

18 Nov'20

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Polity

* 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 governed 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:-

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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 Constitution

- 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 in 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) ~~not~~ 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

$\frac{2}{3}$ 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) Effective majority

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

A Article 368 → 2 types of majority to amend Constitution

Special majority

($\frac{2}{3}$ rd of memb p & V present & voting
+
 $> 50\%$ of total strength)

Special majority in Parliament

+
ratification by half of states.

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

A Historical Background :-

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

BEIC — 1600.

↓
charter from Queen

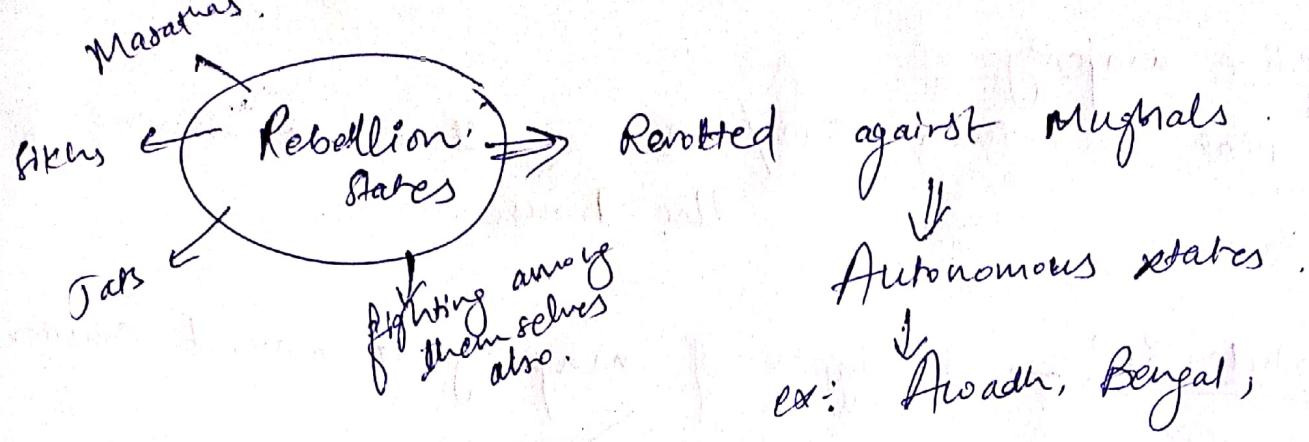
↓
Royal order.

↓
1609 → Monopoly in East.

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

↓
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
Masters

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.

B. of Allahabad → 1765

↳ Clive intro. 'Dual Govt of Bengal'

Mughals → Provinces / Suba → Governor / Viceroy

Nizam
(criminal admin)

Dewan
(Revenue)

↳ British Officer will b)

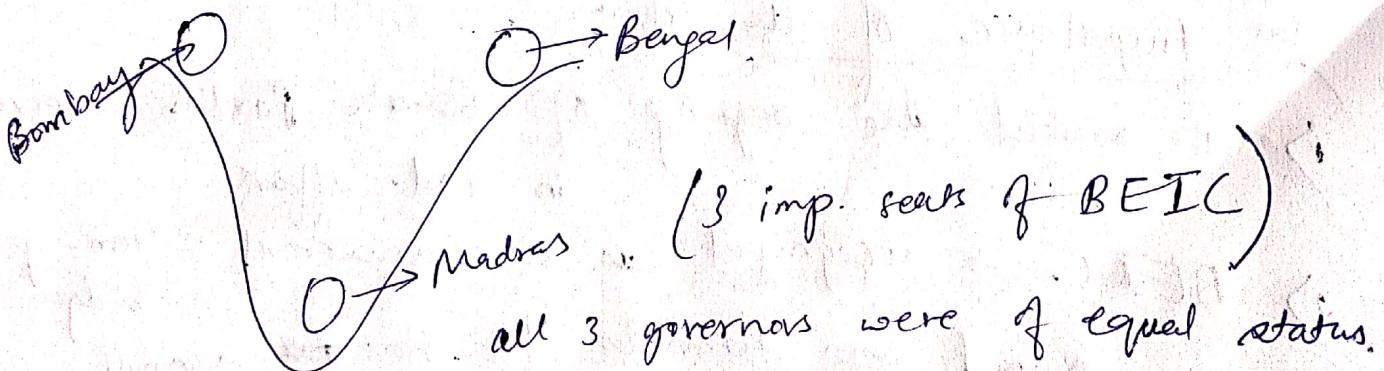
- Company officers → corrupt
- Exploitation of Agricultural classes → More taxes.
- Famine 1770's

Matters of concern for British Parliament -

- ↳ EIC → politically active
- ↳ corrupt officers →
- ↳ Unrest → Boi. → revolts
↳ Nation.

* Regulating Act, 1773

- 1) To regulate affairs of BEIC both in England & India.
- 2) To remedy the dual govt in Bengal.
- 3) Admin 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

Governor of Bengal → Warren Hastings

↓
Superior to governors of Bombay & Madras.

→ Governor General in Council → 4 members

(Gov Gen + 4 memb)

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 memb. → elected for 4 yrs.
with $\frac{1}{4}$ memb retire every yr.

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

⑥ Comp. servants → forbidden from accepting bribes.

Importance of the Act :-

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

* Defects in the Act :-

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

Note:- Dunda's Bill → 1783.

↳ British Parliament authorised to recall Company officials from India.

* Colonialism

↓
Colony

Private body came
to India & estd
Control

Imperialism

when royal authority
established
estd 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 funct well.
- Presidency ~~govt~~ at Madras → inefficient.
- Comp's financial position → deteriorated.
company's function

- Comp. had suffered reverses during French wars.

BEIC

Court of directors.

v/s Board of Control

(by
B.R. Parliament)

Civil Military Revenue

- 1775 → American war

↓
1783 → Treat of Paris → America became Independent

~~Note:~~
With American war, Britain lost 1 empire, now it started its 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 →

Gov Gen
got veto
power.

Gov Gen
also →
Commander-in-chief.

1793 → extended monopoly for 20 yrs

1813 → to u u u u

but 1/2 of monopoly is 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..