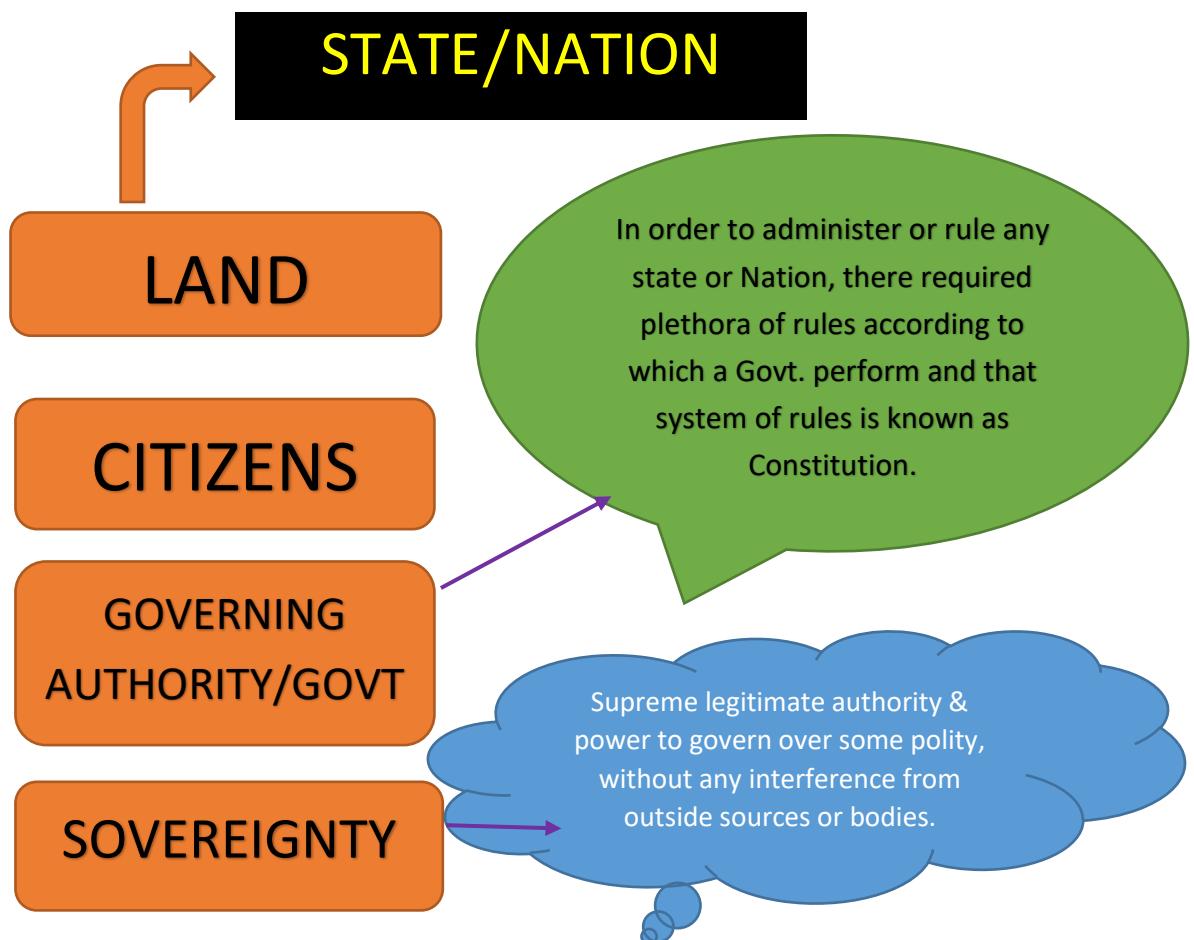


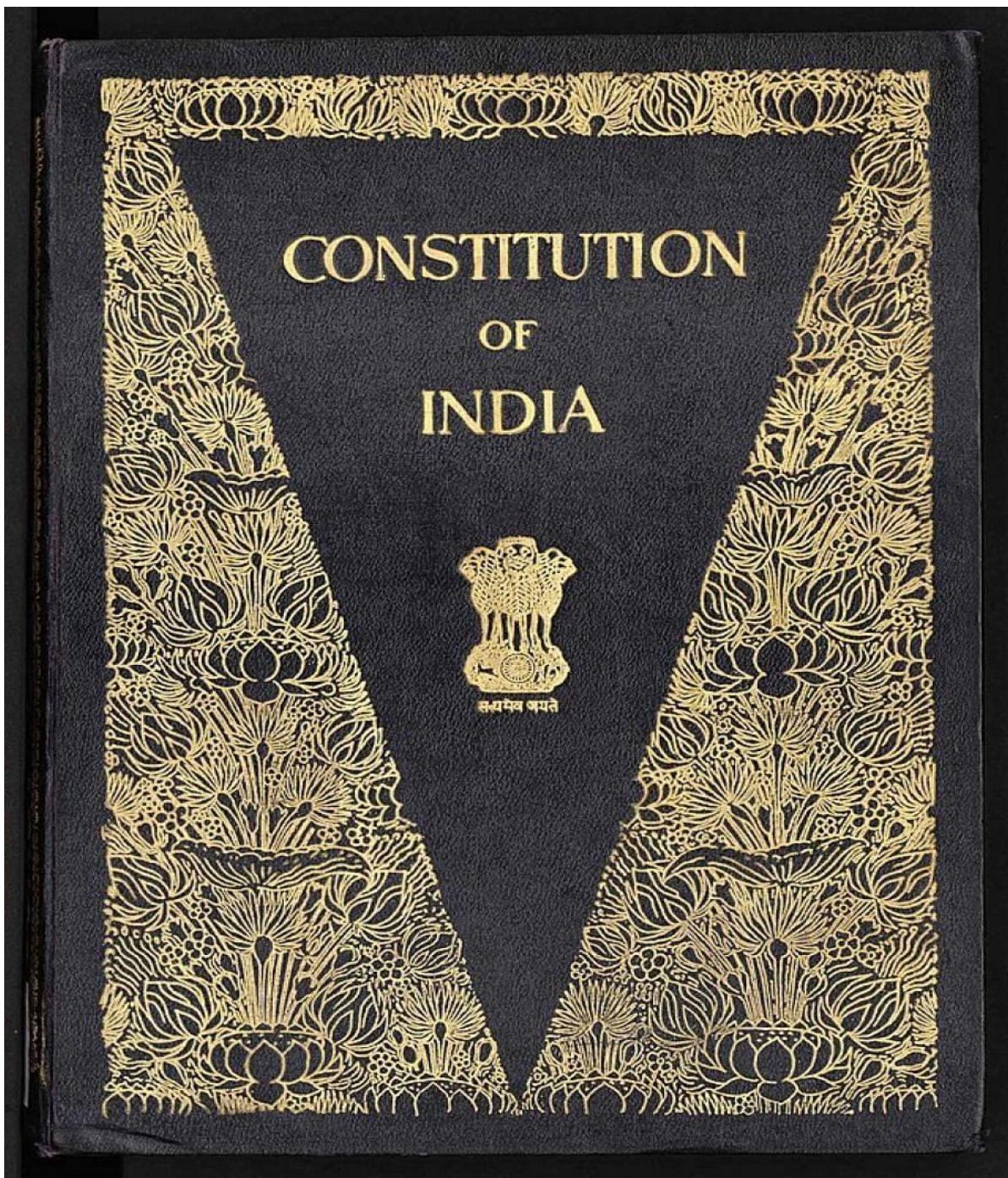
INDIAN POLITY

1. The word Polity originates from Latin **Politia**, which means **Citizenship or Government and civil administration of a State**.
2. A method of tending to or managing the affairs of some group of people (population) and area (land) using a mean called **Government**.



3. In other words, the form of civil government and the constitution is called **polity**.
4. Indian Polity means all the political situation of India and the constitution provides the basic source of the political structure of the country.
5. **Father of Political science is Aristotle (384-322 BC).**

CONSTITUTION



1. A Constitution is a document/set of fundamental Rules or Principles having a special legal sanctity that sets out the framework and the principal functions to guide how a nation / State or other political organizations are acknowledge to be governed. These sets of rules are also called **Laws, Acts and Legislations**.

To Illustrate:

- A Constitution may determine the functions and powers of the organs of the Government of a State.
- It limits the power of the Government and establishes ***checks and balances***.
- It protects Individual freedom and guarantee certain rights of the citizens, as well as the Duties of the citizens etc.,

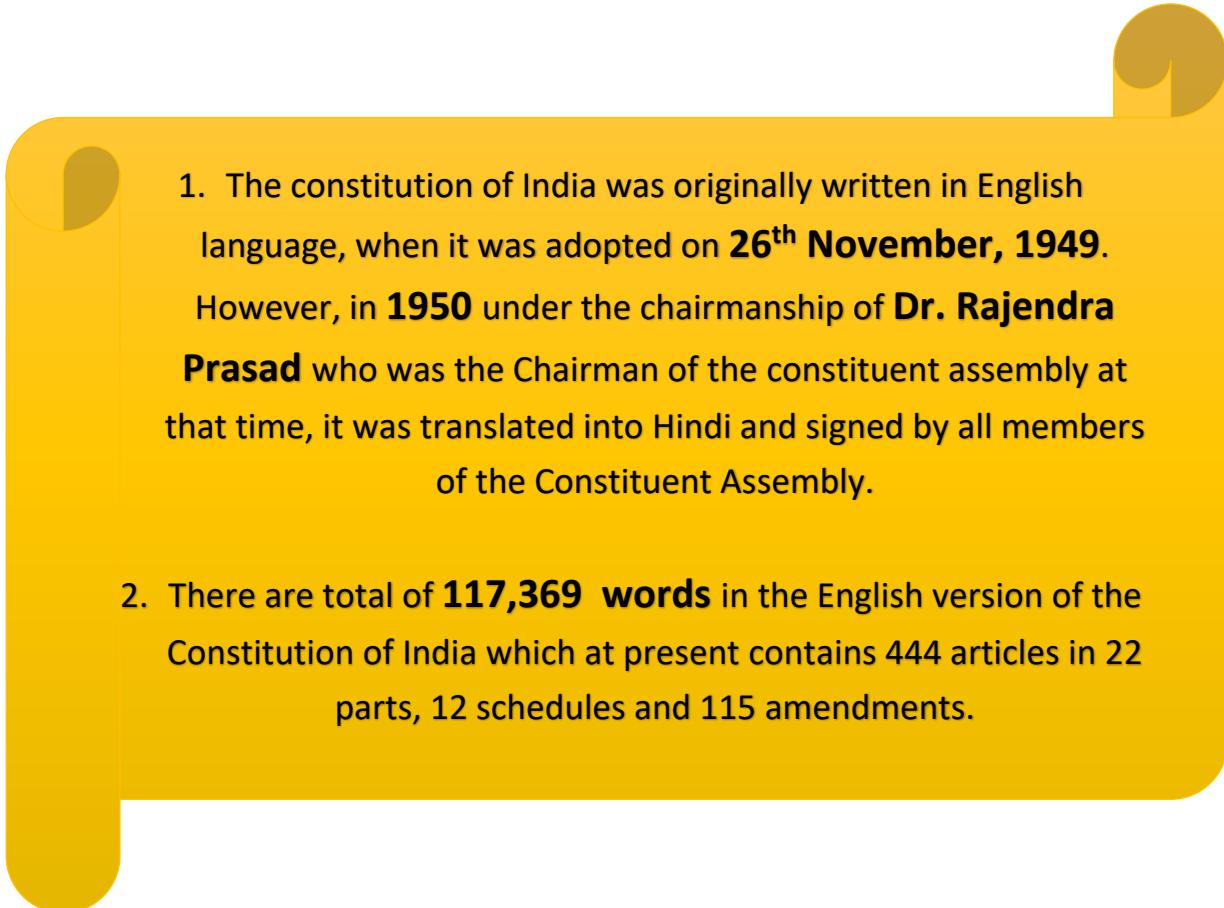
2

Indian constitution is the lengthiest handwritten constitution of in the world.

