a dynamic process. It is therefore very difficult to give a precise definition. This can be done by describing the characteristics and aims of parliamentary government. Important features of the Westminster system include the following, although not all of the following aspects have been preserved in every Westminster-derived system:  

- a sovereign or head of state who is the nominal or theoretical holder of executive power, and holds numerous reserve powers, but whose daily duties mainly consist of performing the role of a ceremonial figurehead. Examples include the British monarch, the presidents of many countries and state/provincial governors in federal systems.

- a head of government (or head of the executive), known as the Prime Minister (PM), premier or first minister, who is officially appointed by the head of state. In practice, the head of government is almost always the leader of the larges elected party in parliament.
• a de facto executive branch usually made up of members of 
the legislature with the senior members of the executive in a 
cabinet led by the head of government; such members execute 
executive authority on behalf of the nominal or theoretical 
executive authority.
• parliamentary opposition (a multi-party system);
• an elected legislature, often bicameral, in which at least one 
house is elected, although unicameral systems also exist;
• a lower house of parliament with an ability to dismiss a 
government by "withholding (or blocking) Supply" (rejecting 
a budget), passing a motion of no confidence, or defeating a 
confidence motion. The Westminster system enables a 
government to be defeated, or forced into a general election, 
independently of a new government being chosen.
• a parliament which can be dissolved and elections called at 
any time.
• parliamentary privilege, which allows the Legislature to 
discuss any issue deemed by itself to be relevant, without fear 
of consequences stemming from defamatory statements or 
records thereof.
• minutes of meetings, often known as Hansard, including an ability for the legislature to strike discussion from these minutes.

Most of the procedures of the Westminster system have originated with the conventions, practices and precedents of the parliament of the United Kingdom, which are a part of what is known as the Constitution of the United Kingdom. Unlike the unwritten British constitution, most countries that use the Westminster system have codified the system in a written constitution. However, uncodified conventions, practices and precedents continue to play a significant role in most countries, as many constitutions do not specify important elements of procedure: for example, some older constitutions using the Westminster system do not mention the existence of the cabinet and/or the prime minister, because these offices were taken for granted by the authors of these constitutions.

The evolution of the British parliamentary democracy has been spread over many centuries. Indeed something like 700 to 800 years. In the main there have been no revolutionary changes. Progress has been gradual and steady. The fact that an evolution from autocracy to parliamentary democracy took a long time did have this advantage: that
the British were moving step by step, they were peaceably evolving form precedent to precedent, gaining experience as they went. The Westminster system was promulgated as the dominion form of government throughout the British Empire which are well-known recently as commonwealth countries. Of the features of Westminster system, some are not reproduced in the constitution of any other commonwealth country. The aim of the provisions of the constitutions is to capture the spirit and form of the British institutions.

**Countries that use variations of the Westminster System**

A) **Current Countries and Territories**

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<td>Pakistan</td>
<td>Papua New Guinea</td>
<td>Saint Kitts and Nevis</td>
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<tr>
<td>Saint Lucia</td>
<td>Saint Vincent and the Grenadines</td>
<td>Trinidad and Tobago</td>
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<tr>
<td>Tuvalu</td>
<td>United Kingdom</td>
<td>Vanuatu</td>
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B) Former Countries


- Nigeria following the end of British colonial rule in 1960, which resulted in the appointment of a Governor-General and then a Presidential system.

- Burma following independence in 1948 until the 1962 military coup d'etat.


