

18 Nov '20

Polity

①

* Constitutionalism :-

It is a concept of limited state, where in the powers, authority, functions and relations are pre-defined and the rights as well as duties of the governed and governors have been elaborated so that various organs and institutions ^{seldom} find themselves in a situation of conflict. If ^{ever} a conflict arises, the Constitution itself describes a mechanism to resolve it.

Note:- limited state → restrictions on the powers of state.

* Classification of Constitutions on the basis of nature:-

① Written Constitution

- 1) Codified
- 2) Parliament is a child of Constitution
- 3) Constitution is supreme.
- 4) There is a marked distinction between constitutional and statutory laws.
- 5) It exists in both federal and unitary system.
- 6) It can be both rigid or flexible.

Unwritten Consti.

- 1) Uncodified
- 2) Constitution is a child of Parliament
- 3) Parliament is supreme.
- 4) No such distinction is found, because every law becomes the part of Constitution itself.
- 5) It is necessary there is an unitary system.
- 6) It is always flexible.

(2)

Federal System

- 1) Dual citizenship
- 2) Written Constitution
- 3) Independent Judiciary
- 4) Supremacy of Constitution
- 5) Constitution is Rigid.
- 6) Legislature is bicameral

Unitary System

- 1) Single citizenship.
- 2) Written / Unwritten Constitution.
- 3) Integrated judiciary.
- 4) Supremacy of Parliament
- 5) Rigid / Flexible.
- 6) Can be bicameral / Unicameral.

(3)

Rigid Constitution

- 1) Difficult to amend.
- 2) ~~to~~ Consent of the states needed.

Flexible Constitution

- 1) Easy to amend.
- 2) Consent of states ^{not} needed.

★ Majorities required for specific amendments :-

1) Special majority

$\frac{2}{3}^{\text{rd}}$ of present and voting must agree

+
Must be greater than 50% of total strength.

2) Simple majority

More than 50 out of 100 agree, present and voting.

3) Absolute majority - Not less than 50/100 of total strength

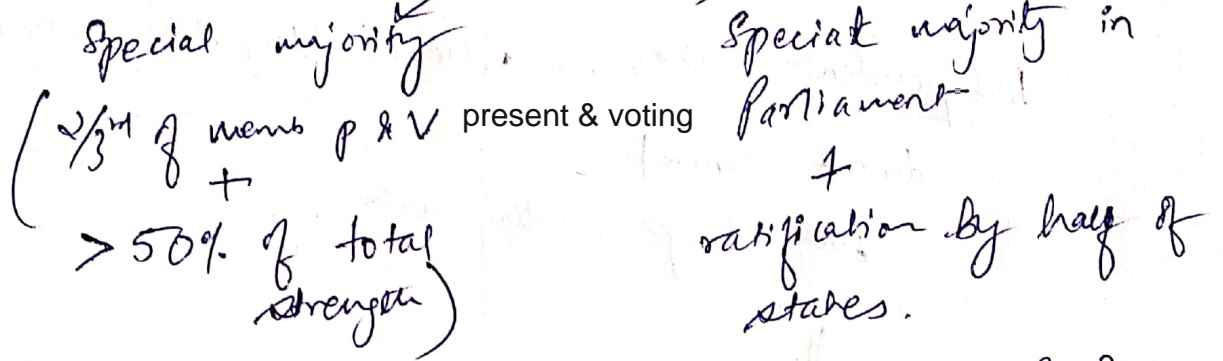
4)

③

Effective majority

- Not less than 50/100 of the members of the house.

★ Article 368 → 2 types of majority to amend Constitution



Note:- Article 4 says, changes done under Art. 2 & 3, are not considered as amendments, as per article 368.

★ Historical Background :-

John Seeley said, Polity without Hist has no roots, & Hist without polity has no fruits.

- BEIC - 1600.