Originally, it consisted a **Preamble, 22 Parts, 8 Schedules with 395 articles**.

3. The father of the Indian Constitution is **Dr. B. R. Ambedkar**, who was the Chairman of the Drafting Committee.
4. The original constitution of India was handwritten by **Prem Bihari Narain Raizada (Saxena)** in a flowing italic style with beautiful calligraphy.

5. The calligraphy of the Hindi Version of the Original Constitution was done by "**Vasant Krishan Vaidya**".
6. Each page was decorated by artist from Shantiniketan (West Bengal) including **Beohar Ram Manohar Sinha and Nandalal Bose**.
 - a. ***Shantiniketan is a path-breaking educational institution, Rabindranath Tagore set up in rural Bengal in the early twentieth century.***
7. The Constituent Assembly, which first met first time in **New Delhi** on **9th December 1946**, took precisely **2 years, 11 months, and 18 days** to come up with the final draft, and its last session was held on **24 January 1950**



1. The constitution of India was originally written in English language, when it was adopted on **26th November, 1949**. However, in **1950** under the chairmanship of **Dr. Rajendra Prasad** who was the Chairman of the constituent assembly at that time, it was translated into Hindi and signed by all members of the Constituent Assembly.
2. There are total of **117,369 words** in the English version of the Constitution of India which at present contains 444 articles in 22 parts, 12 schedules and 115 amendments.

8. Original handwritten copies of the Indian constitution are kept in a special **Helium-filled** case in the library of the Parliament of India.
9. Copies of the constitution were prepared by photolithography at the offices of the "*Survey of India in Dehradun*".



10. The Indian constitution is considered as the "**Supreme Law of the land**", as each and every law is based on the Indian constitution that is present in India. It means, all other laws present in India are subordinate to the constitution of India.
11. **M. N. Roy (Manabendra Nath Roy)** in 1934, put the demand for forming the Constituent Assembly which eventually became an official demand of the National Congress in 1935.
12. On 26 November 1949, A total of 284 members of the constituent assembly signed the constitution. The day is celebrated as "**National Law Day, or Constitution Day**".

13. The Constitution's pages are bound together in Black leather, with beautiful gold patterns.
14. It took a total of 6 months to write the Indian Constitution and there are 233 pages in this manuscript.
15. It's original copy weighs 12-13 Kg.
16. **Bag Of Borrowings:** The Constitution of India is also known as the “*bag of borrowings*” as it has borrowed provisions from the Constitutions of various countries. However, It was drafted according to historical perspective, geographical diversity, cultural and traditional characteristics of India
17. Ambedkar studied 60 other constitutions in the course of his work. He was assisted in the drafting by a committee.
18. **Handwritten:** The rule book wasn't printed or typed out – it was handwritten by calligrapher **Prem Behari Narain Raizada** (Saxena) in a flowing italics style.
 - a. *Raizada, who belongs to a family of calligraphers, was asked by Jawaharlal Nehru, to write the first copy of the document. When asked how much he would charge, he had just one request: he wanted to sign on every page, and sign on the last page with his grandfather.*
19. **Unhappy:** Ambedkar was unhappy with the document just three years after it was adopted. Why? He strongly argued in favor of more powers for the governors. “Sir, my friends tell me that I have made the Constitution. But I am quite prepared to say that... that I shall be the first person to burn it out. I do not want it. It does not suit anybody.

But whatever that may be, if our people want to carry on, they must not forget that there are majorities and there are minorities, and they simply cannot ignore the minorities by saying, “Oh, no. To recognize you is to harm democracy.”

*I should say that the greatest harm will come by injuring minorities,” he had said in Rajya Sabha a **2nd September, 1953.***

However good a Constitution may be, if those who are implementing it are not good, it will prove to be bad. However bad a Constitution may be, if those implementing it are good, it will prove to be good,” Dr. BR Ambedkar

20. The document finally came to force with a total expenditure of ₹6.4 million.

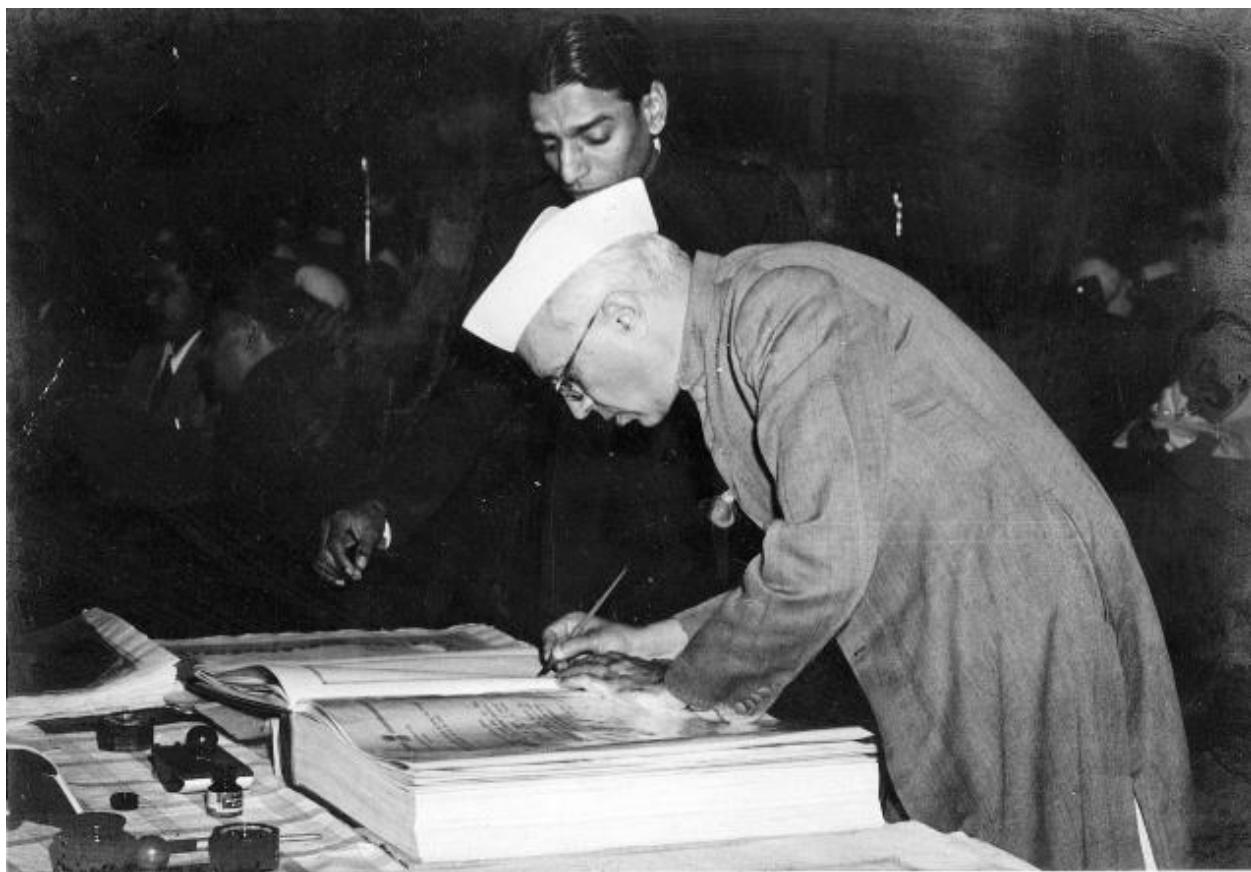
21. Dr Rajendra Prasad, the first elected President of Constituent Assembly and became the *first person to sign the Constitution of India*. On the other hand, *Feroze Gandhi*, was the last one to sign it.

- a. **NOTE:** being the most senior person, on the very first meeting of the Constituent Assembly 9th December 1946, **Dr Sachidanand Sinha** became the temporary president of the Constituent assembly and later on the second meeting Dr. Rajendra Prasad was elected as the First President of Constituent Assembly.
- b. **Out of 289 members there were 15 females to sign the constitution.**
- c. Some signed in Hindi, Some in English but Abu Kalam Azad signed in Urdu.

22. The total membership of the Constituent Assembly was **389** of which 292 were representatives of the provinces, 93 represented the princely states and four were from the chief commissioner provinces of *Delhi, Ajmer-Merwara, Coorg and British Baluchistan*.

23. Hyderabad was the only province from which no member was elected or joined in the constituent assembly.

24. The manuscript was written on microbe-resistant parchment sheets with a shelf life of a thousand years.



THE CONSTITUTION OF INDIA

WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **SOVEREIGN DEMOCRATIC REPUBLIC** and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Signature of the artist Beohar Rammanohar Sinha as 'Ram'
अलकरणकर्ता व्यौहार राममनोहर सिंह के संक्षिप्त हस्ताक्षर 'राम'



1173-1184
(Regent's Seal)

Jawaharlal Nehru

B. Pattabhi Sitaramayya

K. Venkateswara

C. P. Ramam, Reddy

Madi Krishna
Swami Iyer

Ammu Swaminatha

J. Prakasam

K. Panthanam

P. Venkata Rao

M. Tangar ..

G. Durgabai

M. Thimayya Rao

U. Krishnamurthy
Rao

D. Sampiwa Reddy

121 (contd.)	P.V. Alagesan.
Bader Singh	PS — — —
Amrit Kaur	T. J. R. Wilson
Kallu Subba Rao	<u>Chandrasekhar Tilay</u>
Valla Akbari Pardi	<u>Markonka</u>
Jagjivan Ram	<u>Thangappa</u>
Man Singh	Padam Singh Pan
Desuluramiam	S. K. Kasthuri
Sairandar Dalsam	Malabathri Bay
P.R. Umberkar	Phanasiakaray
Pattegajan	V. Ramasami
1. J. S. 24/5/1920	<u>P. D. Venkateswara</u>
Krishnaswami Bharati	Velayudham
Syama Prasad Mosorkar	R. K. Rao
Kshirish Chandra Neogi	U. Kesavakao

R.B. Patel

Dr. Mono Mohon Das.

Mihir Lal Chatterjee

Satis Chandra Samanta.

Swarnalata Dasgupta

Basanta Kumar Das

Arunchandra Guha.

Prabhat Palani

Sophia Ranta Maitra

৩৬ প্রজন্ম ৪/৪/২০৩৭

Hriday Nath Kunjroo

Prabhat Palani

শ্রীমতী প্রবীণা

প্রবীণা মালবী

Prabhat Palani

Satis Chandra.

Kuwaiti Lal

Jyoti Palani.

Suchita Kripalani

Hautam.

Purnima Banerji

১১/১১/২০৩৭

৩৭৩২১২১১৮০০

জয়নুর রহমান

Mohammad Ahmad Karimi

১১/১১/২০৩৭

Jogendra Singh

M. Afzal Rehman.

১১/১১/২০৩৭

১১/১১/২০৩৭

বেগম কাজী রেওল

(Begum) K. Aizaz Rehman

Chaudhri Hyder Hussain.

১১/১১/২০৩৭

Waziddeen

(Krushna Chandra Basu)

1905-03-21

Mugham Ali

Muhammad Faiz.

MINISTER OF STATE FOR MUNICIPALITIES

Ram Chandra Gupta

Phool Singh.