Figure: Parliamentary Government

Voters
\[\text{Elect}\]

Legislature
\[\text{Chooses and can dismiss}\]

Prime Minister (or premier)
\[\text{Chooses}\]

Cabinet
\[\text{Administers}\]

Ministries/Departments

Head of State
\[\text{Formally appoints}\]

Note: Head of state may be an hereditary monarch, or a directly or indirectly elected president. The post, however, is essentially ceremonial and without executive authority.
Statement of the Problem

The Constituent Assembly of India constituted in 1946 for the undivided India according to the Cabinet Mission plan was not a sovereign body. Its authority was limited both in respect of the basic principles and procedure. After partition of India, the Indian Independence Act 1947 established a sovereign character of the Constituent Assembly. The Constituent Assembly of India framing the new constitution of 1950 relied on a number of patterns; English constitutional Law was the guiding factor for the parliamentary system of government, American constitutional law for conceiving a bill of rights and Canadian and Australian constitutional law for reconciling federalism with system of government adopted.\textsuperscript{11}

Like all constitution making bodies the Constituent Assembly faced the question of form of government that suits India. The choice was between the presidential system of the United States of America and Parliamentary System of the United Kingdom. The political developments in British colonial territories in India have been mainly according to the form and in the spirit of Westminster democracy. The British Administrative Officers, consciously or unconsciously, have installed Legislative Councils upon quasi-parliamentary lines. Indian
constitutional thought before independence was influenced by two models of democratic governments, namely, the parliamentary system existing in Britain and the presidential system of the United States. But the impact of British model was immediate and direct. Every installment of constitutional reforms was regarded as step towards the establishment of a democratic responsible government as it functioned in Britain.  

The framers of Constitution of India wanted responsible governance. Their minds were thinking in that direction. The top leaders in the government, Indian National Congress and the Constituent Assembly believed that parliamentary government of the British type was the best suited mode for India. There were some members who wanted either a presidential mode or Swiss mode. But majority of the Congress party members in the Assembly favored parliamentary government. Both the Union Constitution Committee and Provincial Constitution Committee of the Assembly decided to recommend in their reports parliamentary system of government at the centre and in the states. The force of Congress majority behind the Reports prevented any considerable change in the decisions taken in the Committees.
The Constituent Assembly included among its membership cream of Indian Nationalism. The Assembly wisely decided to have before it the best models of government in the world and India sent its emissaries abroad to study on the spot the details of constitutional theory and practice of the so-called advanced States. They submitted exhaustive reports. Since the Assembly was dominated by persons who admired western form of government they could not conceive of anything else except the form of government on which they had been experimenting for about 25 years. The leaders of this group were Jawaharlal Nehru, K.M. Munshi, B.R. Ambedkar, Alladi Krishnaswamy Iyer and Vallabhbhai Patel.

India opted for parliamentary form of government as legacy from Great Britain which is considered as mother of parliamentary democracy. But the principles and procedures laying down the basis of parliamentary government were born out of convention. It is based on evolved, unwritten and non-documentary constitution. Therefore there is a need to focus on the question whether the Constituent Assembly of India succeeded in codifying the British conventions of parliamentary government into Indian Constitutional System. The problem of the present research is "Constituent Assembly of India and Codification of
British Conventions of Parliamentary Government: A Critical Appreciation

In spite of recent efforts to reform the constitution, the British parliamentary system of government is largely based on conventions. In spite of the fact that the Constitution of India has undergone many amendments since its adoption in 1949, the basic principles of parliamentary government in India have, by and large, remained the same except minor changes. Therefore, the present research is current and relevant.

The question is, if conventions and rules of strict law alike are binding rules why not codify conventions in a strict legal form? The argument is that since the constitution of India has adopted the parliamentary form of government from the unwritten constitution of England, it is obvious, therefore, that while the entire system of parliamentary government is based on usage and convention in England—the essential of that system would be reduced into writing in India and are to be found in the articles of the constitution.

