



INDIAN POLITY BY-SUJEET BAJPAI SIR



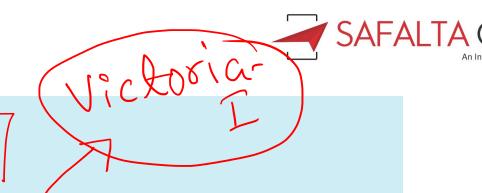




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Act

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BRITISH RULE IN INDIA



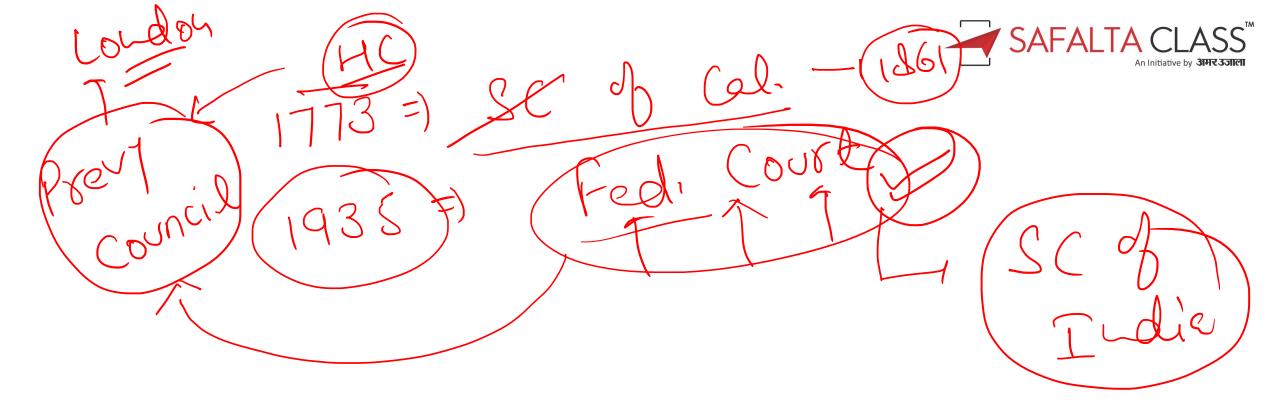
THE COMPANY RULE 1773-1858

- VI. REGULATING ACT OF 1773
- 2. PITT'S INDIA ACT OF 1784
- 3. CHARTER ACT OF 1833
- 4. CHARTER ACT OF 1853

charter-1813 China

THE CROWN RULE 1858-1947

- 1. GOVERNMENT OF INDIA ACT 1858
- 2. INDIA COUNCIL ACT OF 1861
- 3. INDIA COUNCIL ACT OF 1892
- 4. INDIA COUNCIL ACT OF 1909
- 5. GOVERNMENT OF INDIA ACT OF 1919
- GOVERNMENT OF INDIA ACT OF 1935.
- 7. INDIAN INDEPENDENCE ACT OF 1947.



The Company Rule (1773–1858)



Regulating Act of 1773

1. It designated the Governor of Bengal as the 'Governor-General of Bengal'. The first such Governor-General was Lord Warren Hastings.



2. It made the governors of Bombay and Madras presidencies subordinate to the governor-general of Bengal, unlike earlier, when the three presidencies were independent of one another.

3. It provided for the establishment of a Supreme Court at Calcutta (1774) comprising one chief justice and three other judges.



Pitt's India Act of 1784

In a bid to rectify the defects of the Regulating Act of 1773, the British Parliament passed the Amending Act of 1781, also known as the Act of Settlement. The next important act was the Pitt's India Act of 1784.



It allowed the Court of Directors to manage the commercial affairs but created a new body called Board of Control to manage the political affairs. Thus, it established a system of double government.



2. Thus, the act was significant for two reasons: first, the Company's territories in India were for the first time called the 'British possessions in India'.



Charter Act of 1833

1. It made the Governor-General of Bengal as the Governor-General of India and vested in him all civil and military powers.



Thus, the act created, for the first time, a Government of India having authority over the entire territorial area possessed by the British in India.

Lord William Bentick was the first governorgeneral of India.



- 2.It ended the activities of the East India Company as a commercial body, which became a purely administrative body.
- 3. The Charter Act of 1833 attempted to introduce a system of open competition for selection of civil servants, and stated that the Indians should not be debarred from holding any place, office and employment under the Company. However, this provision was negated after opposition from the Court of Directors.



