



1909 - Morley - Minto - Reforms.

1919 => Montagu - Chelmsford

India
Sec.



Reforms

Viceroy

Dyarchy

↑ Rep
Gov. → Iran
legislature

→ After 10 yrs → Review Comm
Setup

→ ~~अखिल~~ Berkhood
→ Nehru Report
(M.L. Nehru)
→ 14-pt formula
(Jinnah)

→ 1927 (Setup)

↳ India ⇒ 1928

→ Simon Comm
(7 member)

Government of India Act of 1919

This Act is also known as Montagu-Chelmsford Reforms (Montagu was the Secretary of State for India and Lord Chelmsford was the Viceroy of India).

1.

It relaxed the central control over the provinces by demarcating and separating the central and provincial subjects. The central and provincial legislatures were authorised to make laws on their respective list of subjects.

However, the structure of government continued to be centralised and unitary.

2.

states

It further divided the provincial subjects into two parts—transferred and reserved. The transferred subjects were to be administered by the governor with the aid of ministers responsible to the legislative Council.

The reserved subjects, on the other hand, were to be administered by the governor and his executive council without being responsible to the legislative Council.

This dual scheme of governance was known as ‘dyarchy’—a term derived from the Greek word di-arche which means double rule. However, this experiment was largely unsuccessful.

3.

It introduced, for the first time, bicameralism and direct elections in the country. Thus, the Indian Legislative Council was replaced by a bicameral legislature consisting of an Upper House (Council of State) and a Lower House (Legislative Assembly). The majority of members of both the Houses were chosen by direct election.

4.

It extended the principle of communal representation by providing separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans.

5.

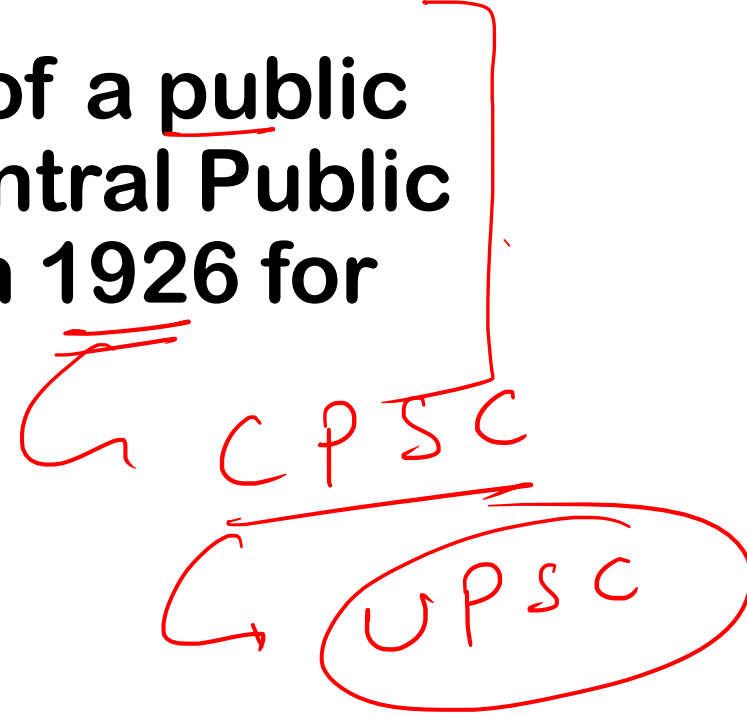
It granted franchise to a limited number of people on the basis of property, tax or education.

6.

It created a new office of the High Commissioner for India in London and transferred to him some of the functions.

7.

It provided for the establishment of a public service commission. Hence, a Central Public Service Commission was set up in 1926 for recruiting civil servants.



9.

It separated, for the first time, provincial budgets from the Central budget and authorised the provincial legislatures to enact their budgets.

10.

It provided for the appointment of a statutory commission to inquire into and report on its working after ten years of its coming into force.

G O I \Rightarrow 1935

- \rightarrow States - dyarchy (x)
- \rightarrow Union - " (✓)
- \rightarrow BURMA \rightarrow Separated from British Ind.
- \rightarrow Fed. Court (Setup) \rightarrow 1937
- \rightarrow Federation (x)

Government of India Act of 1935

The Act marked a second milestone towards a completely responsible government in India. It was a lengthy and detailed document having 321 Sections and 10 Schedules.