↓
Charter from Queen

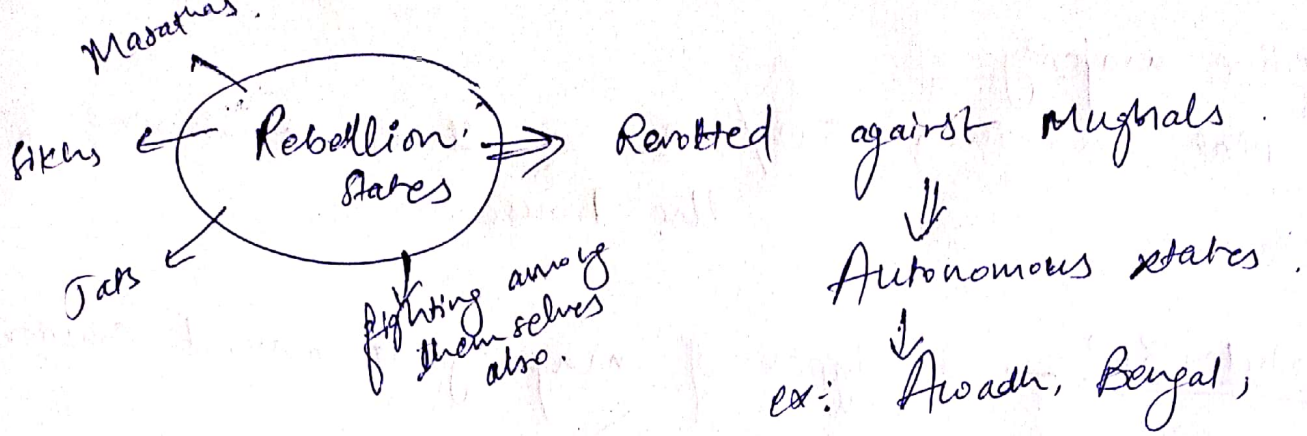
↓
Royal order.

↓
1609 → Monopoly in East.

Jahangir → farman/order → set up factory at Surat -

↓
weak successors.

↓
India became politically fragmented.



Independent states — where Mughals never estb
direct control
ex: deep south states.

↓
Political chaos in India.

↓
B. of Plassey (1757) — defeated Siraj.

British → King Makers

Mir Jafar (new nawab)
↓
Mir Qasim
↓
Mir Jafar.

B. of Buxar 1764 — British defeated
Mughal emperor → Shah Alam II
Oudh ruler → Shuja-ud-Daula.
→ Mir Qasim.

1. of Allahabad → 1765

↳ Clive intro. 'dual Govt of Bengal'

Mughals → Provinces / suba. → Governor / Vicery.

Nizam (criminal adm.)

Diwan (Revenue)
↳ British Officer will b

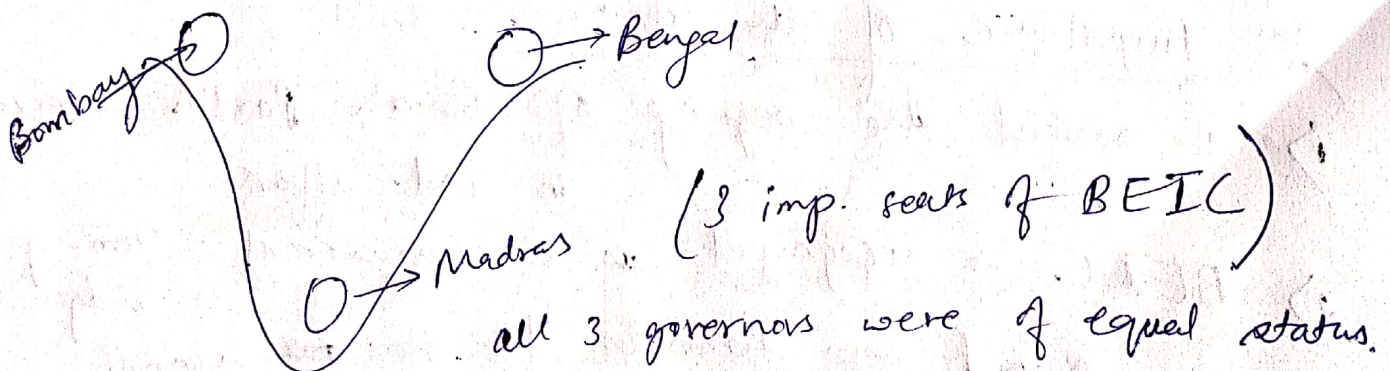
- Company officers → Corrupt
- Exploitation of Agricultural ^{classes} → More taxes.
- Famine 1770's.