A Dharam Dass.

Abdul Aziz

M/100000000

S/100000000

M/200000000

M/300000000

M/400000000

M/500000000

M/600000000

M/700000000

M/800000000

M/900000000

M/1000000000

M/1100000000

M/1200000000

M/1300000000

Jai (Lord) [BABA. H]

TEK CHAN

Thakur Das Bhanji

Yashwant Rai

Guru Nanak Dasaji

Ramlal Lal Chandni

Achint Ram

Bikram Lal Sowali

Hawali

Hossain Imam

HUMA (HUMA) HUMA

<p>Amiya Kumar Ghosh</p> <p>Banarsi Rasoi Khan Jhansi</p> <p>Rosario Xavier Sra.</p> <p>Raghunandan Prasad</p> <p>Sri Narayan Mahadev</p> <p>Syamnandan Lodge</p> <p>Bhagwan Prasad</p> <p>Vishwanath Dyal Chipli</p> <p>श्री शत्रुघ्नी</p> <p>देवमुखदेवी</p> <p>कृष्णदलदेव</p> <p>प्रदीपदलदेव</p> <p>देवदासदलदेव</p>	<p>Dhruvendra Nalle Saneesha</p> <p>Chandrika Ram</p> <p>Rehman Dahi</p> <p>Guptnath Singh</p> <p>Wip Narayan Sircra</p> <p>Boniface Lakra</p> <p>Kanleshwar Prasad</p> <p>Karanam Lila 98.</p> <p>Jarpal Singh</p> <p>Ramkaranam - Ram -</p> <p>V.T.Krishnamachari</p> <p>P. Govinda Menon</p> <p>Frank Anthony</p> <p>Yashwant Singh</p> <p>Hariballabh Singh</p> <p>Olga Devi Prima</p>
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1. श्री शंकर
प्रतिष्ठान संस्था

ग्रन्थालय द.

W. G. Clark

S. T. Bhimashankar

2. श्री शंकर

P. L. Deshpande

Kaji Syed Karimuddin

P. A. Mandre

Gopinath Bawali

H. J. Khandekar

H. Shastri

Nitaram Chandra Loka

Syed M. Saadullah

Rohini Kumar Chaudhuri

(Rev) James Joy Mohan Nibb Roy

Syed Nader Rony
Muhammad Chabib

A. V. Thakar

Darani Sher Biswanath
Biswanath Das

3. श्री शंकर

W. B. F. M. 21/2/1921

Lokman Ali

Os. D. A.

Nandakishor Das

Rajendra Rose
19 Mo 21/2

Sandip Kumar Das
21/2/21
Nalanda
Meeran

Chowdhury

R Chengalraya Rddy

K. Hammantayya

Durbaiah Rddy

Abdul (H R Garu Rddy)

T Siddalingaia

S V Krishnayya Rao

Channababu

H Holdaveerappa

Salmathi Pati

Janardha Rao

M. M. Saad

M A Beg (Kashmir). 24.1.1950

M R Begg

Balwantay Mella

C Shah

Jainamir Rao

Raj Kanwar 24.1.1950

Subrammanyam

Yedukallal Bawa

Vinayak Rao B. Vaidya

Effraim S. S. S.

Jaswant Singh

Sardar Singh of Phulwari

Jaiswalsal Hatti

D. D. Singh

H. M. D. Rao

Balwant Singh Mella

Shivaramayya

Shivayya

Awadhesh Pratap Singh

V. S. S. S. S. S.

Yudhishthir Mishra

Ramprasad Pati

Manmohan Lal Duvvedi

Shambhu Nath Shukla
C. M. Tripathi

Shambhu Nath

Bruce Warren

Shambhu Nath

Swaran Singhji Jain
(HML 14 (2) 1944 111-2)

Radhaballabha Vijaywargi
(ST 100/14 (2) 1944)

Kusum Kuri Jain
(28/20/20)

Ram Lal Lalit Pansal
(ST 100/14 (2) 1944)

Ranjit Singh

Karku Bhagwantry

A. Samuel Mai

P. S. Hatasyajit Mai

A. Mascarenne

Prakas

J. N. Pandian

Ramamurti

Thakur Lal Singh

Y. Parma

Dharmarani Atal Singh

Guja Sankar Guha
(27/10/44 130-32)

Jining Wu Chia

Leopoldo Russo

D. Basu { 2. an }

Yuvachandri Devayani

Sachet Singh Aujla

Krishna Singh

✓ Lati

✓ Krishnamurti

Sachchidananda Dinha

B. N. Rao

H. V. R. Jengar

Sudhindra Rao - Mysorepally

Jerome D'Souza s. f.

Kamal-E-Saheb

Feroze Gandhi.

Hawthorne Middle

Sunder Kall

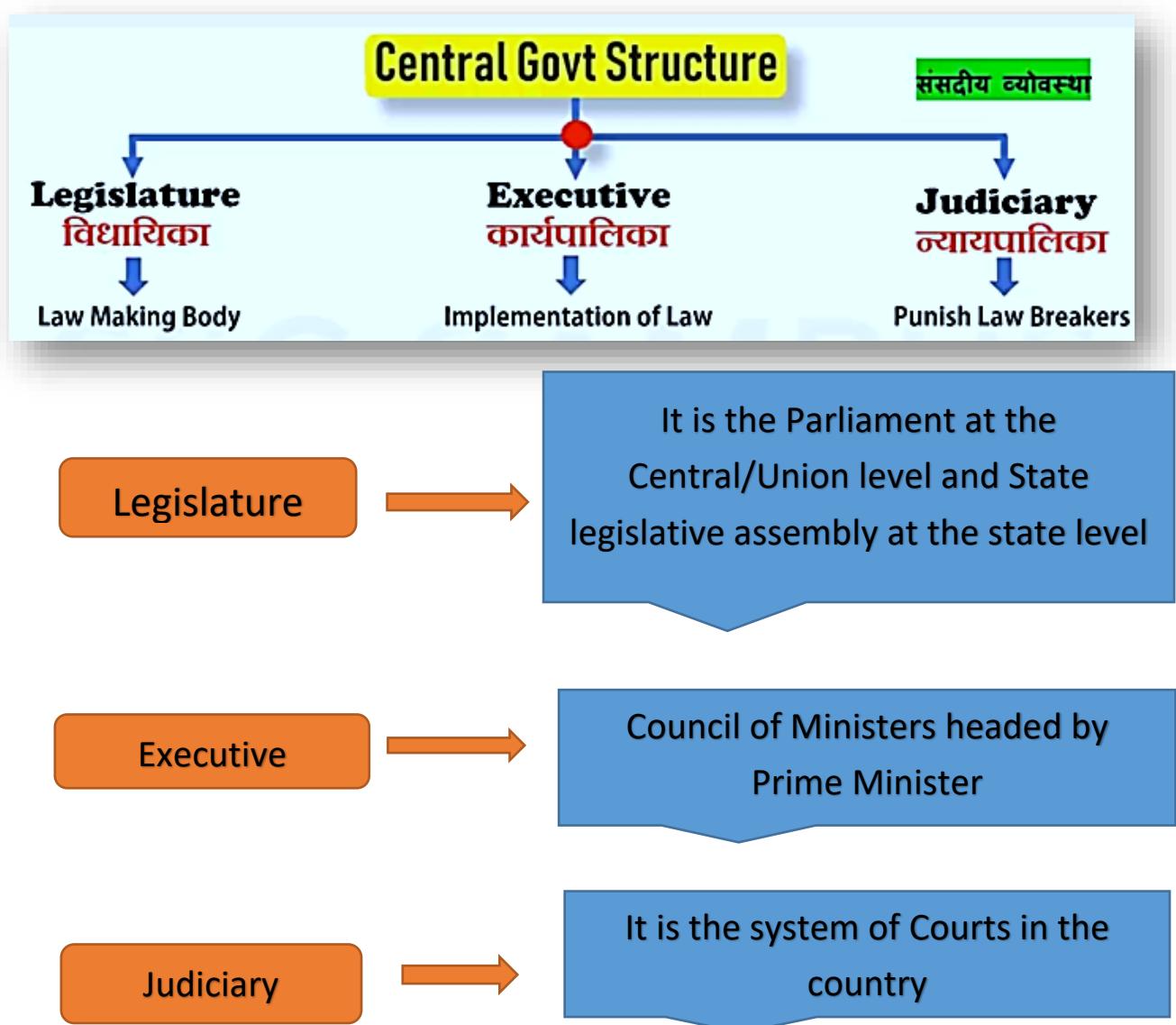
Important timeline

- **9 December 1946:** Formation of the Constituent Assembly.
- **11 December 1946:** President Appointed – **Rajendra Prasad**.
- **13 December 1946:** An 'Objective Resolution' was presented by Jawaharlal Nehru, laying down the underlying principles of the constitution, which later became the Preamble of the constitution.
- **22 January 1947:** Objective resolution unanimously adopted.
- **22 July 1947:** National flag adopted.
- **15 August 1947:** Achieved independence. India split into Dominion of India and the Dominion of Pakistan.
- **29 August 1947:** Drafting Committee was appointed, with Dr. B. R. Ambedkar as the chairman. Other 6 members of the committee were:
 1. **K.M. Munshi**,
 2. **Muhammed Saadulah**,
 3. **Alladi Krishnaswamy Iyer**,
 4. **Gopala Swami Ayyangar**,
 5. **N. Madhava Rao** (*He replaced B.L. Mitter who resigned due to ill-health*),
 6. **T. T. Krishnamachari** (*He replaced D.P. Khaitan who died in 1948*).

- **16 July 1948:** Along with *Harendra Coomar Mookerjee, V. T. Krishnamachari* was also elected as the second vice-president of the Constituent Assembly.
- **26 November 1949:** 'Constitution of India' passed and adopted by the assembly.
- **24 January 1950:** Last meeting of the Constituent Assembly. 'Constitution of India' (with 395 articles, 8 schedules, 22 parts) was signed and accepted by all.
- **26 January 1950:** The 'Constitution of India' came in to force after 2 years, 11 months and 18 Days, at a total expenditure of ₹6.4 million to finish.
- Ganesh Vasudev Mavalankar was the first speaker when meeting the assembly of Lok Sabha, after turning republic.