Charter Act of 1853

This was the last of the series of Charter Acts passed by the British Parliament between 1793 and 1853. It was a significant constitutional landmark.



It extended the Company's rule and allowed it to retain the possession of Indian territories on trust for the British Crown. But, it did not specify any particular period, unlike the previous Charters. This was a clear indication that the Company's rule could be terminated at any time the Parliament liked.



The Crown Rule (1858–1947)



Government of India Act of 1858

This significant Act was enacted in the wake of the Revolt of 1857—also known as the First War of Independence or the 'sepoy mutiny'.



The act known as the Act for the Good Government of India, abolished the East India Company, and transferred the powers of government, territories and revenues to the British Crown.



1.It changed the designation of the Governor-General of India to that of Viceroy of India. He (viceroy) was the direct representative of the British Crown in India. Lord Canning thus became the first Viceroy of India.



2.It ended the system of double government by abolishing the Board of Control and Court of Directors.

3. It created a new office, Secretary of State for India, vested with complete authority and control over Indian administration. The secretary of state was a member of the British cabinet and was responsible ultimately to the British Parliament.



4. It established a 15-member Council of India to assist the secretary of state for India. The council was an advisory body. The secretary of state was made the chairman of the council.



Indian Councils Act of 1861

1. It made a beginning of representative institutions by associating Indians with the law-making process. It thus provided that the viceroy should nominate some Indians as non-official members of his expanded council.



In 1862, Lord Canning, the then viceroy, nominated three Indians to his legislative council—the Raja of Benaras, the Maharaja of Patiala and Sir Dinkar Rao.



2. It initiated the process of decentralisation by restoring the legislative powers to the Bombay and Madras Presidencies. It thus reversed the centralising tendency that started from the Regulating Act of 1773 and reached its climax under the Charter Act of 1833. This policy of legislative devolution resulted in the grant of almost complete internal autonomy to the provinces in 1937.



3.It also gave a recognition to the 'portfolio' system, introduced by Lord Canning in 1859. Under this, a member of the viceroy's council was made in-charge of one or more departments of the government and was authorised to issue final orders on behalf of the council on matters of his department(s).



4. It empowered the Viceroy to issue ordinances, without the concurrence of the legislative council, during an emergency. The life of such an ordinance was six months.



Indian Councils Act of 1892

It increased the functions of legislative councils and gave them the power of discussing the budget5 and addressing questions to the executive.



Indian Councils Act of 1909

1.

It retained official majority in the Central Legislative Council but allowed the provincial legislative councils to have non-official majority.



It enlarged the deliberative functions of the legislative councils at both the levels. For example, members were allowed to ask supplementary questions, move resolutions on the budget, and so on.



It provided (for the first time) for the association of Indians with the executive Councils of the viceroy and Governors. Satyendra Prasad Sinha became the first Indian to join the viceroy's Executive Council. He was appointed as the law member.



It introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'. Under this, the Muslim members were to be elected only by Muslim voters. Thus, the Act 'legalised communalism' and Lord Minto came to be known as the Father of Communal Electorate.



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).



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.



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.



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.



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



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.



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.



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.



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.



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.



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.



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.



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





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.



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.



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.



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.



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

7.

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



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.



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



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THE MAKING OF INDIA'S CONSTITUTION







Aug. 29, 1947

Drafting

Committee appointed

Nov. 26, 1949

Drafting completed

Jan. 24, 1950

The handwritten Constitution signed

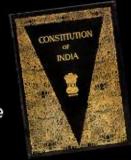
Dec. 11, 1946
Dr Rajendra
Prasad elected as
its President

Nov. 4, 1947

Draft constitution submitted Jan. 26, 1950 Constitution legally enforced

2 YEARS, 11 MONTHS, 18 DAYS

Time taken to prepare the final draft



2000

Amendments made before it was finalised

NEWS Creative









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.