Ivor Jennings argued that if the constitution were put down in writing, the important constitutional conventions would be put in as well. Even in the constitutions of other commonwealth countries, where
British constitutional conventions might have been presumed, some of them have been incorporated as part of the constitution. The views of Ivor Jennings with regard to the Constitution of India are noteworthy: 'It is by no means easy to convert the powers of the Crown and the constitutional conventions by which they are exercised into written form.... To put the constitutional conventions into writing is possible, but it is a very great labour.... The Indian draftsmen had the same idea. It was proposed to put the British convention into law,... I do not know why the scheme was not carried out, but I imagine that it was found to be no easy task.14

England is an old laboratory of Parliamentary experiment. Parliamentary government first took shape in England through a historical process. This model of Parliamentary system of Government provided the pattern for most of the new African and Asian Nations. It operates smoothly in many Commonwealth Countries with modifications to suit local situations. In India also the top leaders in the Government, the Indian National Congress and the Constituent Assembly of India believed that Parliamentary Government of British type was the best suited mode for India.
Before 1947 the view was often expressed in the West that the institutions of the West could not be transplanted in the East. However, the British Parliamentary Government had been exported to distant lands. It has been adopted in varying degrees by many countries overseas including India. But none of the imitations exactly reproduce the original. The researcher therefore began to investigate whether the Constituent Assembly of India had succeeded in imitating the British Constitution.

Since the British Constitution is not the written Constitution, the principles of Parliamentary Government are regulated by conventions which adapt themselves to changing conditions as they arise. Within the framework of law there is room for the development of rules of practice. J.S. Mill referred to these rules as 'the Unwritten Maxims of the Constitution', A.V. Dicey, an authority on British Constitutional Law, called them as 'Conventions of the Constitutional. Geoffrey Marshall modified the phrase as 'Constitutional Conventions". The conventions therefore hold a prominent place in the Constitutional Law of England. They were evolved in the process of transformation from a monarchical form of Government to a democratic Parliamentary form of Government with the Crown as its nominal head. That is why the
British constitutional experts, felt that if the constitution providing for Parliamentary Government were put down in writing, the important constitutional conventions would be put in as well. The unwritten rules of Parliamentary Government must be written and codified in order that uncertainties of memory and difficulties of interpretation might not vitiate their sanctity.

The researcher's interest therefore focuses on the efforts of the Constituent Assembly of India in codifying the British Constitutional Conventions into the Indian Constitutional System. Based on his knowledge of the working of the British Parliamentary Institutions, the researcher believed that it is by no means easy to convert the Constitutional Conventions into written form. He fully agrees with the view of Sir Ivor Jennings that to put the Constitutional Conventions into writing is possible, but it is very laborious. The framers of Indian Constitution had the same idea. It was proposed in the beginning to put British Conventions into Law. But the scheme was not carried out. It is in the light of this that the current study is taken up by the researcher.
Literature Review

The researcher undertook a thorough investigation of relevant literature on the research question. Literature review in the field of present research revealed that the present problem is unique. Very little serious research has been done. During the period when the process of constitution making was going on and after the completion of constitution making, article writers and book writers engaged themselves in producing reading materials on constitution making and the framework of governmental machinery provided in the constitution. The institutional assumptions underlying the system of government based on the British model adopted in India have been the object of continuous study. 15

The research efforts were numerous and covered the wide ranging Field of parliamentary government. Till date the research works have focused on how the parliamentary institutions are working in this country. The emphasis in most of the studies has been on separate topics on Constitution making in general, Parliament, State Legislative Assemblies and Councils, Cabinet Government, Parliamentary Institutions, Utility of Second Chambers, Committee System, Parliamentary Control over Administration and Finance, Parliamentary
Procedures, Privileges, Offices of Speakers, Union Executive, Prime-Minister, Council of Ministers, Governor, Chief-Minister and the like. Only few studies have focused on the subject chosen by the researcher. Mention may be made of the following.