GOVERNMENT

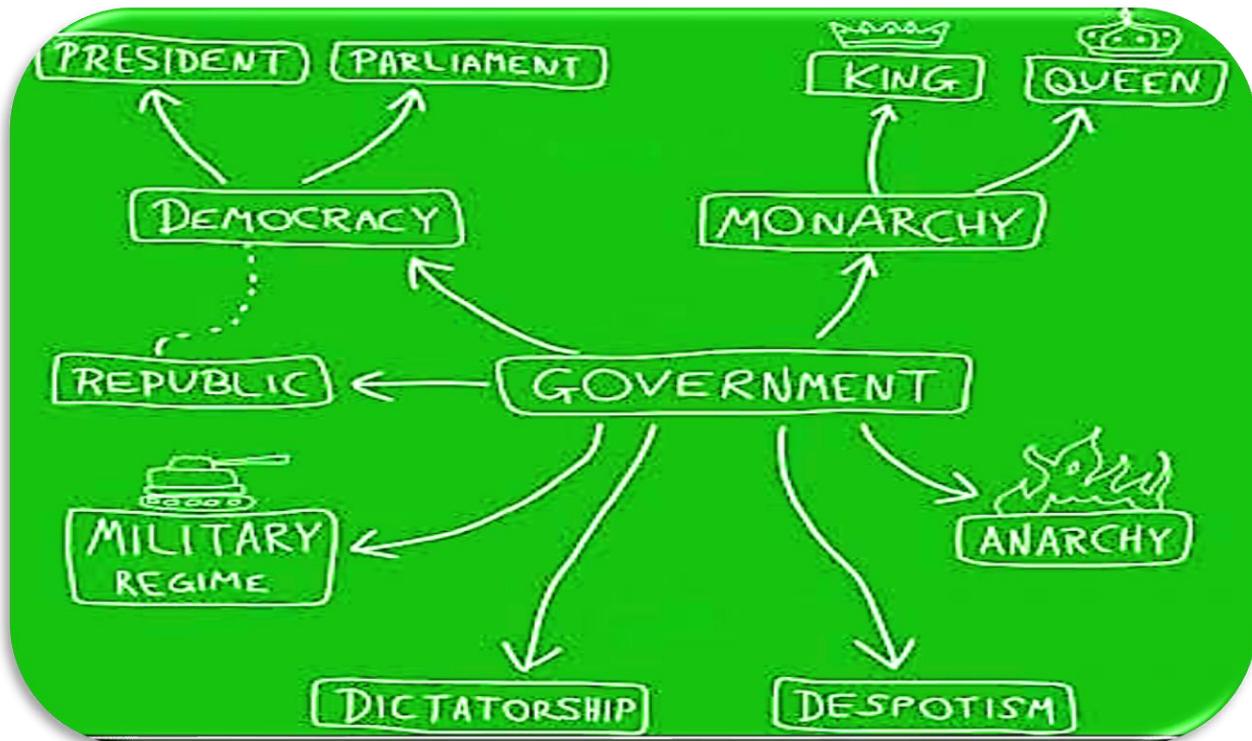
1. Irrespective the general meaning of the government, there is a broader meaning of Government in Indian Polity. In broader perspective government has three branches or wings (**Legislature, Executive and the Judiciary**)



The main objective and aim of the judiciary is to ensure the ***“rule of law”*** and legal security for individuals.

❖ *The Rule of Law means that the justice prevails equally without any discrimination. Which means all persons, institutions, and entities are accountable to laws.*

2. A government is a system or group of people governing an organized community or state, including all political domains, in the case of its broad associative definition, government normally consists of legislature, executive and judiciary.
3. There are different forms of government throughout the world: - ***Democratic or parliamentarian, Autocratic or Monarchic, Presidential, and oligarchy.***



4. India has a **democratic form of government** as the people of the country choose their government by voting in elections
5. India has a **federal form of government** as it has two governments- one in the Centre and the other in the states, which indicates **decentralized rule**.

The polity of a country is based on its constitution. India has a democratic form of government because the Constitution of India provides for **Universal Adult Franchise** with periodic elections. Therefore, the polity of the country is designed according to the Constitution of a country and any change to the Polity of the country is possible only when an **amendment** is made to the Constitution:

Democracy:

6. It is a form of governing mechanism in which the government is elected by the citizens of that nation through the election process or in other words the common people hold the political power and can rule either directly or through elected representatives. ***The legislative body is accountable to the people.***

Democracy in modern usage, is a system of government in which the citizens exercise power directly or elect representatives from among themselves to form a governing body. ***Such as a parliament.***

Autocracy/Dictatorship

7. **it** is a system of government in which supreme power is concentrated in the hands of the one person only. Example ***UAE, North Korea*** Etc.

Oligarchy:

8. Is a form of structure in which power vests in the hands of small number of people only? These people might be distinguished by nobility, wealth, family ties, aristocracy etc. Example Venezuela.

9. India adopted the concept of **Parliamentary form of Govt.**, also known as the '**Westminster**' **model of government**. Concerned Articles of the Parliament are **79-122 in Part V** of the constitution.

Hindi Names

(Lok Sabha) for **House of the People's representatives**

and the (Rajya Sabha) **Council of the states** were adopted in 1954.

President is the **Nominal Head** of the State and the Prime Minister is the **Real Head** of the State.

10. In Britain, the Parliament comprises of the
Crown, The House of Lords (Upper House),
and
the House of Commons (Lower House).

11. In USA, the legislature which is known as **Congress**,
consists of the **Senate (Upper House)** and
the House of the representatives (Lower House).

❖ President of India is not a member of the Parliament, However, he/she is the **integral Part of the Parliament** unlike the President of America who is not an integral part of the legislature.

Parliament:

(Central legislature/Union legislature)

1. The Parliament of India is the Supreme legislative body of the Republic of India. It is a **bicameral legislature** composed of:

The President India

Note: President is a part of Parliament not member of the Parliament

House of the people's representatives (Lower House/ Lok Sabha)

- Maximum strength not more than 552. [ELECTED THROUGH DIRECT ELECTION]
- not more than **530** members from states & **20** from Union Territories
- **not more than 2-Anglo Indians** **may be** nominated by the President on the recommendations of Prime minister

NOTE: ----

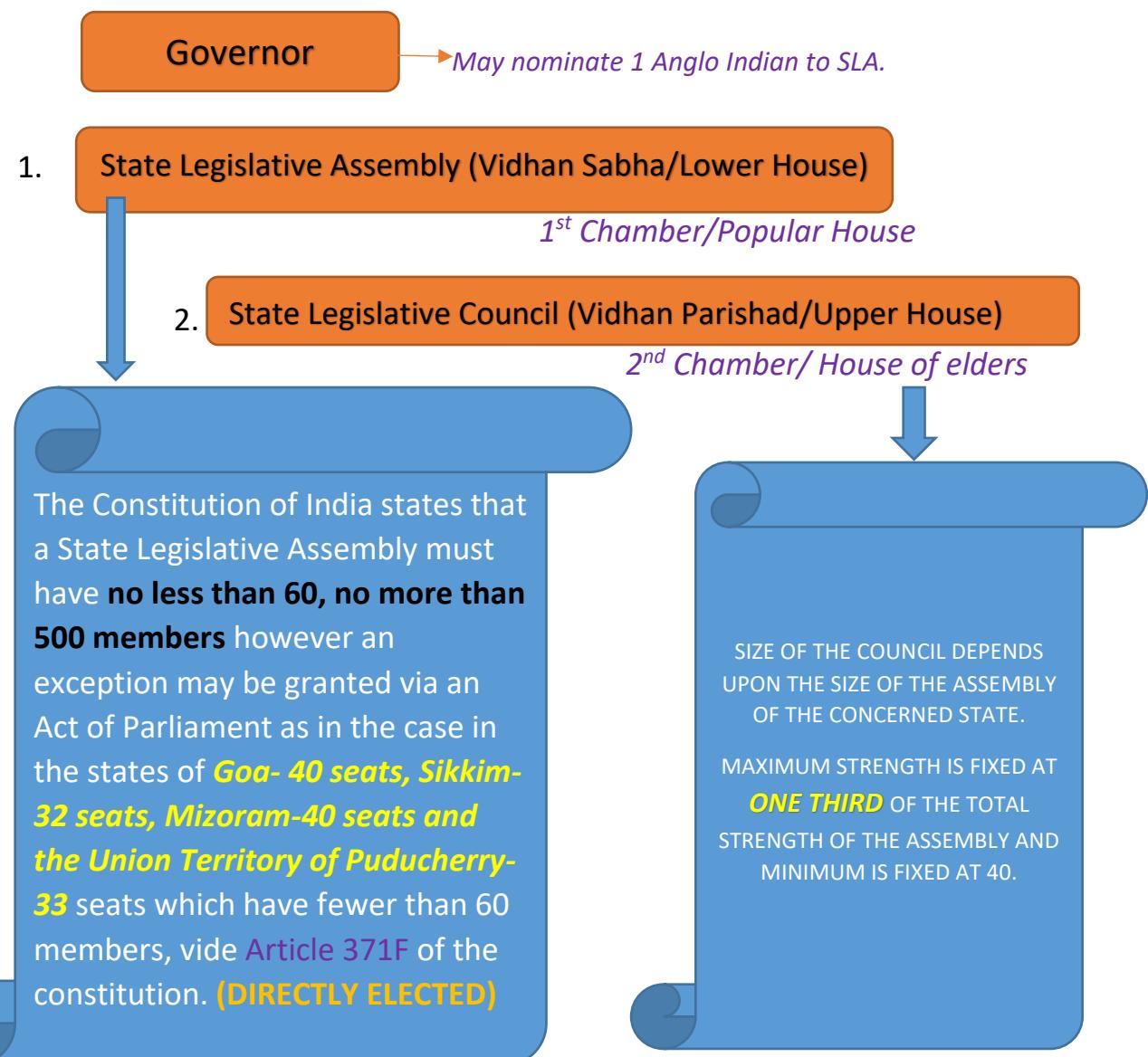
Art 334 provided reservation to the Anglo-Indian Community during the commencement of the constitution. However, In January 2020, the Anglo-Indian reserved seats in the Parliament and State Legislatures of India were abolished by the **126th Constitutional Amendment Bill of 2019** and enacted as **104th Constitutional Amendment Act**.

Council of States (Upper House/ Rajya Sabha)

- **Max strength not more than 250 members** [INDIRECTLY ELECTED: it means **Members of the Council of States (MPs)** are elected by the **elected members of state assemblies**, with a system of **proportional representation by a single transferable vote**, except the Anglo Indian member nominated by the Governor to the state assembly]
- **238 members are elected from the states and Union Territories in proportion to the population of the concerned state.**
- **12 members are nominated by the President** for special knowledge from various fields as; **Science, Arts, Literature and Social Service**.

State Legislature:

2. A state legislature is a legislative branch or body of a political subdivision in a federal system. It has the same function as that of the Parliament in the center.
3. For every state, there is a legislature, which consists of **Governor** and **one house (State Legislative Assembly)** or two houses (**State Legislative Council & SLA both**) as, some states are with **Unicameral Legislature** while in others **Bicameral Legislature**
4. A state legislature's two houses known as



5. State Legislature is mentioned from Article 169-212, in Part VI of the constitution.
6. It is defined in Article 169 of the Constitution of India. As of November 2019, after the **bifurcation of Jammu and Kashmir**, **6 out of 28 states have State Legislative Council**.

STATES WITH TWO HOUSES

State	MLA seats*	MLC seats
Andhra	176	58
Bihar	243	58
Karnataka	225	75
Maharashtra	289	78
Telangana	119	40
UP	404	100

7

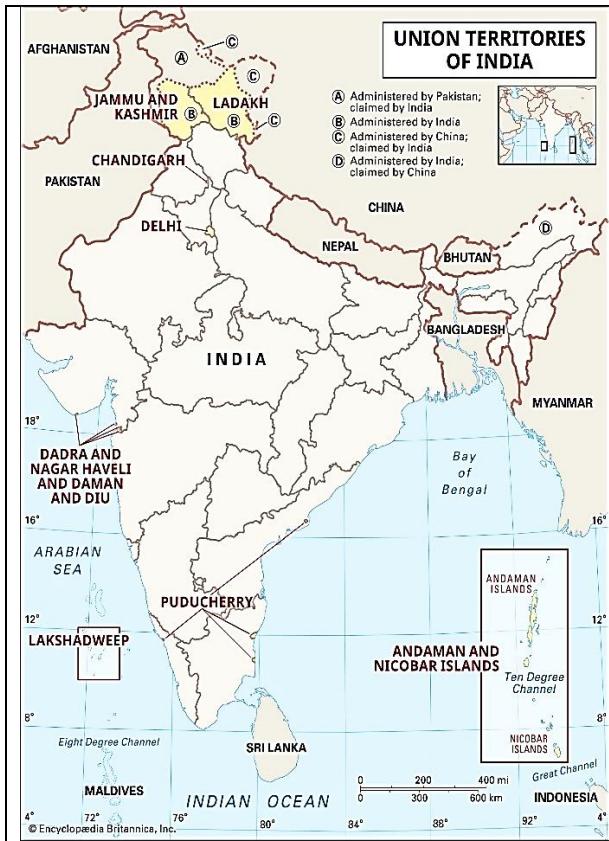
Previously:

STATES WITH TWO HOUSES

State	MLA seats*	MLC seats
Andhra	176	58
Bihar	243	75
J&K	89	36
Karnataka	225	75
Maharashtra	289	78
Telangana	119	40
UP	404	100

*Including nominated members

8



9.