1.

It provided for the establishment of an All-India Federation consisting of provinces and princely states as units. The Act divided the powers between the Centre and units in terms of three lists—

Federal List (for Centre, with 59 items),
Provincial List (for provinces, with 54 items) and
the Concurrent List (for both, with 36 items).
Residuary powers were given to the Viceroy.

However, the federation never came into being as the princely states did not join it.

2.It abolished dyarchy in the provinces and introduced 'provincial autonomy' in its place.

2.

It provided for the adoption of ~~dyarchy~~ at the Centre. Consequently, the federal subjects were divided into reserved subjects and transferred subjects. However, this provision of the Act did not come into operation at all.

3. ~~3.~~

It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.

4.

It provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.

5.

It provided for the establishment of a Federal Court, which was set up in 1937.

Indian Independence Act of 1947

1.

It ended the British rule in India and declared India as an independent and sovereign state from August 15, 1947.

2.

It provided for the partition of India and creation of two independent dominions of India and Pakistan with the right to secede from the British Commonwealth.

3.

It abolished the office of viceroy and provided, for each dominion, a governor-general, who was to be appointed by the British King on the advice of the dominion cabinet. His Majesty's Government in Britain was to have no responsibility with respect to the Government of India or Pakistan.

4.

It empowered the Constituent Assemblies of the two dominions to frame and adopt any constitution for their respective nations and to repeal any act of the British Parliament, including the Independence act itself.

5.

It empowered the Constituent Assemblies of both the dominions to legislate for their respective territories till the new constitutions were drafted and enforced.

No Act of the British Parliament passed after August 15, 1947 was to extend to either of the new dominions unless it was extended thereto by a law of the legislature of the dominion.

6.

It abolished the office of the secretary of state for India.

7.

It proclaimed the lapse of British paramountcy over the Indian princely states.

8.

It granted freedom to the Indian princely states either to join the Dominion of India or Dominion of Pakistan or to remain independent.

9.

It provided for the governance of each of the dominions and the provinces by the Government of India Act of 1935, till the new Constitutions were framed. The dominions were however authorised to make modifications in the Act.

10.

It deprived the British Monarch of his right to veto bills or ask for reservation of certain bills for his approval.

Constituent Assembly

It was in 1934 that the idea of a Constituent Assembly for India was put forward for the first time by M. N. Roy, a pioneer of communist movement in India.

In 1935, the Indian National Congress (INC), for the first time, officially demanded a Constituent Assembly to frame the Constitution of India.