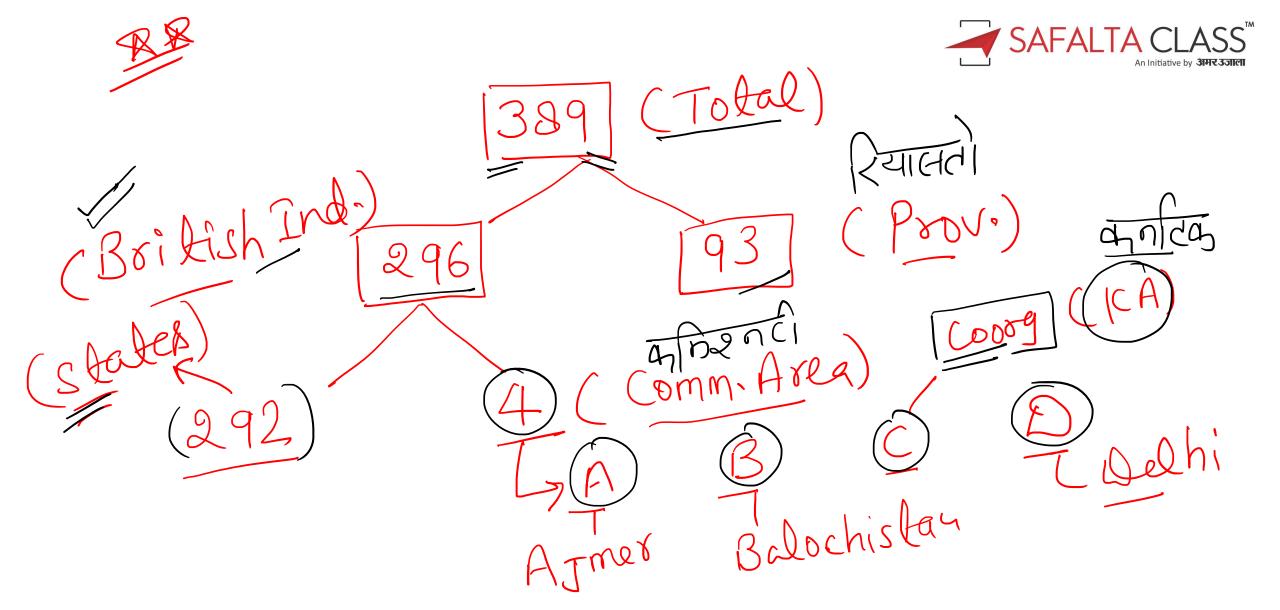
The demand was finally accepted in principle by the British Government in what is known as the 'August Offer' of 1940.

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 Mission1 was sent to India. While it rejected the idea of two Constituent Assemblies, it put forth a scheme for the Constituent Assembly.





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:



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.



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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.



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



Sl.No.	Name of the Party	Seats won
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

Sl. No.	Members	Portfolios Held
1.	Jawaharlal Nehru	Prime Minister; External Affairs & Commonwealth Relations; Scientific Research
2.	Sardar Vallabhbhai Patel	Home, Information & Broadcasting; States
3.	Dr. Rajendra Prasad	Food & Agriculture
4.	Maulana Abul Kalam Azad	Education
5.	Dr. John Mathai	Railways & Transport
6.	R.K. Shanmugham Chetty	Finance
7.	Dr. B.R. Ambedkar	Law
8.	Jagjivan Ram	Labour
9.	Sardar Baldev Singh	Defence

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10.	Raj Kumari Amriť Kaur	Health
11.	C.H. Bhabha	Commerce
12.	Rafi Ahmed Kidwai	Communication
13.	Dr. Shyam Prasad Mukherji	Industries & Supplies
14.	V.N. Gadgil	Works, Mines & Power



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भारतीय संविधान सभा में शामिल महिला सदस्य AFALTA CLASS™



1. विजयलक्ष्मी पंडित	9. कमला चौधरी
2. राजकुमारी अमृत कौर	10. रेणुका रॉय
3. सरोजिनी नायडू	11. मालती चौधरी
4. सुचेता कृपलानी	12. दक्षयानी वेलायुदन
5. पूर्णिमा बनर्जी	13. बेगम एजाज रसूल
6. लीला राय	14. ऐनी मस्करीनी
7. जी दुर्गाबाई	15. अम्मू स्वामीनाथन
8. हंसा मेहता	







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



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:

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.

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





- 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.