Jammu & Kashmir a state of India from 1954 to 2019, which was a princely state from 1846 to 1952. Now after the Govt. of India repealed the special status accorded to Jammu & Kashmir under **Article 370** of the Indian constitution in 2019, the Parliament of India passed the **Jammu and Kashmir Recognition Act**, which contained provisions that dissolved the state and reorganized it into two union territories Jammu & Kashmir in the West and Ladakh in the east, with effect from **31 October 2019**.

Function of Parliament

in general, a parliament is legislative body of government. Parliament today is not a law-making body only; it has role as a multifunctional institution performing a variety of roles. Some of the cardinal roles and functions of the Parliament may be described:

Functions of Parliament:

- i. Law making, developmental, social engineering and legitimatisational.
 - ❖ It can make laws on a wide range of subjects allotted to it under the **Union list (originally 97, now 100 subjects)** and the **Concurrent Lists (originally 47, now 52 subjects)** in the Seventh Schedule of the Constitution.
 - ❖ Since **residuary power vests in the Parliament**, it can also make laws in areas not specifically assigned to States.
 - ❖ Even in the specifically assigned areas a subject in the State List, falling within the sphere exclusively reserved for the States ceases to be so reserved in certain circumstances under which the Union Parliament may legislate in that subject are also.

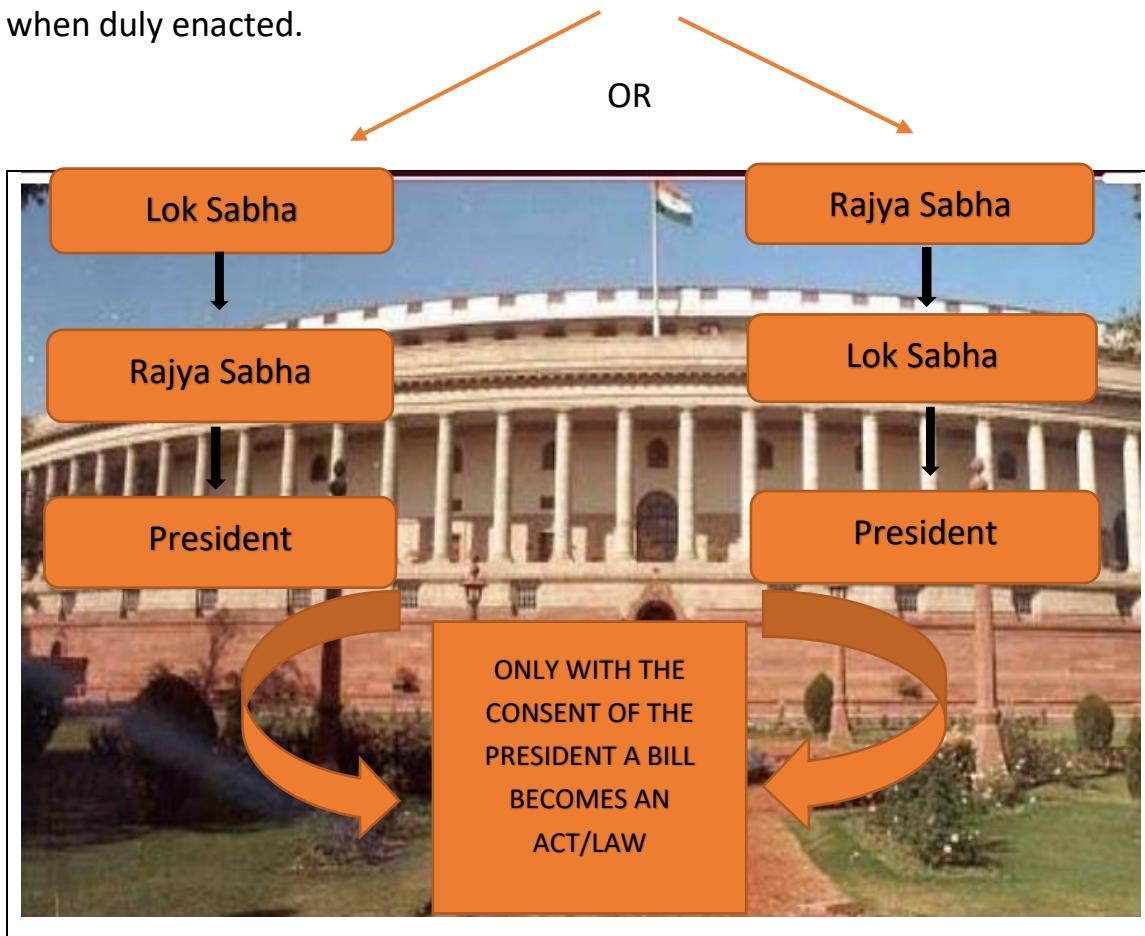
NOTE: *on the one hand, Parliament does so much else which is not law-making—only about 1/5th of its time is devoted to legislation—on the other, Parliament is not the sole actor in the drama of law-making. Parliament only discusses, scrutinizes and, by putting its seal of approval, legitimatizes legislative proposals—Bills, rules and regulations, etc. Formulated by the Executive. Its role is thus more a legitimatisational role than a law-making role.*

- i. Political and financial control (or EXECUTIVE RESPONSIBILITY)
- ii. Conflict-resolution and national integrational
- iii. Surveillance of administration (or Administrative accountability)
- iv. Informational (Right to information)
- v. Constituent (Amending the Constitution)
- vi. Leadership (Recruitment and Training)

PROCEDURE OF MAKING LAWS/LEGISLATIONS:

This is done only by passing a **bill** in the parliament:

What is Bill? - A bill is nothing but a **proposal**, proposed/introduced for the legislation in either **house of the Parliament** and it becomes an act or law when duly enacted.



NOTE: every ordinary bill has to pass through the following 5 Stages in the parliament to become a law.

1. No.1. A bill first introduced in either of the house by a minister and that is known in Parliamentary parlance as "**First Reading**" of the Bill. In this reading He/she reads only the title of the Bill and that in a sense, marks the introduction.

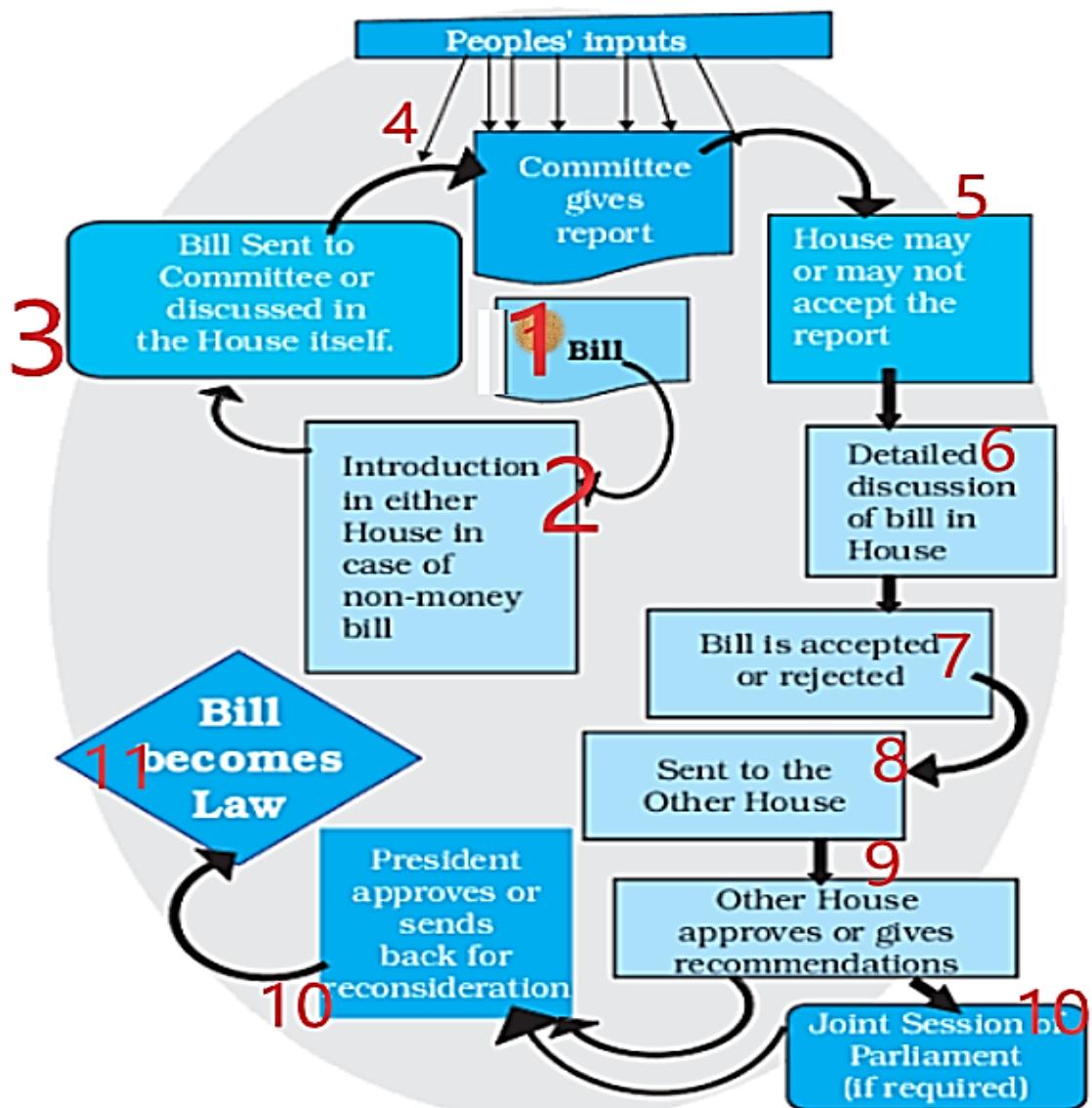
Remember: **The bill on this stage is not debated & discussed.**

Then the bill is published by the Gazette of India and copies are distributed amongst the members of the House. Most bill are first published even before introduction.

2. No.2. after introduction, the mover of the bill puts a resolution that the Bill be sent to a **Select/Standing committee**. Here the Committee will consider the general principles and clauses, they also take expert opinions and after all this, the Committee submits its report to the House. This report is looked upon as an advice of the committee.
3. No.3. After the report of the Standing Committee the House **discusses** the Bill. Once the report gets discussed, clause by clause and item by item, amendments are suggested.
4. No.4. The clauses which need more support and the amendments suggested is put to the House for voting. And based on the majority votes the bill is passed. This is known as the '**Second Reading**'.
5. No. 5. **Third Reading** which is the last stage of the Bill. Once again a date is fixed for this reading. There is nothing much which gets discussed at this stage and chances of rejection here are minimal. At this stage, the entire Bill is put to vote- it could get either rejected or passed.

Now the Bill has cleared the first House, it now goes to the other House. Here too, because the legislative procedure is identical in both the House of the Parliament, it passes through all the stages in passed through in the first House, except for the introductory stage.