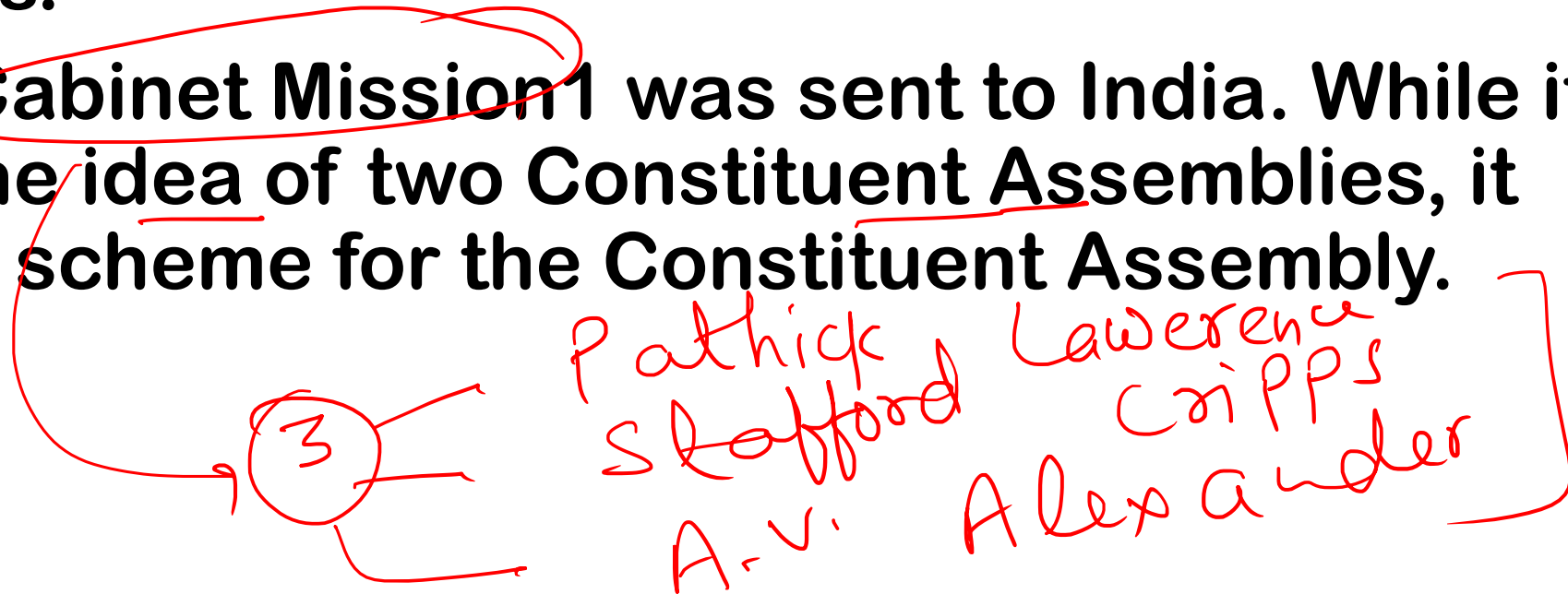
Linlithgow (1936 - 1943)

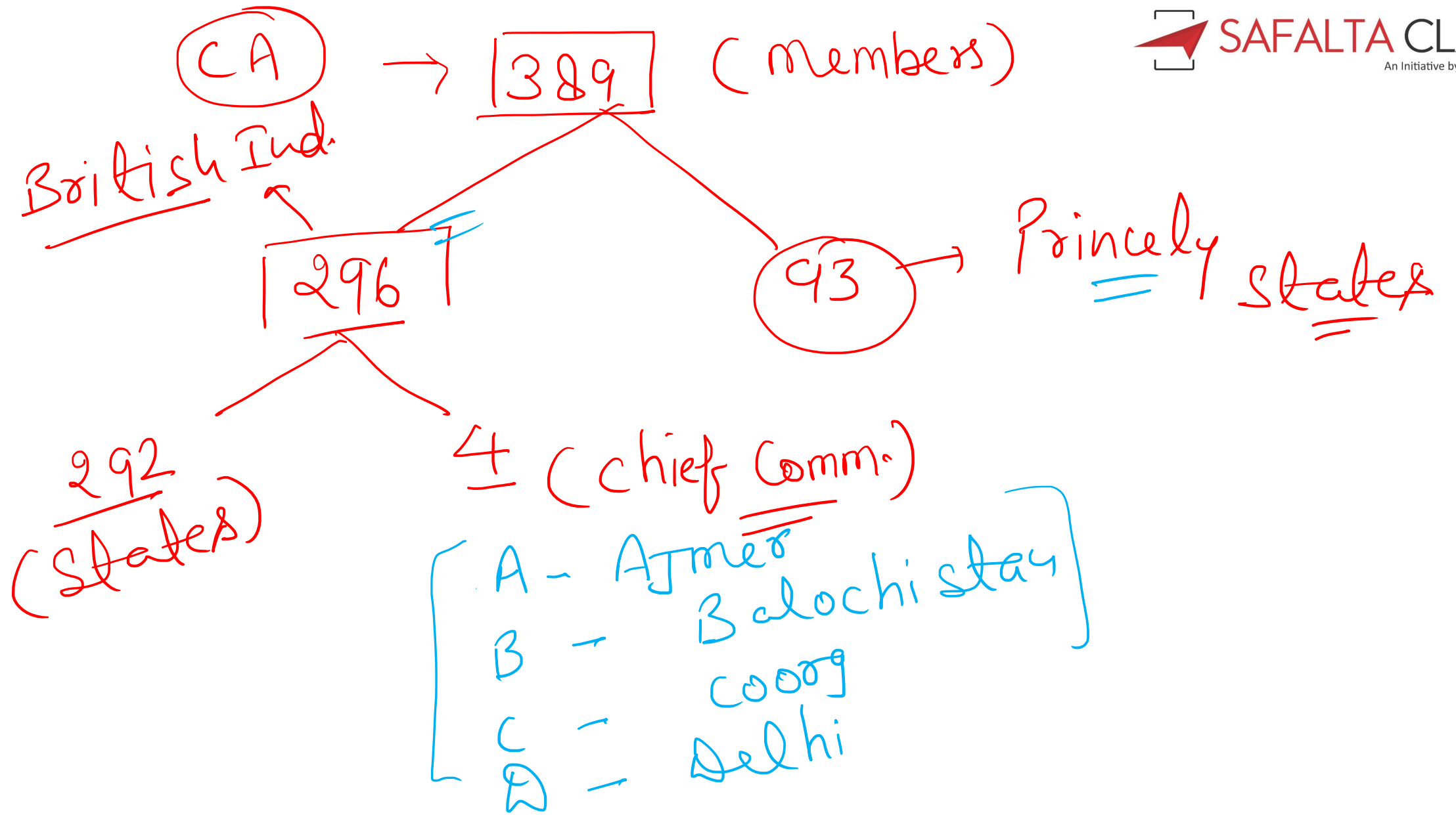
The demand was finally accepted in principle by the British Government in what is known as the 'August Offer' of 1940.

