

Constitution of INDIA

The idea to have a Constitution was given by MN Roy.

Objective of the constitution is to evolve political culture-based-values enshrined in the constitution - guided by the institutions established under the constitution.

Features - INDIAN POLITY or CONSTITUTION

The constitutional set-up in the preceding periods, modern political institutions - originated and developed - INDIA - during the British rule - origin and growth of the Indian Constitution - in the British period.

The Company Rule (1773-1857)

The Regulating Act, 1773

To regulate and control - East India Company by British Government.

designated the Governor of Bengal - Governor-General of Bengal - who has the authority over -

Presidencies of Madras,

Bombay

&

Calcutta

Governor-General was Warren Hastings

A Supreme Court - established in Calcutta.

Sir Elijah Impey - First Chief Justice

prohibited - servants of the company - engage in any private trade - accept presents - bribes from natives.

Pitt's INDIA Act, 1784

provided - Board of Control - 6 members (2 British Cabinet - remaining - Privy Council).

to guide - supervise - affairs of the company in INDIA

Court of directors - to manage the trade and commerce related issues only.

Charter Act, 1793

Salaries for - staff and members - Board of Control to be paid - Indian revenue.

Charter Act, 1813

Ended East India Company's - of trade with INDIA - provided Rs. 1 lakh - for education in INDIA.

The Company's - in trade with China - trade in tea - remained intact.

Charter Act, 1833

Governor-General of Bengal was - Governor - General of INDIA.

First-Governor - Lord William Bentick, 2

All legislative, administrative and financial powers - handed to Governor-General in Council. Deprived - Governor of Bombay - Madras presidencies - legislative powers.

Fourth member - added as a law member.

Law Commission - Lord Macaulay - constituted - codification of laws.

The company - no more a trading body but - become political - administrative body.

Charter Act, 1853

separate - Governor for Bengal - to be appointed. legislative and Executive functions - Governor - General's Council - separated.

Open competition - selection and recruitment - Civil servants was introduced - Civil Service was open to Indian.

Number of members - Court of Directors - reduced from 24 to 18 - 6 were - nominated by the Crown.

Extended - Company's rule - allowed - to retain the possession - Indian territories - British Crown without specifying - particular period.

Introduced - first time, local representation in the Indian (Central) Legislative Council.

The Crown Rule

(1857-1947)

Government of India Act, 1858

power - transferred from - Company to the British Crown.

Court of Directors - Board of Control - abolished -

ending the system of double government.

post of Secretary of State - established. 15 member

Council - established to assist him. Secretary of

State - Member of British Cabinet - answerable to

British Parliament.

Governor-General - made - Viceroy of India.

Lord Canning - first Viceroy of INDIA.

Unitary, rigid and centralized administrative -

created.

Indian Councils Act, 1861

Fifth member - added to - Viceroy's Executive Council.

Sixth member - added - 1884. Viceroy could -

nominate some Indians - non-official members

- Council. 1862, three Indians - nominated to the Council.

beginning of representative institutions - associating³
Indians - law making process.

Executive Council - expanded - addition of 6 to 12.
members - legislative purpose.

Portfolio system - introduced by Lord Canning - 1859 -
given recognition - work could be distributed among
the members. Viceroy - given - power to issue
ordinances.

Decentralisation process - started - restoring the
legislative powers to Bombay
and
Madras presidencies.

Indian Councils Act, 1892

First time - allowing discussion of budget.

election in INDIA.

Majority - official members - retained in central
legislative councils, non official members - nominated
- Bengal chamber of Commerce - Provincial legislative
councils.

Indian Councils Act, 1909

(Morley Minto Reforms)

Lord Morley - Secretary of State of INDIA - Lord Minto

Viceroy of INDIA - announced - reforms in the British Parliament.

Members of the Legislative Council - could ask - supplementary questions

discuss bills - move resolutions on financial statements - so on.

The Legislative Councils - both at - Centre (16 to 60) and - provinces - expanded.

retained official majority - Central Legislative Council - but allowed - the Provincial Legislative Council - non-official majority.

Communal - introduced - Muslims - given separate electorates - based on religious grounds.

Satyendra Prasad Sinha

first Indian - join the Viceroy's Executive Council.

