

A woman with long dark hair is looking down at a smartphone she is holding. The entire image is covered with a semi-transparent blue overlay. The background is slightly blurred, showing what appears to be an indoor setting with some plants.

“INDIAN POLITY AND CONSTITUTION”

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WHAT IS POLITY?

- Any group run by Politics is called Polity.
- It is a group of people who are collectively united and form an institutional hierarchy.

Political Science

- Study of City or State.
- Derived from greek word “*Polis*” and “*Scire*”
 - *Polis* → *State or City*
 - *Scire* → *Science*
- It is a systematic and scientific study or analysis of Political activity and behaviour
- Politics: The activities concerned with winning or holding control over Govt.

WHAT IS A CONSTITUTION?

“It is a body or a document which consists of certain fundamental rules and principles that all persons in a country can agree upon as the basis of the way in which they want the country to be governed.”



TYPES OF CONSTITUTION

Written

- Codified in a logical manner
- Single document by a single group of body
- Eg: India, USA

Unwritten

- Codified in a chronological manner.
- Evolved in due course of time
- Eg: United Kingdom, Canada

PURPOSE

- Nature of a country:
 - Lays out certain ideals that forms the basis of the kind of country that we as citizens aspire to live in.
 - Defines the nature of a country's political system.
- Goals of the nations:
 - Constitution of the country is a source that captures the goals of the country whether it be growing in the sector of Industries or making the land where every person and group gets some sort of privilege. These goals have pioneer importance in the build-up of a nation
- Guarantee rights to Groups and Individuals:
 - Rights and Regulations are two provisions that are given to the people of the nation. These rights are the only reason why there exists peace and harmony in the state of a nation. These rights cover several aspects of saving people for the curse of racism and nationalism to stopping the bullying that is done to people of other castes and creeds.
 - The constitution gives the right to speak so that every being in a country has a voice and he or she can speak up on any topic which they think they deserve justice.

PURPOSE

- Control over government:
 - Point out the borderline of how much power the government has in its grasps.
- Build a common purpose:
 - Making the nation with millions and millions of people working on a certain goal or objective is not as simple as it sounds. The constitution makes things easier for all of us by making a common purpose for all mankind.
- Wider settings:
 - The constitution also serves various purposes other than as specific as the other five from the start. It is very rooted documentation that covers too many topics and aspects of a nation like the legal system and the political culture of the country.
 - The constitution helps to make the efforts of the public and political parties reach out to each other so that they can develop a better understanding among themselves and will result in a far greater communication of wit.

POPULARITY VS DEFUNCT

Popular Constitution

- Countries like India, USA and South Africa has a very popular constitution it was created in the aftermath of popular national movements and crafted by popular leaders who had the ability to take people forward with them and were highly credible
- For e.g.: Nehru, Ambedkar, Mandela, etc

Defunct Constitution

- Crafted by military leaders (Junta rule of Myanmar)
- Crafted by leaders who are not popular (South American countries)
- Crafted by the leaders who do not have the ability to carry the people with them (Nepal)

HISTORY

- The British came to India in 1600 as traders, in the form of East India Company, which had the exclusive right of trading in India under a charter granted by Queen Elizabeth I.
- In 1765, the Company, which till now had purely trading functions obtained the '*diwani*' (i.e., rights over revenue and civil justice) of Bengal, Bihar and Orissa.
- In 1858, in the wake of the 'sepoy mutiny', the British Crown assumed direct responsibility for the governance of India. This rule continued until India was granted independence on August 15, 1947.



CONSTITUTION OF INDIA

- With Independence came the need for a Constitution.
- Hence, a Constituent Assembly was formed for this purpose in 1946 and on January 26, 1950, the Constitution came into being.
- However, various features of the Indian Constitution and polity have their roots in the British rule.
- There were certain events in the British rule that laid down the legal framework for the organization and functioning of government and administration in British India.
- These events have greatly influenced our constitution and polity. They are explained here in a chronological order under two major headings :
 1. The Company Rule (1773 – 1858)
 2. The Crown Rule (1858 – 1947)



THE COMPANY RULE (1773–1858)

1. Regulating Act of 1773

This act was of great constitutional importance as

- i. It was the first step taken by the British Government to control and regulate the affairs of the East India Company in India;
- ii. It recognized, for the first time, the political and administrative functions of the Company;
- iii. It laid the foundations of central administration in India.

➤ Features

- i. It designated the Governor of Bengal as the 'Governor-General of Bengal' and created an Executive Council of four members to assist him. The first such Governor General was Lord Warren Hastings.
- ii. 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.
- iii. It provided for the establishment of a Supreme Court at Calcutta (1774) comprising one chief justice and three other judges.

THE COMPANY RULE (1773–1858)

❑ Pitt's India Act of 1784

➤ Features

- i. It distinguished between the commercial and political functions of the Company.
- ii. 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.
- iii. It empowered the Board of Control to supervise and direct all operations of the civil and military government or revenues of the British possessions in India.