In 1942, Sir Stafford Cripps, a member of the cabinet, came to India with a draft proposal of the British Government on the framing of an independent Constitution to be adopted after the World War II.

The Cripps Proposals were rejected by the Muslim League which wanted India to be divided into two autonomous states with two separate Constituent Assemblies.

Finally, a Cabinet Mission was sent to India. While it rejected the idea of two Constituent Assemblies, it put forth a scheme for the Constituent Assembly.





→ Elec. > Indirect =

⇒ ① member ⇒ 10 Lac. (Representation)

Composition of The Constituent Assembly:

The Constituent Assembly was constituted in November 1946 under the scheme formulated by the Cabinet Mission Plan. The features of the scheme were:

1.

The total strength of the Constituent Assembly was to be 389, of these, 296 seats were to be allotted to British India and 93 seats to the Princely States.

Out of 296 seats allotted to the British India, 292 members were to be drawn from the eleven governors' provinces² and four from the four chief commissioners' provinces³, one from each.

2.

Roughly, one seat was to be allotted for every million population.

3.

Seats allocated to each British province were to be divided among the three principal communities—Muslims, Sikhs and general (all except Muslims and Sikhs), in proportion to their population.

5.

The representatives of princely states were to be nominated by the heads of the princely states.

<i>Sl.No.</i>	<i>Name of the Party</i>	<i>Seats won</i>
1.	Congress	208
2.	Muslim League	73
3.	Unionist Party	1
4.	Unionist Muslims	1
5.	Unionist Scheduled Castes	1
6.	Krishak – Praja Party	1
7.	Scheduled Castes Federation	1
8.	Sikhs (Non-Congress)	1
9.	Communist Party	1
10.	Independents	8
	Total	296

Note: The Assembly included all important personalities of India at that time, with the exception of Mahatma Gandhi.

→ B. R. Ambedkar {
Ist Elec. ⇒ East Pak.
2nd Elec. ⇒ Bombay

Working of the Constituent Assembly

The Constituent Assembly held its first meeting on December 9, 1946. The Muslim League boycotted the meeting and insisted on a separate state of Pakistan.

The meeting was thus attended by only 211 members. Dr Sachchidanand Sinha, the oldest member, was elected as the temporary President of the Assembly, following the French practice.

Later, Dr. Rajendra Prasad was elected as the President of the Assembly. Similarly, both H.C. Mukherjee and V.T. Krishnamachari were elected as the Vice-Presidents of the Assembly. In other words, the Assembly had two Vice-Presidents.

Objectives Resolution

On December 13, 1946, Jawaharlal Nehru moved the historic 'Objectives Resolution' in the Assembly.