The Government of India Act, 1919

(Montagu - Chelmsford reforms)

Samuel Montagu - secretary of state for India

Lord Chelmsford - Viceroy of INDIA - prepared report -

self-governing institutions in INDIA.

Central control - provinces - separating - central and provincial subjects.

powers - the Secretary of State - reduced.

4

Required - three of the six members - Viceroy's Executive Council were to be INDIAN.

Direct elections - introduced - first time in the country.

The Central Legislature - have a Bicameral Legislature - first time.

Dyarchy system - introduced - provinces, administration - divided into two categories. reserved and transferred.

Transferred - administered by the Governor - with the help of ministers - responsible to Legislature.

Reserved - were administered by the Governor - with his Executive Council - without any responsibility - Legislative Council.

separated electorates - Sikhs,
Indian Christians,
Anglo-Indians and Europeans.

Simon Commission

1927 - Inquire - Working of the Act, 1919. under

Chairmanship - John Simon, placed - report - 1930.

examined by - British Parliament.

Government of India Act, 1935

Dyarchy - abolished - provinces - introduced - federal level . division - three lists .

Federal (59 items)

Provincial (54 items)

Concurrent (36 items)

Residuary powers - given to - viceroys .

All India Federation - consisting - British provinces and Princely states . Federation did not come into effect - because the Indian Princely states had not joined the federation .

Introduced - Bicameralism - 6 out of 11 provinces .

Federal Legislature - two chambers . The Council of State - permanent body - one ^{third} of its members - retiring every 2 years .

Governor - given powers - use - discretion in certain matters . provided for a federal court .

separate electorates - for depressed classes ,

Women

2

labour .

RBI - to control - currency - credit of the country .

Federal Public Service Commission - Joint Public Service Commission - two or more provinces.

Cripps Mission, 1942

Dominion status - proposed - Constitution of INDIA - made - an assembly - members - were to be elected - provincial assemblies - nominated - princely states.

Province of Indian states - not - to accept the Constitution British Baluchistan.

93 seats - reserved for princely states - remained - unfilled as they stayed away from the Constituent Assembly.

The Constituent Assembly - held - first meeting on - 9th December, 1946 - reassembled - 14th August, 1947 - as the sovereign Constituent Assembly for the domination of INDIA.

2 years, 11 months and 18 days - finalise the constitution - first session of the Constituent Assembly - December, 1946.

Pandit Jawaharlal Nehru - adopted - considerable deliberation and debate in the assembly -

22nd January, 1947.

Dr. Sachidanand Sinha - first President - (temporary)
Constituent Assembly - 9th Dec, 1946.

Dr. Rajendra Prasad

H.C. Mukherjee - elected as the President and
Vice-Presidents of the assembly.

Sir B.N. Rau - appointed as the constitutional
adviser of the Assembly.

Seats - allotted to - each province - each Princely
states - proportional to their respective
population - in the ratio of - one to a million.

The seats - each province - distributed b/w
Muslims,
Sikhs and General - proportion to their respective
population.

Members - Constituent Assembly - elected by members
of that community - Provincial Assemblies - by
the method - proportional representation with
single transferable vote.

On 26th Nov, 1949 - third and final reading of draft
(completed) - Constitution was declared as passed.

Provisions - relating to - citizenship,

elections & provisional Parliament

- implemented - immediate effect. 26th Nov, 1949.⁶
rest of the provisions - came into force - 26th Jan, 1950.

Committees of the Constituent Assembly

Constituent Assembly - appointed - no of committees -
deal with diff tasks of constitution making.

Drafting Committee

The Constituent Assembly - appointed - a Drafting
Committee - 29th Aug, 1947.

Dr BR Ambedkar - was the chairman of the drafting
committee - submitted first draft of constitution
of INDIA to the President of the Assembly - 21st Feb
1948 - second draft - Oct 1948.

Enactment of the Constitution

26th Nov, 1949, constitution was adopted, containing -
Preamble - 395 Articles,
22 Parts
2
8 Schedules.

Constitution - undergone - 103 Amendments in the 70
years - Constitution - consists of a Preamble,

25 Parts,
448 Articles & 12 Schedules.

Enforcement of the Constitution

7

The constitution came into force - 26th Jan, 1950 - specifically chosen - date of commencement of the Constitution - because - this day in 1930 - the poorna swaraj day was celebrated - resolution was passed in Lahore session (1929) of INC.