Matters of Concern for British Parliament—

- ↳ EIC → politically active
- ↳ Corrupt officers →
- ↳ Unrest → Bri. → revolts
↓
Nation.

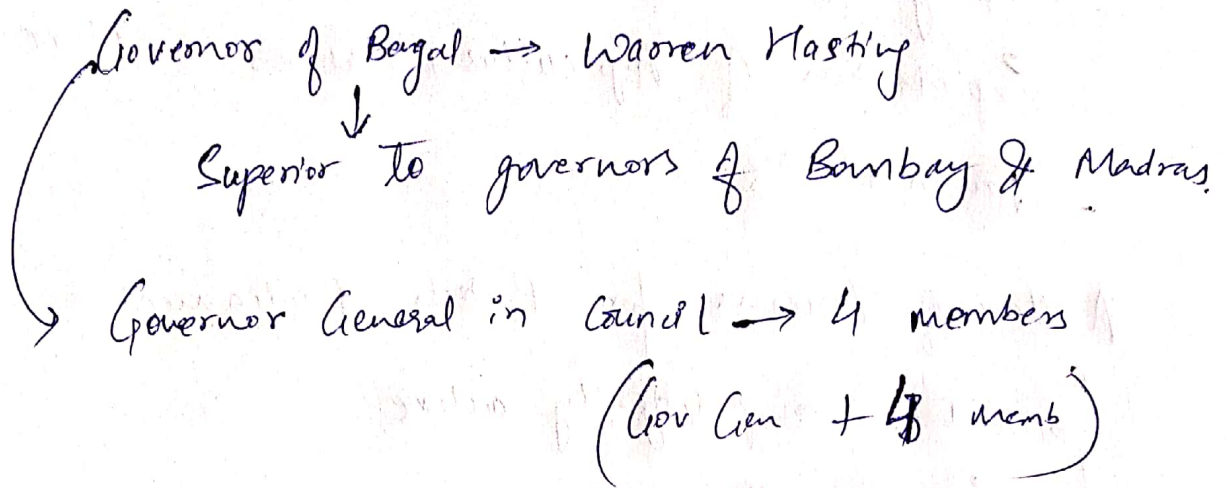
* Regulating Act, 1773

- 1) to regulate affairs of BEIC both in England & India.
- 2) to remedy the dual govt in Bengal.
- 3) Admⁿ ^{system} → unsatisfactory.
- 4) Corrupt officials → corrupt pub life
BEIC → on verge of bankruptcy.
- 5) Famine in Bengal & Wars in South.
↳ Anglo-Mysore Wars.



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Centralisation of Power



② S.C @ Calcutta.

↳ Chief Justice → Lord E. Impey
+
3 Judges.

③ Comp.'s monopoly of trade with East India →
extended for 20 yrs.

④ Court of directors → 24 ^{members} → elected for 4 yrs.
with $1/4^{\text{th}}$ memb retire every yr.

⑤ ^{Company} Comp to submit copies of correspondence received
from India.

⑥ Comp. servants → forbidden from accepting bribes.

* Importance of the Act :-

- 1) It marked the beginning of British partial intervention in Ind. affairs.
- 2) BEIC → recognized as a commercial - cum - political body.
- 3) Act opened new channels for Brit's ~~and~~ imperial policy in India.