This Resolution was unanimously adopted by the Assembly on January 22, 1947. Its modified version forms the Preamble of the present Constitution.

Functions: (C.A.)

1.

It ratified the India's membership of the Commonwealth in May 1949.

2.

It adopted the national flag on July 22, 1947.

3.

It adopted the national anthem on January 24, 1950.

4.

It adopted the national song on January 24, 1950.

5.

It elected Dr Rajendra Prasad as the first President of India on January 24, 1950.

① — C.A.

~~3~~ →

3 Times
(2 Parlia.)

In all, the Constituent Assembly had 11 sessions over two years, 11 months and 18 days.

Major Committees

1. Union Powers Committee – Jawaharlal Nehru
2. Union Constitution Committee – Jawaharlal Nehru
3. Provincial Constitution Committee – Sardar Patel
4. Drafting Committee – Dr. B.R. Ambedkar

5. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas – Sardar Patel.

6. Rules of Procedure Committee – Dr. Rajendra Prasad

7. States Committee (Committee for Negotiating with States) – Jawaharlal Nehru

8. Steering Committee – Dr. Rajendra Prasad

Minor Committees

1. Finance and Staff Committee – Dr. Rajendra Prasad
2. Credentials Committee – Alladi Krishnaswami Ayyar
3. House Committee – B. Pattabhi Sitaramayya

4. Order of Business Committee – Dr. K.M. Munshi

5. Ad-hoc Committee on the National Flag – Dr. Rajendra Prasad

6. Committee on the Functions of the Constituent Assembly – G.V. Mavalankar

7. Ad-hoc Committee on the Supreme Court – S. Varadachari (Not an Assembly Member)

Drafting Committee

Among all the committees of the Constituent Assembly, the most important committee was the Drafting Committee set up on August 29, 1947. It was this committee that was entrusted with the task of preparing a draft of the new Constitution.

It consisted of seven members. They were:

1. Dr B R Ambedkar (Chairman)
2. N Gopalaswamy Ayyangar
3. Alladi Krishnaswamy Ayyar
4. Dr K M Munshi

5. Syed Mohammad Saadullah

6. N Madhava Rau (He replaced B L Mitter who resigned due to ill-health)

7. T T Krishnamachari (He replaced D P Khaitan who died in 1948)

<i>Sessions</i>	<i>Period</i>
First Session	9–23 December, 1946
Second Session	20–25 January, 1947
Third Session	28 April–2 May, 1947
Fourth Session	14–31 July, 1947
Fifth Session	14–30 August, 1947
Sixth Session	27 January, 1948
Seventh Session	4 November, 1948–8 January, 1949
Eighth Session	16 May–16 June, 1949
Ninth Session	30 July–18 September, 1949
Tenth Session	6–17 October, 1949
Eleventh Session	14–26 November, 1949

Note: The Assembly met once again on 24 January, 1950, when the members appended their signatures to the Constitution of India.

	<i>Sources</i>	<i>Features Borrowed</i>
1.	Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
2.	British Constitution	Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.
3.	US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president.
4.	Irish Constitution	Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of president.

5.	Canadian Constitution	Federation with a strong Centre, vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
6.	Australian Constitution	Concurrent List, freedom of trade, commerce and intercourse, and joint sitting of the two Houses of Parliament.
7.	Weimar Constitution of Germany	Suspension of Fundamental Rights during Emergency.
	Soviet Constitution	Fundamental duties and the ideal of justice (social,

8.	(USSR, now Russia)	economic and political) in the Preamble.
9.	French Constitution	Republic and the ideals of liberty, equality and fraternity in the Preamble.
10.	South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha.
11.	Japanese Constitution	Procedure established by Law.