12. Once the Bill is passed by both the Houses, then it is sent to the President for his approval. And on Getting the President's nod, the Bill finally becomes an Act and is published in the govt. Gazette.



Bills introduced in the Parliament are of two Kinds:

Depending on who introduced the bill in the parliament, the bill may be distinguished in two categories.

❖ **Public Bill (Government Bill):** It is a proposal introduced by a minister/Public member.

○ **Note:** A PUBLIC MEMBER/MINISTER CAN INTRODUCED A BILL IN EITHER OF THE HOUSES OF THE PARLIAMENT.

❖ **Private Bill (Private members' Bill):** It is a proposal introduced by a member who is not a minister.

○ **Note:** A PRIVATE MEMBER CAN INTRODUCED A BILL ONLY IN THE HOUSE WHERE HE/SHE HAS THE MEMBERSHIP.

<i>Public Bill</i>	<i>Private Bill</i>
1. It is introduced in the Parliament by a minister.	1. It is introduced by any member of Parliament other than a minister.
2. It reflects of the policies of the government (ruling party).	2. It reflects the stand of opposition party on public matter.
3. It has greater chance to be approved by the Parliament.	3. It has lesser chance to be approved by the Parliament.
4. Its rejection by the House amounts to the expression of want of parliamentary confidence in the government and may lead to its resignation.	4. Its rejection by the House has no implication on the parliamentary confidence in the government or its resignation.
5. Its introduction in the House requires seven days' notice.	5. Its introduction in the House requires one month's notice.
6. It is drafted by the concerned department in consultation with the law department.	6. Its drafting is the responsibility of the member concerned.

Depending on the nature/content present in the Bill, the bill is further classified into 3 categories:

- ❖ **Ordinary bills**: These are the bills concerned with any matter other than financial subjects.

Note: In order to pass the Ordinary Bills in the House **Simple majority** is required. (**Total members present in the session / 2**) + 1 = simple majority.

Quorum – 1/10th strength to continue the session of total strength of both houses.

- ❖ **Money bills**: money bills are concerned with the financial matters like taxation, public expenditure etc. Article 110 of the constitution deals with the definition of money bills.

Note: Money Bill is only introduced by public members not private members. And it is passed by the **simple Majority**.

- ❖ **Constitution amendments bills (as per Art 368)**: These are bills, concerned with the amendments of the provisions of the constitution.

Note: To pass the Constitutional Amendment Bills "**Special Majority**" is required. (total strength of the concerned house x 2/3 = Special majority. (two third are present and voting)

Ex: Lok Sabha total strength is $543 \times 2/3 = 362$

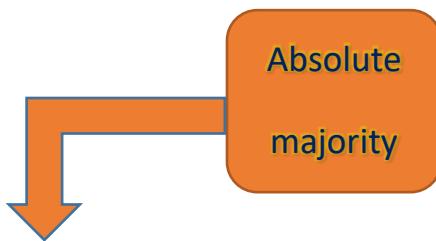
Rajya Sabha total strength is $250 \times 2/3 = 167$

NOTE: Special majority according to Art 368 + 50% state ratification by a simple majority.

(Only when a constitutional amendment tries to change the federal structure)

Types of Majority:

There are mainly 4 types of majority:

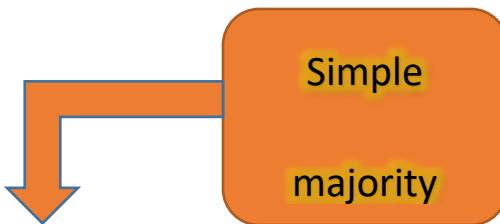


It refers to a majority of more than **50 %** of the "**total membership of the house**".

For instance; as the total membership of Lok Sabha is 545, it means the absolute majority in the Lok Sabha is 50% of 545 + 1.

$$545 \times \frac{1}{2} + 1 = 273$$

Requirement: it is required during the general elections to form the government at the Centre and the State.



Also known as Functional or Working majority

Simple Majority means more than 50 % of members **present and voting**.

For instance;

Let's assume the present members present in Lok Sabha is 300 out of 545. In such case the Simple Majority would be

$$300 \times \frac{1}{2} + 1 = 151$$

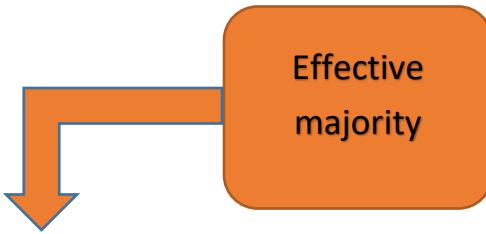
Requirement:

- ❖ When not stated explicitly what type of majority in the Constitution then this majority is assumed.
- ❖ Passage of **Ordinary, Money and Financial Bill**.
- ❖ Amendment related to Article 1,2,3 and 4.
- ❖ Creation of removal of Legislative Council of States.
- ❖ Change in "Quorum"
- ❖ elect the **speaker, Deputy Speaker of the Lok Sabha**, Dy Chairman.
- ❖ declare **financial emergency** and **President's Rule/state emergency**
- ❖ when approval by the LS for discontinuance of Emergency.
- ❖ Passage of **No-Confidence Motion, Confidence Motion, Calling Attention Motion**.
- ❖ Constitution amendment Bill under Article 368 which needs to be **ratified by the states**, needs "**Simple Majority**" at the State legislature.
- ❖ **Removal of Vice President in Lok Sabha**

Explanation: Rajya Sabha passes a resolution with the effective majority and later with a simple majority by Lok Sabha.

*There is no formal impeachment process for the Vice-president in the Indian constitution. He can be removed from the office by first giving 14 days advance notice and then a resolution passed by a majority of all the then members of the Rajya Sabha (**effective majority**) and agreed to by the Lok Sabha with a simple majority.*

The resolution for his removal can be introduced only in the Rajya Sabha and not in the Lok Sabha.



In Constitution, an effective majority is mentioned as "**all the then members**".

It means, Majority of the effective Strength of the House where effective Strength is defined as the

Total Strength -(Minus)- No. of vacancies

Vacancies arise due to 3 reasons

- Death,
- Disqualification,
- Resignation.

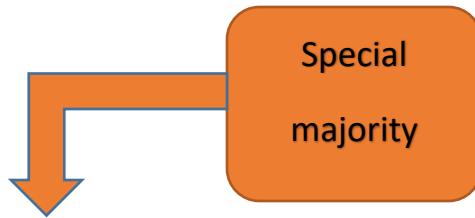
Some sources mention Absenteeism as a vacancy but that is incorrect.

Let's Assume: no of vacancies are 6

Then; **(545 – 6) $\times \frac{1}{2} = 270$ or more**

Requirement:

- ❖ Removal of the Speaker, Dy Speaker and the Dy Chairman.
- ❖ Removal of the Vice President, initiated in the Rajya Sabha, thereafter, Simple Majority in in the Lok Sabha.



Special Majority further has 3 sub-types:

- **Type 1:** not less than 2/3 of Members are present and voting

For instance:

Let's assume Lok Sabha out of 543, only 400 members are present but only 300 are voting, then

300 $\times \frac{2}{3} = 200$ will be the majority.

Requirements:

- Passage of Resolution under Article 249 and 312.

- **Type 2:**

- Not less than 2/3 of the Members **present and voting** and
- Majority of the **Total Strength** of the House.

(in other words, it is a “special Majority of first type + Absolute Majority”)

For Instance;

In Lok Sabha out of 545 only 450 are present and only 300 votes **in favor**, this satisfies both the conditions:

300 is more than 2/3 and also more than $\frac{1}{2}$ of 545

Requirement:

- **Constitutional Amendment Bill Under Article 368.**
- Approval by both the Houses for **National Emergency**.
- Removal of **Judges of SC, High Court, CAG, CEC**.
- Approval for **creation/abolition of State Legislative Council of a State under Article 169.** (*Resolution is passed in the legislative assembly of the state*).

- **Type 3: 2/3 Special majority of the Total Strength of the House.**

For instance;

Lok Sabha total Strength is 545 then 2/3 is

$$545 \times \frac{2}{3} = 364$$

Requirement:

it is used only once, during the **impeachment of the President of India.**

Anglo-Indian

1. The term Anglo Indian is defined as per the article 366 (2) of the Indian Constitution, that:

Article 366 (2): An Anglo Indian means a person whose father or any of whose other **male progenitors** in the **male line** is or was of **European descent** but who is **domiciled within the territory of India** and is or was born within such territory of parents habitually resident therein and **not established there for temporary purposes only**;

2. The term Anglo Indian first defined in the Gol Act of 1935, even before that it was defined in the census of 1911.
3. The right to be nominated to the Lok Sabha (Lower House) was secured from Jawaharlal Nehru **by Frank Anthony**, who was the first and long-time president of the All India Anglo-Indian Association.
4. The reserved seats were expected to have been phased out by the 1960s, but continued to be renewed by successive governments, until this provision was abolished.

Statutory bodies and the constitutional bodies:

Statutory bodies (non-constitutional bodies) are established by an act of Parliament whereas constitutional bodies are mentioned in the constitution itself and *derive their authority from the constitution*.

CONSTITUTIONAL BODIES

1. Election commission (Article-324)
2. Union Public Service Commission (Art 315-323)
3. State Public Service Commission (Art 315-323)
4. Finance Commission (Article 280)
5. National Commission for SCs (Article 338)
6. National Commission for STs (Article 338 A)
7. Comptroller and Auditor General of India (Art 148)
8. Attorney General of India (Art 76)
9. Advocate General of the State (Art- 165)
10. Special officer for linguistic minorities (Art 350 B)

STATUTORY BODIES

1.	Niti Aayog (executive body)
2.	National Development Council
3.	National Human Rights Commission
4.	State Human Rights commission
5.	Central Bureau of Investigation
6.	Central Vigilance Commission
7.	State Information Commission
8.	Central Information Commission
9.	Lokpal and Lokayuktas`1
10.	Security and Exchange Board of India (SEBI)

NOTE: Besides these constitutional and Statutory bodies, there is also an additional body exist, which is called the Executive body or the Non-Statutory bodies.

Example: *Planning Commission and the National Development Council* which was created in the year of 1950 by the executive resolution and later in BJP's Govt. it was again merged into one and created a new non-statutory body called "**Niti Aayog**".

FEDERAL AND UNION

In a Unitary Constitution the Powers of the Govt. are centralized in one Govt.

A Federal system is a system of government in which **several states form a unity** but **remain independent** in internal affairs. Ex: **United States of America**.

A central government and states or provinces that are given considerable self-rule, usually through their own legislatures. Ex: USA, Australia and Germany.

IS INDIA A FEDERAL GOVERNMENT?

Indian Constitution has been variously described by many people such as;

K C Wheare – *Quasi-Federal* (**Contains more Unitary features than federal**)

Morris Jones – *Bargaining Federalism*

Granville Austin – *Co-operative Federalism*

Ivor Jennings -- *Federalism with a centralizing tendency*

Dr. B. R. Ambedkar: “*I think it is agreed that our constitution notwithstanding the many provisions which are contained in it whereby the center has been given powers to override the (provinces), nonetheless is a Federal Constitution*”.

1. Essential characteristics of a federal constitution:

- I. *Two Governments*
- II. *division of powers*
- III. *A written constitution*
- IV. *Supremacy of the Constitution*
- V. *Rigidity of the Constitution*
- VI. *Independent Judiciary and Bicameralism as well as the Dual citizenship.*

2. However, on the other side, the Indian Constitution also contains a large number **of unitary or non-federal features**. Such as; Article 1, describes

India as a 'Union of the States' which implies two things: **one, Indian Federation is not the result of an agreement by the states**; and two, **no state has the right to secede from the federation**

Example: A strong center, Single Constitution, Integrated judiciary, appointment of state governor by the Centre, all-India Services, emergency provisions and so on.