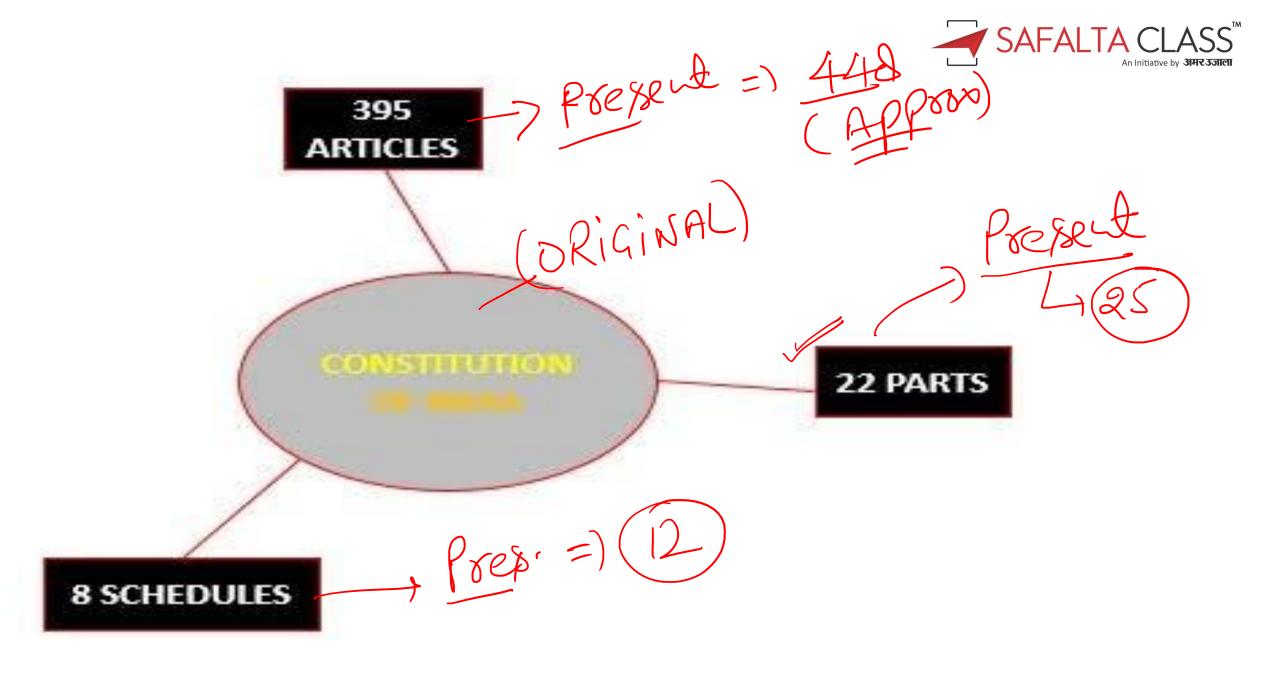
- 1. Dr B R Ambedkar (Chairman)
- 2. N Gopalaswamy Ayyangar
- 3. Alladi Krishnaswamy Ayyar
- 4. Dr K M Munshi



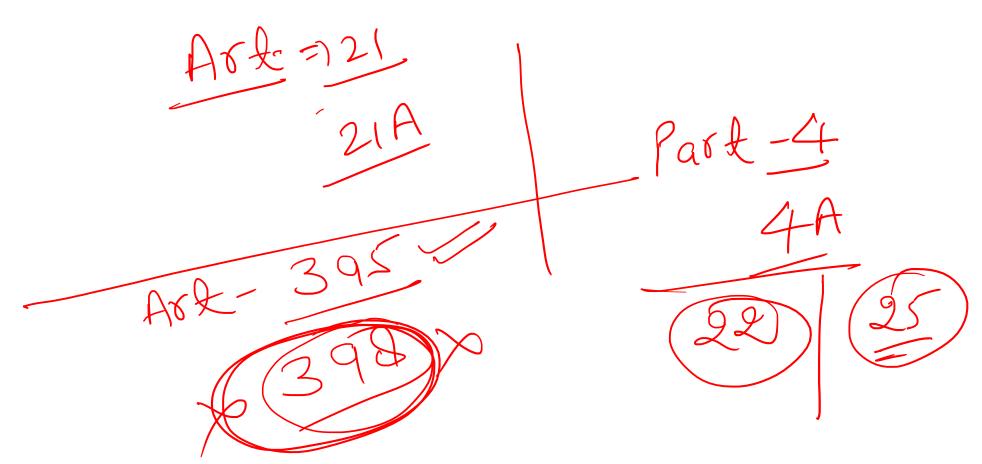
5. Syed Mohammad Saadullah



- 6. N Madhava Rau (He replaced B L Mitter who resigned due to ill-health)
- 7. TT Krishnamachari (He replaced DP Khaitan who died in 1948)







Sessions	Period 3 0000 3
First Session	9–23 December, 1946
Second Session	20 –25 January, 1947 \longrightarrow 22 Jay 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 14–26 November, 1949 R G
Eleventh Session	14–26 November 1949