★ Defects in the Act :-

- Act was half measure.
- Conflict in Gov. Gen in Council ^{Governor General} → dead lock.
- Bengal govt's control over subordinate presidencies → ineffective.
↓
ex: Anglo-Maratha wars.
- Failed to improve function of company in England.

Note:- Dunda's Bill → 1783.
↳ Bri. ^{British Parliament} Parla^{mt} authorised to recall company officials from India.

★ Colonialism

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Colony
Private body came to India & estb control

Imperialism

when royal authority established
estb control over other territories.
either

Note → Fox India Bill - 1783

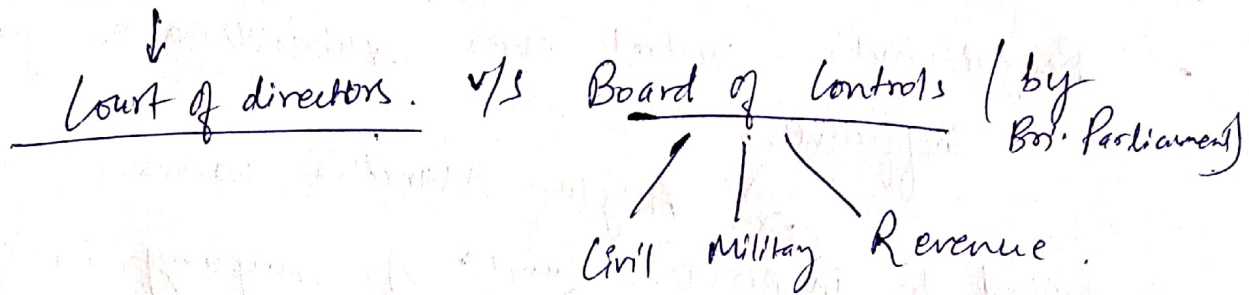
↳ Objective was same as that of Dunda's Bill.
↳ was rejected.

★ Pitt's India Act, 1784 :-

- why? - Regu. Act 1773 → not function well.
- Presidency ~~at~~ govt at Madras → inefficient.
 - Comp's financial position → deteriorated.
company's

- Comp. had suffered reverses during Carnatic wars.

BEIC



- 1775 → American war

↓

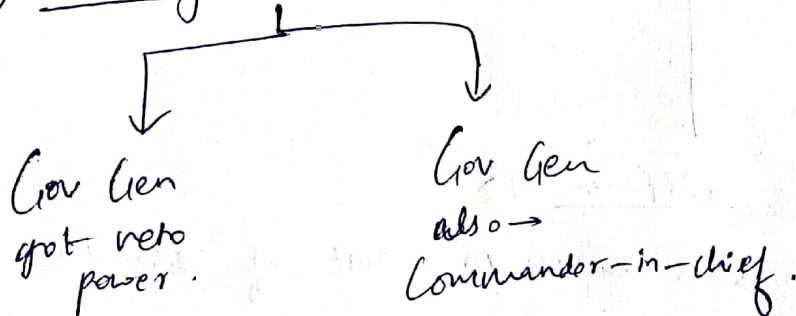
1783 → Treat of Paris → America became Independent

Note:- With American war, Britain lost 1 empire, now it started to strengthen its hold over other empires.

* Provisions of Pitt's India Act → refer to PPT.

* R/A, 1773 → 20 yrs of monopoly for Company.

1786, amending Act →



1793 → extended monopoly for 20 yrs.

1813 → " " " "

but 1/2 of monopoly → taken away.
only tea trade & trade with China → left with Company.

1833 → complete monopoly ended.

1853 → continue till pleasure of crown.

1756—60 → British Industrial revolution

↓
Capitalist class.

Parlia imposed taxes on Indian goods.
(protectionist policy).

↓

∴ BEIC started to export raw materials to England.
at higher prices.

∴ Capitalist class → demanded to
end its monopoly in India..