12. Ramesh Prasad 'The Constituent Assembly of India' Ph.D thesis, Agra University, 1960


"Institution of Parliamentary Democracy in India: A Trend Report" by N.R. Deshpande and N.G.S. Kini, (1972) indicates that researchers did not take any interest in the study of conventions in relation to parliamentary system of government in India. Some authors like Ayyer C.S.S, K. Santanum, Appadorai A, published a few newspaper and journal articles on conventions. Similarly, 'A survey of research in Political Science, volume one, Political Systems (ICSSR, 1979) called attention to this neglected area and stressed on the need for detailed study. (pp. 37-38). The researcher found that in spite of this report no work had focused on the inter-relationship between parliamentary government, British Conventions and Constitution Making with a view to study the efforts of Constituent Assembly of India to codified conventions into the Indian Constitutional System. Therefore the present study is of some constitutional significance on the working of Indian Parliamentary Institutions.
Objectives of the Study

The following are the chief objectives of the study:

1. To understand the working of Conventional System of Parliamentary Government in Britain

2. To examine whether the British, during the colonial Administration in India, made any attempt to codify the Conventions by means of Government of India Acts of 1919 and 1935 which introduced in Indian Provinces partial and full responsible Governments respectively.

3. To examine the provisions of the Parliamentary Constitution of India

4. To evaluate the Constituent Assembly's Efforts to codify British Conventions.

Scope of the Study

The work is not a general commentary on the Constitution of India or debates in the Constituent Assembly of India. But it is an inquiry in to the efforts of the Constituent Assembly of India to incorporate in the Constitution of India the British Constitutional Conventions relating to Parliamentary Government. The Scope of the
work also extends to the study of Conventional System of British Parliamentary Government. Since the system of Government adopted by the Constituent Assembly of India is definitely what is characterized in Political Science as Parliamentary or Cabinet System of Government based on Indian experience of running responsible Governments since 1919, the scope of the study also extends to the study of the Government of India Acts of 1919 and 1935 enacted by the British Parliament, and working of dyarchy and provincial autonomy in India with a view to examine whether the British made an effort to incorporate conventions in these Acts.

**Hypotheses**

The hypotheses of the study are as follows:


2. To put the conventions into writing is possible but it is not an easy task.

3. The Constituent Assembly of India partly succeeded in codifying the British Conventions of Parliamentary Government
in the Constitution of India.

4. The Constitutional Law is supplemented by Constitutional Conventions

**Research Methodology**

The study of comparative government can be traced back to 4th century BC. It is as old as political enquiry but it is one of the most difficult methods father of Political Science, Aristotle has made use of comparative technique to examine the form and methods of government. He studied as many as 157 constitutions to draw conclusions. The basic steps and sequences of Aristotle's method of comparison still constitute the cornerstone of modern comparative analysis. Modern comparative method seeks to make cross-national comparison. Comparative analysis thus helps us to search for general pattern of polities. 

The comparative method seeks to note uniformities as well as differences between one system and the next, search for laws about the relationship of variables and attempt to account for such seminars differences and relationship. At least four different objectives can be realized from an analysis of two or more polities. First, cross polity
comparison makes possible the construction of classification, typologies, and ranking because similarities and differences among Polities are noted. Second, it can yield a panoramic description of the universe of Polities. A third objective is the identification of uniformities of political characteristics, the fourth objective of comparative analysis is explanation of differences and similarities.

Comparison among Polities has long served as a means by which political scientists have enhanced their descriptive capabilities. At the simplest level they have employed parallel description that is, describing two Polities side by side in order to highlight contrast and point out the distinctive features of each. 17

Comparison is a method used for obtaining evidence of causal effects by comparing the varying forms of government in the World. Comparative method therefore is considered as one of the fundamental scientific methods which can be used to test the validity of general empirical proposition. Comparative method can be generally used when neither the experimental nor the statistical method can be employed. The great French interpreter of American Democracy, Alexis De Tosqueville said: Comparison is fundamental to all human thought, without comparison to make; the mind does not know how to proceed.

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A contemporary political scientist Robert Dahl also preferred comparative method. It is the way to fully understand the Political Phenomena. Since the purpose of research is of historical academic interest and comparative in perspective in so far as Parliamentary Government in the United Kingdom and India is concerned the researcher had effectively used the historical comparative method.