❑ Act of 1786

- In 1786, Lord Cornwallis was appointed as the Governor-General of Bengal. He placed two demands to accept that post
- i. He should be given power to override the decision of his council in special cases.
 - ii. He would also be the Commander-in-Chief.

THE COMPANY RULE (1773–1858)

❑ Charter Act of 1793

➤ Features:

- i. It gave the Governor-General more powers and control over the governments of the subordinate Presidencies of Bombay and Madras.
- ii. It extended the trade monopoly of the Company in India for another period of twenty years.
- iii. It provided that the Commander-in-Chief was not to be a member of the Governor-General's council, unless he was so appointed.
- iv. The Board of Control and their staff were, henceforth, to be paid out of the Indian revenues.

THE COMPANY RULE (1773–1858)

❑ Charter Act of 1813

➤ Features:

- i. It abolished the trade monopoly of the company in India i.e., the Indian trade was thrown open to all British merchants. However, it continued the monopoly of the company over trade in tea and trade with China.
- ii. It asserted the sovereignty of the British Crown over the Company's territories in India.
- iii. It allowed the Christian missionaries to come to India for the purpose of enlightening the people.
- iv. It provided for the spread of western education among the inhabitants of the British territories in India.
- v. It authorized the Local Governments in India to impose taxes on persons. They could also punish the persons for not paying taxes.

THE COMPANY RULE (1773–1858)

❑ Charter Act of 1833

➤ Features:

- i. 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, Government of India having authority over the entire territorial area possessed by the British in India. Lord William Bentick was the first Governor-General of India.
- ii. It deprived the Governor of Bombay and Madras of their legislative powers. The Governor-General of India was given exclusive legislative powers for the entire British India.
- iii. It ended the activities of the East India Company as a commercial body, which became a purely administrative body.

THE COMPANY RULE (1773–1858)

❑ Charter Act of 1853

➤ Features:

- i. It separated, for the first time, the legislative and executive functions of the Governor-General's council. It established a separate Governor-General's legislative council which came to be known as the Indian (Central) Legislative Council. This legislative wing of the council functioned as a mini-Parliament, adopting the same procedures as the British Parliament.
- ii. It introduced an open competition system of selection and recruitment of civil servants. The covenanted civil service was, thus, thrown open to the Indians also.
- iii. It extended the Company's rule and allowed it to retain the possession of Indian territories on trust for the British Crown.

THE CROWN RULE (1858-1947)



Government of India Act of 1858

➤ Enacted in the wake of the Revolt of 1857.

- i. It provided that India, henceforth, was to be governed by, and in the name of, Her Majesty. 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.
- ii. It ended the system of double Government by abolishing the Board of Control and Court of Directors.
- iii. 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.
- iv. 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.

THE CROWN RULE (1858-1947)

- ❑ After the great revolt of 1857, the British Government felt the necessity of seeking the cooperation of the Indians in the administration of their country. In pursuance of this policy of association, three acts were enacted by the British Parliament in 1861, 1892 and 1909.
- ❑ Indian Councils Act of 1909
 - Also known as Morley-Minto Reforms (Lord Morley was the then Secretary of State for India and Lord Minto was the then Viceroy of India).
 - i. 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.
 - ii. 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 'legalized communalism' and Lord Minto came to be known as the Father of Communal Electorate.

THE CROWN RULE (1858-1947)

- ❑ Government of India Act 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 further divided the provincial subjects into two parts– transferred and reserved. The transferred subjects (councillors and the ministers) were to be administered by the Governor with the aid of Ministers responsible to the legislative council. The reserved subjects(law and order and included justice, the police, land revenue, and irrigation.), 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 diarche which means double rule.
 - It introduced, for the first time, bicameralism and direct elections in the country.
 - 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.

THE CROWN RULE (1858-1947)

