

AHS2476– Indian Constitution

Unit-I - Introduction

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UNIT I

Introduction

Historical background – Government of India act – Indian councils act – Making of the constitution – Philosophy of the Indian constitution – Preamble.

Presentation Outline

- Indian Constitution
 - Historical background


Indian Constitution

- The document containing laws and rules which determine and describe the form of the government, the relationship between the citizens and the government, is called a **Constitution**

Need for Constitution


- I. We need a constitution to govern a country properly.
- II. The constitution defines the nature of political system of a country.

Indian Constitution

- In a democracy, the Constitution is a sacred text for the Government - It lays a strong foundation for a parliamentary democracy to function.
 - The Constitution is the supreme law of a Nation
 - India is the largest democracy in the world
 - Ever evolving, the Constitution of India is dynamic and adapts itself to changing times, to address the changing needs and requirements of a developing nation.
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Historical Evolution of the Indian Constitution

There are various layers in the background of the Indian Constitution:

- Regulating Act 1773
 - Pitt's India Act 1784
 - Charter Act of 1813
 - Charter Act of 1833
 - Charter Act of 1853
 - Government of India Act 1858
 - Indian Councils Act 1861
 - India Councils Act 1892
 - Morley-Minto Reforms 1909
 - Montague-Chelmsford Reforms 1919
 - Government of India Act 1935
 - Indian Independence Act 1947
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History of Constitution

Introduction

- The British company known as **English East India Company** came to India in 1600 AD as traders.
- The Company has **exclusive rights to trade** in India.
- In the year 1765, the East India Company obtained '**Diwani**' (Rights over revenue and civil justice) of Bengal, Bihar and Orissa.
- After the Sepoy mutiny in the year 1858, the British crown assumed direct responsibility for the governance of India.
- It continued up to August 15, 1947, after India is a free India. (India got independence)
- Before 1947, **India was divided into two main entities** --British India which consisted of 11 provinces; and The Princely states ruled by Indian princes under subsidiary alliance policy.
- The two entities merged together to form the **Indian Union**.

History of Constitution

Regulating Act of 1773


- ✓ Regulating Act of 1773 was the first step taken by the British Parliament to control and regulate the affairs of the East India Company in India.
- ✓ Prohibited company officials from engaging in private trade and from accepting gifts from Indians.
- ✓ It designated the Governor of Bengal (Fort William) as the Governor-General (of Bengal).
- ✓ Executive Council of the Governor-General was established (four members).
- ✓ Centralised the administration with the Presidencies of Madras and Bombay being made subordinate to the Bengal Presidency
- ✓ Supreme Court was established at Calcutta as the Apex Court in 1774.

History of Constitution

Pitt's India Act of 1784

- ✓ The commercial and political functions of the company separated.
- ✓ The company's territories in India were called 'the British possession in India'.

Charter Act of 1833

- ✓ Governor-General of Bengal became as the Governor-General of India
 - ✓ This was the final step towards centralization in British India.
 - ✓ The legislative powers of the Bombay and Madras Presidencies were removed.
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History of Constitution

Government of India Act of 1858

- ✓ After the 1857 revolt, the rule of the company was ended and the British possessions in India came directly under the British Crown.
- ✓ The Governor-General was made the Viceroy of India.

Indian Councils Act 1861

- ✓ Indians were given representation in the Viceroy's Councils. 3 Indians entered the Legislative Council.
- ✓ Provisions were made for the entry of Indians in the Viceroy's Executive council also as non-official members.
- ✓ Decentralisation initiated with the presidencies of Madras and Bombay being restored their legislative powers.

History of Constitution

Indian Councils Act 1892

- ✓ Legislative Councils expanded.
- ✓ Gave more functions to the legislative councils such as the discussion of budget and questioning the executive.

Indian Councils Act 1909

- ✓ Central Legislative Council became the Imperial Legislative Council.
- ✓ The number of members of the legislative council was increased from 16 to 60.
- ✓ For the first time, an Indian was made a member of the Viceroy's Executive Council. (Satyendra Prasad Sinha – Law Member).


History of Constitution

Government of India Act 1935

- An all-India Federation was proposed which would consist of British India and the princely states
- Diarchy was abolished
- This act provided for the establishment of the RBI.
- This Act continued until it was replaced by the new Indian Constitution


History of Constitution

Indian Independence Act of 1947

- Jawaharlal Nehru was sworn in as the first Prime Minister of India.
 - The Act ended the British rule and declared India as an independent and sovereign state from August 15, 1947.
 - It provided for the partition of the country into India and Pakistan.
 - The Act empowered the constituent assemblies to frame and adopt any constitution.
 - The Indian Independence Act granted freedom to the princely states either to join India or Pakistan or to remain independent.
 - An idea for a Constituent Assembly of India was proposed in 1934.
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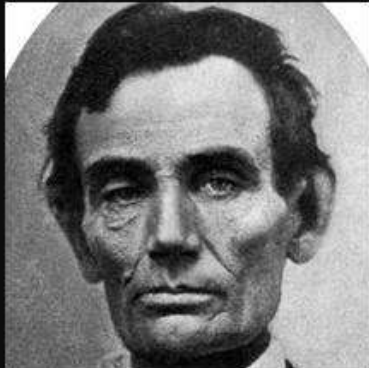
History of Constitution

Indian Independence Act of 1947

- The Constituent Assembly met for the first time in New Delhi on 9 December 1946 in the Constitution Hall which is now known as the Central Hall of Parliament House.
 - Dr. Rajendra Prasad became the President of the Constituent Assembly and Dr. Bhimrao Ambedkar became the Chairman of its drafting committee on December 11, 1946 .
 - The constitution was enforced with effect from January 26, 1950. From that day India became Republic of India.
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Discussion

- Democracy
- India is the largest democracy in the world
- Democratic India Vs other countries
- Today's situation - our democracy



Democracy is "government of,
by and for the people".

~ Abraham Lincoln

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