3. Moreover, the term 'Federation' is nowhere mentioned in the constitution.

NOTE:

Historical background of Federal Government:

- *When America got its independence in 1787, there present 13 colonies which decided to create a confederal with their own independent identity and created their constitution in 1789.*
- *Later with the passage of time, in order to make a strong nation these states created federation of 13 states (presently 50 states) with the **residuary power vested in states itself.***
- *1858 in India, after the revolt of 1857, British Government took over the control of India and in which some of the states came under the direct control of the British Rule but some provinces were not much interfered by the British government. Later in Gol Act of 1935, the word Federation was used in which some states were having their independent identity and some fell under the control of British power.*
- *However, after independence, India had not adopted the same federal system because India was at that very time, a land of more than 550 provinces. Hence, to provide independent constitution to all of the states was technically hard to fulfill.*

Articles, parts and Schedules

Article is nothing but a guideline and has a similar context in law to the section mentioned in various Acts. Articles are used to convey an impression of address of a particular Rule or the provision mentioned in the Constitution.

The Articles also explain how the government interacts with the citizen states and all affairs of the country.

Part—is nothing but a **group of Articles** which together forms a single Part.

Example: Art 1 to 4 forms part 1 of the constitution, with heading as Union and its territories.

Example: Art 5 to 11 forms Part II with the heading as Citizenship and Article 12-35 form part III with the heading as Fundamental Rights.

A schedule of the Indian Constitution is **an appendix or annexure highlighting lists or details** mentioned in its main text of the Indian Constitution. *Means, instead of putting the list of all the states, union territories and acquired territories in the Part I of the Constitution and having to amend it every time a territorial change happens, this list is placed under the First Schedule.*

Example: Article 2 of the constitution of India says, The States and the Territories thereof shall be as specified in the first Schedule.

Example: Art 59(3), 65(3) mention the salaries awarded to the President of India and the Vice-President of India, respectively, along with other clauses mentioning the salaries are placed under the Second Schedule.

Example: Article 246(1) states that parliament has the exclusive power to make laws on any of the subject mentioned in list 1 of 7th Schedule. Now list of 7th schedule has 97 subjects. Imagine if they would have included inside the clauses itself it would have been too lengthy than at present.

NOTE: Originally, Indian Constitution comprised of 8 Schedules, 22 Parts and 395 Articles. However, at present there are 25 Parts, 12 Schedule and 448 Articles.

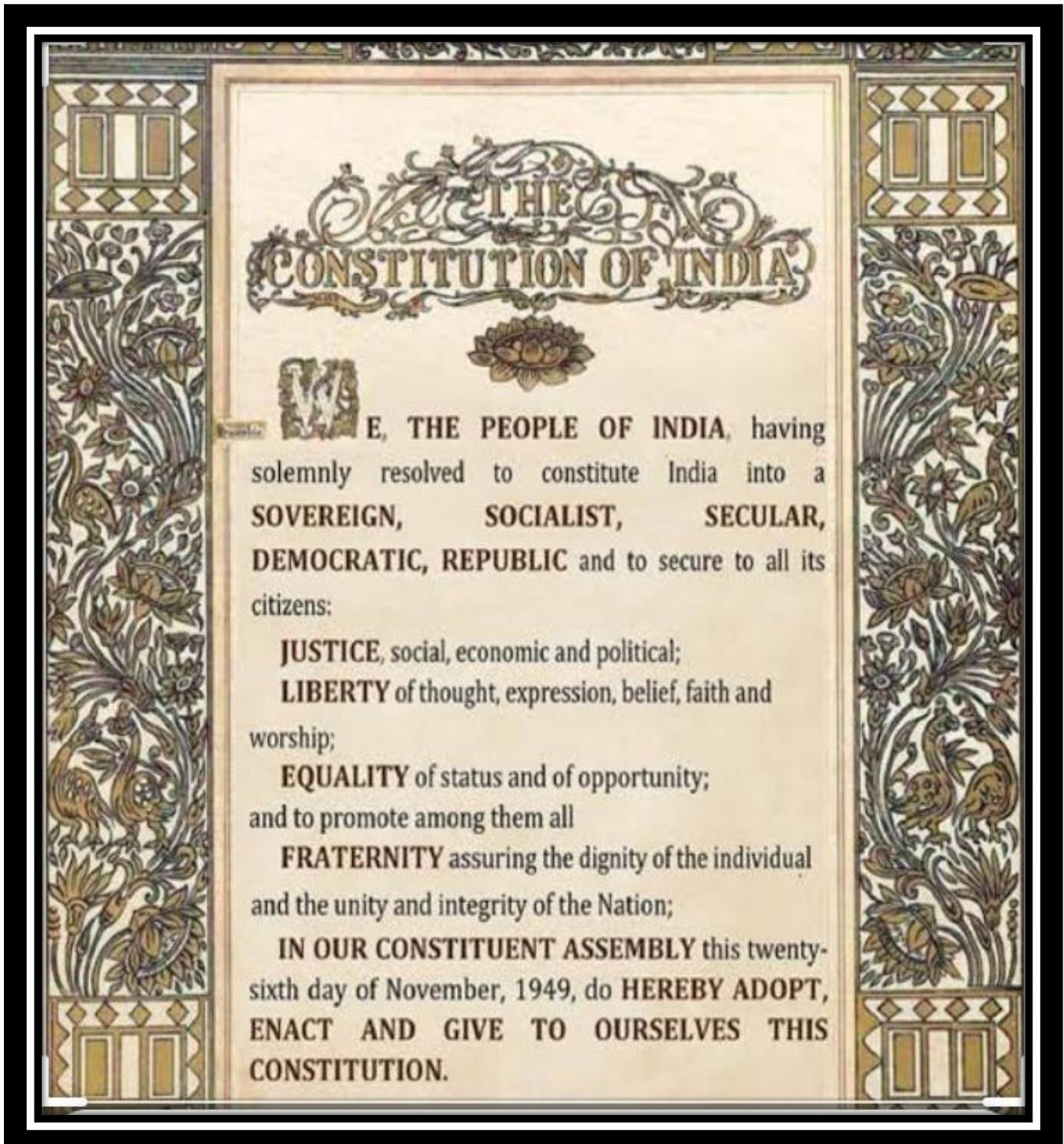
Part I	The Union and its Territory	Art 1-4
Part II	Citizenship	Art 5-11
Part III	Fundamental Rights	Art 12-35
Part IV	Directive Principles (DPSP)	Art 36-51
Part IV A	Fundamental Duties	Art 51 A
Part V	The Union Government Chapter I- The Executive----- Chapter II- The Parliament----- Chapter III- Legislative Powers of President----- Chapter IV- The Union judiciary----- Chapter V – Comptroller and Auditor General of India--	Art 52-151 Art 52-78 Art 79-122 Art 123 Art 124- 147 Art 148-151
Part VI	The States government Chapter I- General----- Chapter II-The Executive----- Chapter III-State Legislature----- Chapter IV-Legislative Powers of Governor----- Chapter V-High Courts----- Chapter VI-Subordinate Courts-----	Art 152- 237 Art 152 Art 153- 167 Art 168-212 Art 213 Art 214-232 Art 233-237
Part VII	<i>Repealed by 7th Constitutional Amendment 1956</i>	
Part VIII	The Union territories	Art 239-242
Part IX	The Panchayats	Art 243- 243 O
Part IX A	The Municipalities	243 P – 243 ZG
Part IX B	The Co-operative Societies <i>By 97th Amendment Act 2011.</i>	243 ZH – 243 ZT
Part X	The Schedule and the Tribal Areas	Art 244 – 244 A
Part XI	Relation Between the Union and the States Chapter I- Legislative Relations Chapter II- Administrative Relations	Art (245 – 263) Art 245 – 255 Art 256 – 263

Part XII	Finance, Property, Contracts and Suits Chapter I – Finance Chapter II – Borrowing Chapter III – Property, Contracts, Rights, Liabilities, Obligations and Suits Chapter IV – Right to Property	Art (264 – 300A) 264 – 291 292 – 293 294 – 300 Art 300-A
Part XIII	Trade, Commerce and Intercourse within the Territory of India	Art 301 – 307
Part XIV	Services under the Union and the States Chapter I- Services Chapter II- Public Service Commission	Art (308 – 323) 308 – 314 315 – 323
Part XIV A	Tribunals	323 A – 323 B
Part XV	Elections	Art 324 - 329 A
Part XVI	Special Provisions relating to SCs, STs, OBCs and Anglo- Indians	Art 320 – 342
Part XVII	Official languages Chapter I – Language of the Union Chapter II – Regional Languages Chapter III – Language of the Supreme Court, High courts, and so on Chapter IV – Special Directives	Art (343 – 351) 343 – 344 345 – 347 348 – 349 350 - 351
Part XVIII	Emergency Provisions	Art 352 – 360
Part XVIX	Miscellaneous	Art 361 – 367
Part XX	Amendment of the constitution	Art 368
Part XXI	Temporary, Transitional and Special Provisions	Art 369 – 392
Part XXII	Short Title, Commencement, Authoritative Text in Hindi and Repeals	Art 393 – 395