Numbers	Subject Matter	Articles Covered
First Schedule	1. Names of the States and their territorial jurisdiction.	1 and 4
	2. Names of the Union Territories and their extent.	
Second Schedule	Provisions relating to the emoluments, allowances, privileges and so on of: =	59, 65, 75, 97, 125, 148, 158, 164, 186 & 221
X (1. The President of India ✓	=
	2. The Governors of States ✓	
	3. The Speaker and the Deputy Speaker of the Lok Sabha	
	4. The Chairman and the Deputy Chairman of the Rajya Sabha	
	5. The Speaker and the Deputy Speaker of the Legislative Assembly in the states	
	6. The Chairman and the Deputy Chairman of the Legislative Council in the states	
	7. The Judges of the Supreme Court	
	8. The Judges of the High Courts)	

→ ORIG ⇒ 8
 → Present ⇒ (12)

9. The Comptroller and Auditor-General of India

Third Schedule	Forms of Oaths or Affirmations for:	75, 84, 99, 124, 146, 173, 188 and 219
	1. The Union ministers	
	2. The candidates for election to the Parliament	
	3. The members of Parliament	
	4. The judges of the Supreme Court	
	5. The Comptroller and Auditor-General of India	
	6. The state ministers	
	7. The candidates for election to the state legislature	
	8. The members of the state legislature	
	9. The judges of the High Courts	

Fourth Schedule	Allocation of seats in the Rajya Sabha to the states and the union territories.	4 and 80
Fifth Schedule	Provisions relating to the administration and control of scheduled areas and scheduled tribes.	244 245
Sixth Schedule	Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and <u>Mizoram</u> .	244 and 275
Seventh Schedule	Division of powers between the Union and the States in terms of List I (Union List), List II (State List) and List III (Concurrent List). Presently, the Union List contains 100 subjects (originally 97), the state list contains 61 subjects (originally 66) and the concurrent list contains 52 subjects (originally 47).	246

**Eighth
Schedule**

Languages recognized by the Constitution. Originally, it had 14 languages but presently there are 22 languages. They are: Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by the 21st Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71st Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92nd Amendment Act of 2003. Oriya was renamed as 'Odia' by the 96th Amendment Act of 2011.

344 and
351

Ninth Schedule

Acts and Regulations (originally 13 but presently 282)¹⁹ of the state legislatures dealing with land reforms and abolition of the zamindari system and of the Parliament dealing with other matters. This ~~is~~ schedule was added by the 1st Amendment (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights. However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to judicial review.

31-B

Tenth Schedule	Provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection. This schedule was added by the 52 nd Amendment Act of <u>1985</u> , also known as <u>Anti-defection Law</u> .	102 and 191
Eleventh Schedule	Specifies the powers, authority and responsibilities of Panchayats. It has 29 matters. This schedule was added by the <u>73rd</u> Amendment Act of 1992.	243-G
	Specifies the powers, authority and responsibilities of	

12 -
 Sch =)
74th / 1992
muncip.

<i>Parts</i>	<i>Subject Matter</i>	<i>Articles Covered</i>
I	The Union and its territory	1 to 4
II	Citizenship	5 to 11
III	Fundamental Rights	12 to 35
IV	Directive Principles of State Policy	36 to 51
IV-A	Fundamental Duties	51-A
V	The Union Government	52 to 151
	Chapter I – The Executive	52 to 78
	Chapter II – Parliament	79 to 122
	Chapter III – Legislative Powers of President	123
	Chapter IV – The Union Judiciary	124 to 147
	Chapter V – Comptroller and Auditor-General of India	148 to 151

Parts \Rightarrow 22

\rightarrow 25

Art. \Rightarrow 395

\rightarrow 448
(Approx)

VI	The State Governments	152 to 237
	Chapter I – General	152
	Chapter II – The Executive	153 to 167
	Chapter III – The State Legislature	168 to 212
	Chapter IV – Legislative Powers of Governor	213
	Chapter V – The High Courts	214 to 232
	Chapter VI – Subordinate Courts	233 to 237
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VII	The States in Part B of the First Schedule (deleted)	(deleted)
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IX-A	The Municipalities	243-P to 243-ZG
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X	The Scheduled and Tribal Areas	244 to 244-A
XI	Relations between the Union and the States	245 to 263
	Chapter I – Legislative Relations	245 to 255
	Chapter II – Administrative Relations	256 to 263

XI	Relations between the Union and the States	245 to 263
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XII	Finance, Property, Contracts and Suits	264 to 300-A
	Chapter I – Finance	264 to 291
	Chapter II – Borrowing	292 to 293
	Chapter III – Property, Contracts, Rights, Liabilities, Obligations and Suits	294 to 300
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