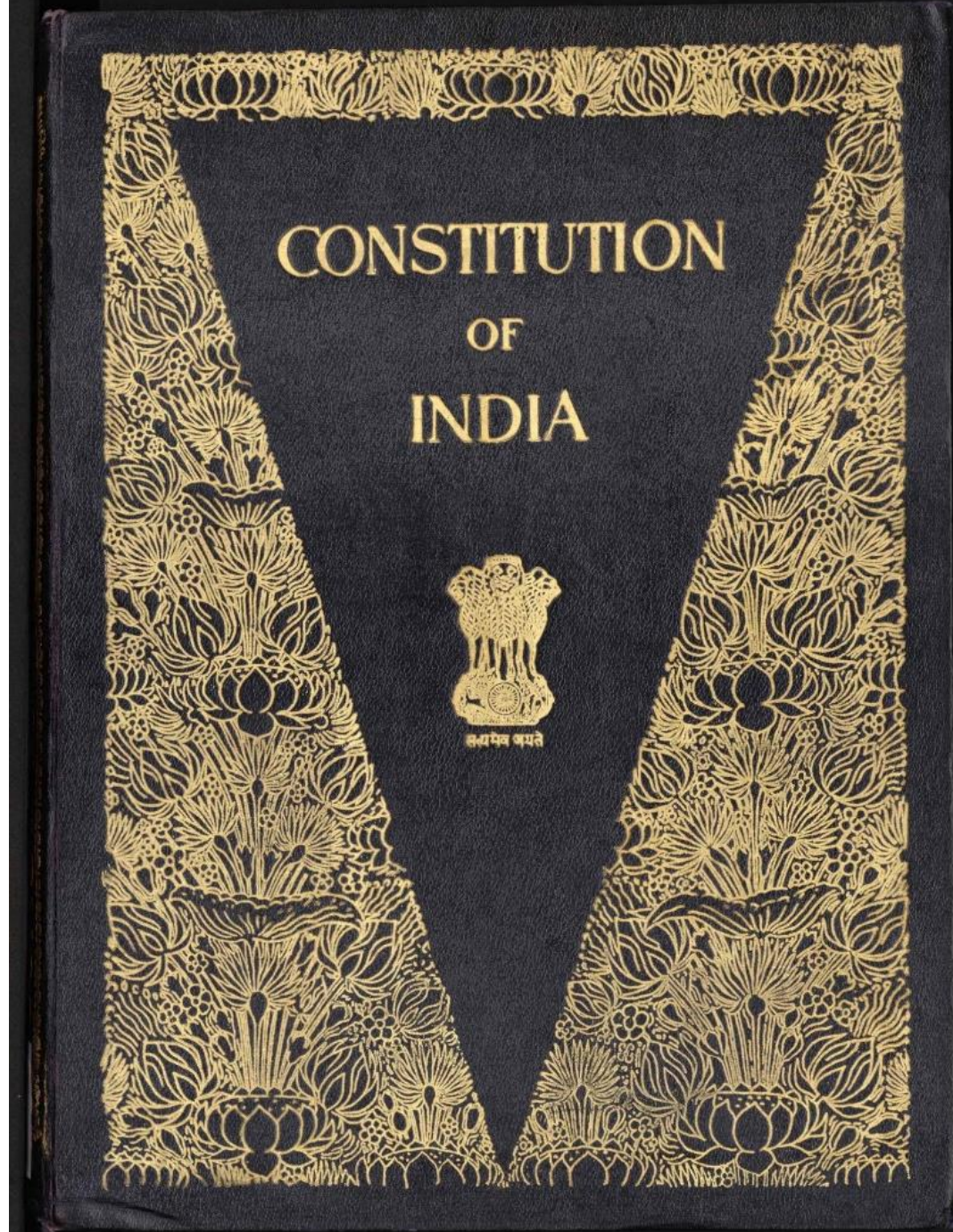
❑ Government of India Act, 1935

➤ Second milestone towards a completely responsible government in India

- i. It abolished dyarchy in the provinces and introduced 'provincial autonomy' in its place
- ii. It introduced bicameralism in six out of eleven provinces. Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (upper house) and a legislative assembly (lower house).
- iii. It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.
- iv. 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.
- v. It provided for the establishment of a Federal Court, which was set up in 1937.

MAKING OF THE CONSTITUTION

- The first attempt to frame a constitution was taken up by a committee under the chairmanship of Motilal Nehru in 1928.
- “*Nehru Report*” was rejected by Jawaharlal Nehru in the INC session of 1929 in Lahore as the report mentioned India being a dominion of Britain.
- Idea of a Constituent Assembly to frame a constitution for India was first proposed by M.N. Roy in 1934.
- In order to make the constitution, a **Constituent Assembly** was made, which comprised of **389 members**, out of which **296** represented British India. Remaining **93** were allotted to the ***Princely States***, which remained empty as they decided to stay away from the assembly.
- The Constituent Assembly held its first meeting on **9th December 1946**. Muslim League boycotted this meeting, hence was attended by only **211 members**.



MAKING OF THE CONSTITUTION

- J.L. Nehru moved the *Objective Resolution* on 13th December 1946.
- Dr. Sachchidananda Sinha was elected as the president on 9th December, while on 11th December, Dr. Rajendra Prasad was elected as the president.
- B.N. Rao was appointed as the constituent advisor to the committee
- It took **2 years 11 months and 18 days** to make the constitution.



Jawaharlal Nehru presenting the Objective Resolution

MAKING OF THE CONSTITUTION

- Responsibility to draft the Constitutional document was with the *Drafting Committee*. Its members were:
 1. Dr. B.R. Ambedkar, Chairman
 2. N. Gopalaswami Iyengar
 3. Alladi Krishnaswami Aiyer
 4. K.M. Munshi
 5. Syed Muhammed Saadullah
 6. N. Madhav Rao (in place of B.L. Mitra)
 7. D.P. Khaitan (replaced by T. Krishnamachari after Khaitan's death in 1948)
- The Drafting Committee took less than **6 months** to prepare draft of the constitution
- Provisions relating to citizenship, elections and provisional Parliament was implemented immediately.
- Rest of the provisions came into force on **26th January 1950**.
- 26th January was chosen in order to commemorate the Poorna Swaraj declaration of independence on 26th January 1930.

THANK YOU!!!!