For collecting the data for the study, the researcher mainly depended on document analysis technique. Both the primary and secondary sources of data are used for the study. Data is derived from both the episodic record and running records. The important among the sources of data are: the Constituent Assembly Debates—published reports of the Constituent Assembly of India, Minutes of the meetings of the Committees of the Constituent Assembly of India, Various Acts enacted by the British Parliament for India, British and Indian Government records, B. Shiva Rao's, 'The Framing of India's Constitution—A Study', (a five volume work) which contains large number of documents relating to Constituent Assembly of India, Diaries and Memoirs of prominent leaders of India, Memoranda, Reports on Indian Constitutional Problem, Drafts of the Constitution of
India and the Constitution of India as finally enacted. Writings in newspapers and periodicals are also used.

**Structure of the Study**

The study is divided into seven chapters. The first chapter is entitled, 'Introduction and Methodology', that is this chapter

The second chapter entitled 'Conventional System of British Parliamentary Government' attempts to survey the importance of Constitutional Conventions in the successful working of Parliamentary System in Britain. In the United Kingdom there are too many conventions one could spend a life time reading the records and never cover them all. In-spite of this handicap a serious and sustained effort is made to list the British Constitutional Conventions of Parliamentary Government. The Conventions listed in this chapter relate, mainly, to the exercise of royal prerogatives, relationship between the Crown and the Prime Minister and his cabinet, Ministerial responsibility to Parliament, Dissolution of Parliament, Royal Assent to Bills, the Party System, the Official Opposition, Parliamentary Procedures and Party System and Impartial Speaker. Since conventions are vague, any
attempt to list them would command no universal assent, therefore the researcher faced the difficulties of listing them.

The Third Chapter with the title 'Evolution of Indian Parliamentary Institutions during the British Rule' deals with the origin and development of Parliamentary Institutions in India during the British Rule in India. This chapter was necessitated by the British effort to gradually introduce their Parliamentary Institutions in India and codification of some conventions into law, directions and Government orders. An attempt is also made here to examine the working of 'dyarchy' and 'provincial autonomy in the provinces' which gave the Indian leaders an opportunity to learn about responsible government. The chapter throws light on the successful British effort to establish in India full responsible governments by means of Indian Independence Act of 1947.

The Fourth chapter on 'Creation of the Constituent Assembly of India' outlines the Indian demand for a Constituent Assembly, the British acceptance and finally creation of the Constituent Assembly of India in accordance with the proposals of the Cabinet Mission appointed by the British Government to recommend constitutional reforms for India.
The Fifth Chapter on 'Constitution Assembly Decision in Favour of Parliamentary Constitution' begins with the work of the preliminary sessions of the Constituent Assembly and surveys the main recommendations of reports of the various committees with regard to the provisions of Parliamentary Government. The chapter also examines the debate on the consideration of the reports of the committees on the floor of the Constituent Assembly. The chapter focuses on the decision of the Constituent Assembly in Favour of Parliamentary Government both at the centre and the provinces. It also covers the process of preparing the first Draft of the Constitution of India by the Constitutional Advisor B.N.Rau.

The Sixth Chapter entitled 'Constituent Assembly, British Conventions and Parliamentary Government in India' evaluates the efforts of the Constituent Assembly to frame a Parliamentary Constitution and particular effort to codify British Conventions of Parliamentary Government in the Constitution of India. In this chapter attention is drawn to the fact of proposals before the Constituent Assembly to embody to British Conventions in writing which was eventually dropped.
The last Chapter entitled "Conclusions and Observations' sums up the argument and the findings of the study. In this study it appears that some of the features the Westminster model are not reproduced in the Constitution and that only the spirit and the practice of the British Constitution are captured. Though the machinery of Government provided by the Constitution is essentially British, the collection of British Constitutional Conventions has not been fully incorporated.
Notes and References


2. Ibid, p. 156


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