Z	Sources	Features Borrowed
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 inter- course, 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	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	
	The President of India		
	2. The Governors of States		
	 The Speaker and the Deputy Speaker of the Lok Sabha 		
	4. The Chairman and the Deputy Chairman of the Rajya Sabha		
	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		





	9. The Comptroller and Auditor-General of India	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 Allocation of seats in the Rajya Sabha to the states and Schedule the union territories.		4 and 80
Fifth Provisions relating to the administration and control of Schedule scheduled areas and scheduled tribes.		244
in the states of Assam Meghalaya Trinura and		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

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 Schedule 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



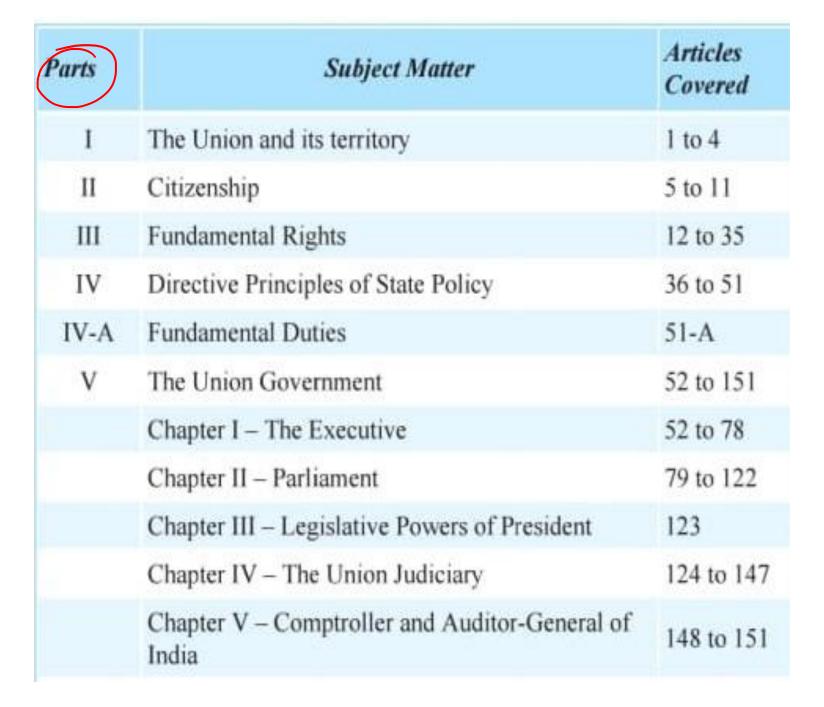
Ninth Schedule

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 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 1985, also known as Anti-defection Law.	
Eleventh Schedule	Specifies the powers, authority and responsibilities of Panchayats. It has 29 matters. This schedule was added by the 73 rd Amendment Act of 1992.	243-G
	Specifies the powers, authority and responsibilities of	







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
		238



VII	The States in Part B of the First Schedule (deleted)	(deleted)
VIII	The Union Territories	239 to 242
IX	The Panchayats	243 to 243- 0
IX-A	The Municipalities	243-P to 243-ZG
IX-B	The Co-operative Societies	243-ZH to 243-ZT
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

		(8/5)	SAFALTA CLASS™
XI	Relations between the Union and the States	245 to 263	An Initiative by अमरउजाला
	Chapter I – Legislative Relations	245 to 255	
	Chapter II - Administrative Relations	256 to 263	
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	
	Chapter IV - Right to Property	300-A	
XIII	Trade, Commerce and Intercourse within the Territory of India	301 to 307	
XIV	Services under the Union and the States	308 to 323	
	Chapter I – Services	308 to 314	
	Chapter II - Public Service Commissions	315 to 323	
		323-A to	



XIV-A	Tribunals	323-B
XV	Elections	324 to 329- A
XVI	Special Provisions relating to Certain Classes	330 to 342
XVII	Official Language	343 to 351
	Chapter I – Language of the Union	343 to 344
	Chapter II - Regional Languages	345 to 347
	Chapter III—Language of the Supreme Court, High Courts, and so on	348 to 349
	Chapter IV—Special Directives	350 to 351



XVIII	Emergency Provisions	352 to 360
XIX	Miscellaneous	361 to 367
XX	Amendment of the Constitution	368
XXI	Temporary, Transitional and Special Provisions	369 to 392
XXII	Short title, Commencement, Authoritative Text in Hindi and Repeals	393 to 395