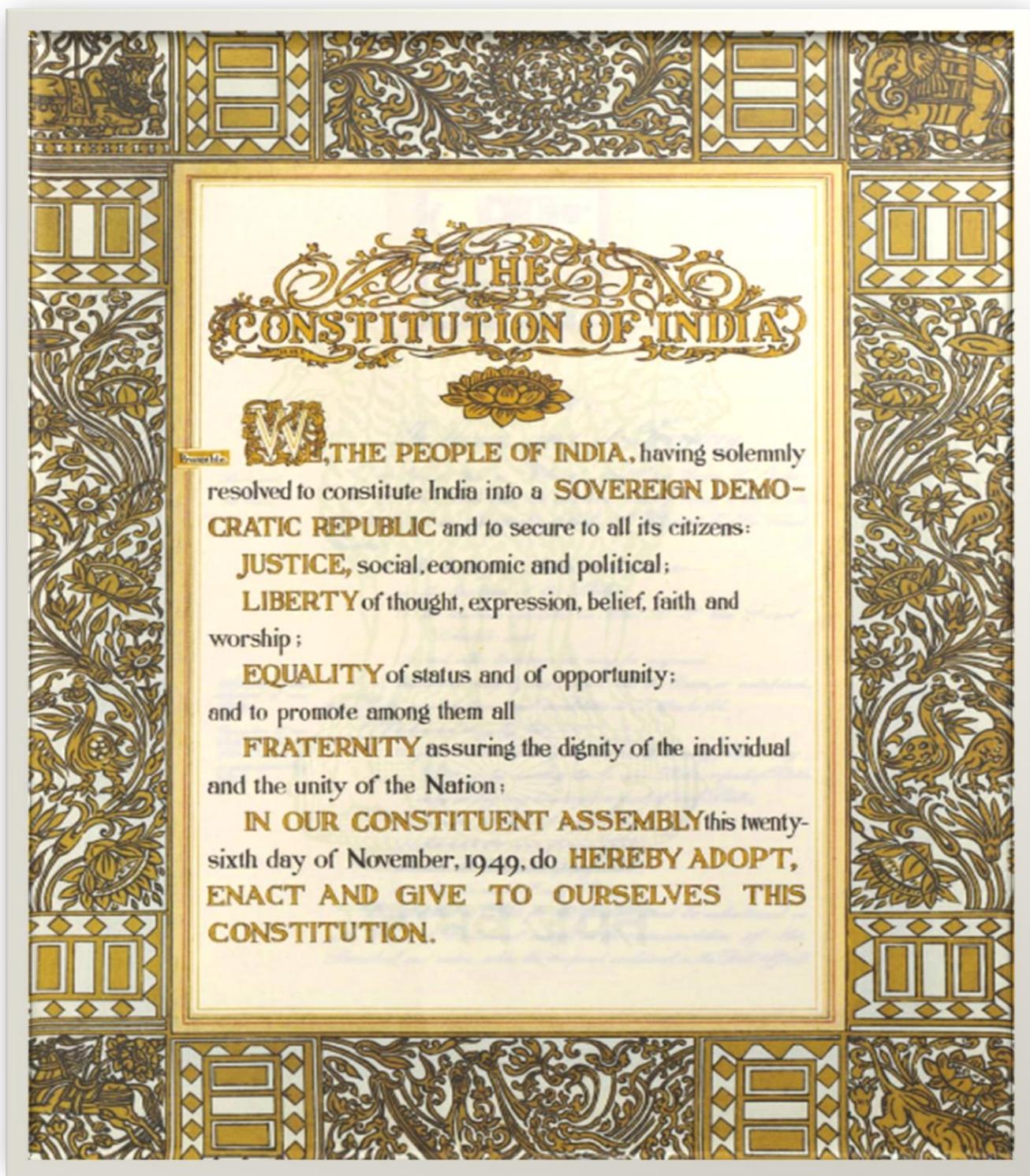
12 Schedules of Indian Constitution

Schedules	Details
Schedule 1	State and Union Territories Name and their Boundary details
Schedule 2	Special Powers and Salary details of President, Governors of state, Speakers and Deputy speakers of Rajiya sabha and Lok sabha, Supreme court and High Court Judges.
Schedule 3	Oath and Promises of All authority except President, and vice president.
Schedule 4	Rajiya Sabha MP count of state and Union Territories
Schedule 5	Scheduled Area and scheduled Tribes Administration and control Law Details
Schedule 6	States of Assam, Meghalaya, Tripura and Mizoram Tribal areas Administration and control law details
Schedule 7	Detailed List about Union and State Government Power and Concurrent List
Schedule 8	Official Languages
Schedule 9	Validation of certain Acts and Regulations.
Schedule 10	Details about Party changes and disqualification of MP/MLA
Schedule 11	Responsibilities and Powers of Panchayat
Schedule 12	Responsibilities and Powers of Municipalities

Preamble



Preamble Before amendment:



Comparison Between Indian and American preamble:



सत्यमेव जयते

CONSTITUTION OF INDIA
Preamble

WE THE PEOPLE OF INDIA, having
solemnly resolved to constitute India into a
Sovereign Socialist Secular Democratic Republic
and to secure to all its citizens

JUSTICE
Social, economics and political;

LIBERTY
of thought, expression, belief, faith and worship

EQUALITY
of status and of opportunity; and to
promote among them all

FRATERNITY

The Preamble of the United States Constitution

We, the people of the United States
In order to form
A more perfect union,
Establish justice,
Insure domestic tranquility,
Provide for the common defense,
Promote the general welfare,
And secure the blessings of liberty
to ourselves and our posterity,
Do ordain and establish
This Constitution
For the United States of America.

Sources of the Indian Constitution:



1. British Constitution:

- Parliamentary form of Government
- Single Citizenship
- Cabinet System (*mentioned in art 352 by 44th amendment 1978*)
- Bicameralism
- Rule of Law
- Legislative Procedure
- Writs
- Parliamentary Privileges
- Nominal Head – President (like Crown)
- Post of PM and Speaker of Lok Sabha
- Council of Ministers responsible to Lower House.

2. U S Constitution

- Fundamental Rights (*CALLED "BILL OF RIGHTS" IN AMERICAN CONSTITUTION*)
- Impeachment of the President
- Independence of Judiciary
- **Judicial Review** (*THIS WORD IS NOWHERE MENTIONED IN THE CONSTITUTION*)
- Removal of the Supreme Court and High Court Judges
- Removal of the Vice-President
- Vice President Acting as the chairman of Upper House (*ex-officio*)
- Written Constitution
- President as Supreme commander of Armed Forces
- Equal Protection Under Law
- Preamble

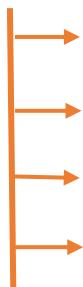
3. Canadian Constitution

- **Federation with a strong center**
- Vesting of **residuary power in the center**
- Appointment of the State governors by the center
- Advisory jurisdiction by the Supreme Court

4. French Constitution

- Republic and the ideal of liberty, equality and fraternity in the Preamble

5. Australian Constitution



- Concurrent List
- Joint Sitting of two Houses of Parliament
- Freedom of Trade Commerce and Intercourse

6. Irish Constitution



- Directive Principle of State Policy (DPSP)
- Nomination of members to Rajya Sabha
- Method of Election of President

7. Soviet Constitution/ Russia or USSR



- Fundamental Duties
- Ideal of Justice (Social, economic and Political in the Preamble)

8. South African Constitution



- Procedure of Amendment of the constitution
- Election methods of the members of the Rajya Sabha

9. Japanese Constitution



→ Procedure established by Law

10. Weimar Constitution of Germany



→ Suspension of Fundamental Rights during Emergency

11. Govt. of India Act 1935 *(THIS IS THE MAJOR SOURCE OF THE INDIAN CONSTITUTION)*



→ Federal scheme

→ Office of Governor

→ Judiciary

→ Public Service Commissions

→ Emergency Provisions

→ Administrative details

SALIENT FEATURES OF THE INDIAN CONSTITUTION

Despite being borrowed from almost every constitution of the world Indian constitution is unique in its contents and spirit, which distinguishes it from the constitutions of other countries.

1. **Worlds' lengthiest written Constitution**, with a Preamble, 8 Schedules, 22 Parts and 395 Articles in original. After various amendments since 1951 four Schedules (9, 10, 11, 12) are added so far, hence no other constitution in the world has so many Articles and Schedules.
2. **While the American constitution** originally consisted only 7 articles.
3. **Australian Constitution 128 Articles.**
4. **Canadian 147 Articles.**

Factors, why it is lengthiest?

- I. **Single Constitution for both Union and the States:** The constitution promotes the unity and convergence of the ideals of nationalism. Single Constitution empowers only the Parliament of India to make changes in the Constitution.
- II. **In order to avoid uncertainty and litigation**, and to avoid all defects and loopholes anticipated from the light of other constitutions, it incorporated all the accumulated experiences gathered from the working of the most of the constitutions present in the world.
- III. **Historical factors**, Indian Constitution is influenced its major part from **GoI Act of 1935** which itself was bulky.

- IV. **Detailed and comprehensive explanation** of all topics such as; Fundamental Rights in Part III, Official Languages in Part XVII, explanation of SCs, STs and Other Backward classes in Part XVI of the Indian Constitution.
- V. Because of the Geographical vastness and **diversity** of the country.
- VI. It comprises not only the principles of governance but also the detailed provisions of administration.

1. **A blend of Rigidity and Flexibility:** The Constitution of India is both qualities of being neither rigid nor flexible. Rigid constitution means that the special procedures are required for its amendments whereas a Flexible constitution is amended easily in the same manner as the ordinary Laws are made.

Example:

USA – most Rigid Constitution of the World with special majority of 3/4th

UK - Most flexible constitution of the World

2. **A Federation with strong unitary tendency:** the Constitution of India establishes a federal system of government as it comprises all the features of a federation but the term 'Federation' has nowhere mentioned in the Constitution.

On the other hand, Article 1 describes India as a 'Union of States' which implies two things one, Indian Federation is not the result of an agreement by the states; and two, no state has the right to secede from the federation.

Hence, Indian Constitution is described as '**federal in form but Unitary in spirit.**

3. Fundamental Rights:

- Fundamental Rights are meant for **promoting the idea of political democracy**. They **apply limitations on the tyranny of the executive and arbitrary laws of the legislature**.
- **Fundamental Rights are Justiciable in Nature as they are enforceable by the courts for their violation.**
- The aggrieved person can directly go to the Supreme Court which can issue the Writs for the restoration of his/her rights.
- However, the Fundamental Rights are not absolute to reasonable restrictions as they can be suspended during the operation of a National emergency except the rights guaranteed by Articles 20 and 21.

4. Fundamental Duties: Not originally constituted but incorporated later as Part IV – A, which consists of only one Article 51 – A, during 1975-77 by the 42nd Constitutional Amendment Act of 1976 on the recommendation of the **Swaran Singh committee**. Originally there were 10 Fundamental Duties but 86th Constitutional Amendment Act of 2002 added one more fundamental duty 10+1=11.

The fundamental duties serve as a reminder to citizens that while enjoying their rights, they have also to be quite conscious of duties they owe to their country, their society and to their fellow-citizens.

5. **Directive Principle of State Policy:** The DPSPs are meant for promoting the ideal of ***social and economic democracy*** intending to establish a '**welfare state**' in India, enumerated in Part IV of the Constitution. They impose the moral obligation on the state authorities for their application.

Dr. B R Ambedkar, called DPSP as '**Novel feature of the Indian Constitution**'.

DPSPs can be classified into three broad categories – Socialistic, Gandhian and Liberal-Intellectuals.

6. **Universal Adult Franchise:** Universal Adult Franchise by the Constitution-makers was a bold experiment and highly remarkable in view of the vast size of the country, its huge population, high poverty, social inequalities and overwhelming illiteracy.

- Every citizen who is not less than 18 years of age has a right to vote without any discrimination of caste, race, religion, sex, literacy, wealth, and so on.
- **By the 61st Constitutional Amendment Act of 1988, the voting age from 21 in the year 1989 was reduced to 18.**
- Universal Adult Franchise makes democracy broad-based, enhances the self-respect and prestige of the common People, upholds the principle of equality, enables minorities to protect their interests and opens up new hopes and vistas for weaker sections.

7. **Single Citizenship:** Though Indian Constitution is federal in nature, it provides for only a single citizenship, that is, the Indian Citizenship.

All Citizens in India irrespective of the state in which they are born or reside enjoy the same political and civil rights of citizenship all over the country.

On the other hand, in countries like USA, each person is not only a citizen of USA but also a citizen of the particular state. Thus they owe allegiance to both and enjoys dual sets of rights – one conferred by the National government and another by the state government.

8. **Parliamentary Form of government:**

9. **Integrated and Independent Judiciary**

10. **A Secular State:**

11. Emergency provisions:

Art 352 provides the concept of National emergency on the ground of war or external aggression or armed rebellion.

Art 356, State Emergency or President Rule on the ground of Constitutional machinery in the states or failure to comply with the directions of the Centre.

Art 360, deals with the concept of Financial Emergency on the ground of threat to the financial stability or credit of India.

12. It is a **living organ** not a fossil

Historical Background

1. For correct insight and understanding of any constitution, a knowledge of its history is indispensable.

2. 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 a subsidiary alliance policy.

3. The *roots of the evolution of Indian Constitution can be traced in the British Indian system of administration*. Therefore, there are various layers in the background of the Indian Constitution: Beginning from the Charter Act of 1773 till independence on August 15, 1947. As British rule laid down the legal framework for the organization and functioning of government in India by these acts, therefore, these acts are considered in some way instrumental for the development of the Indian Constitution.

4. This period can broadly be divided as follow:
 - I. 1600-1765
 - II. 1765-1858
 - III. 1858-1919
 - IV. 1919-1947
 - V. 1947-1950

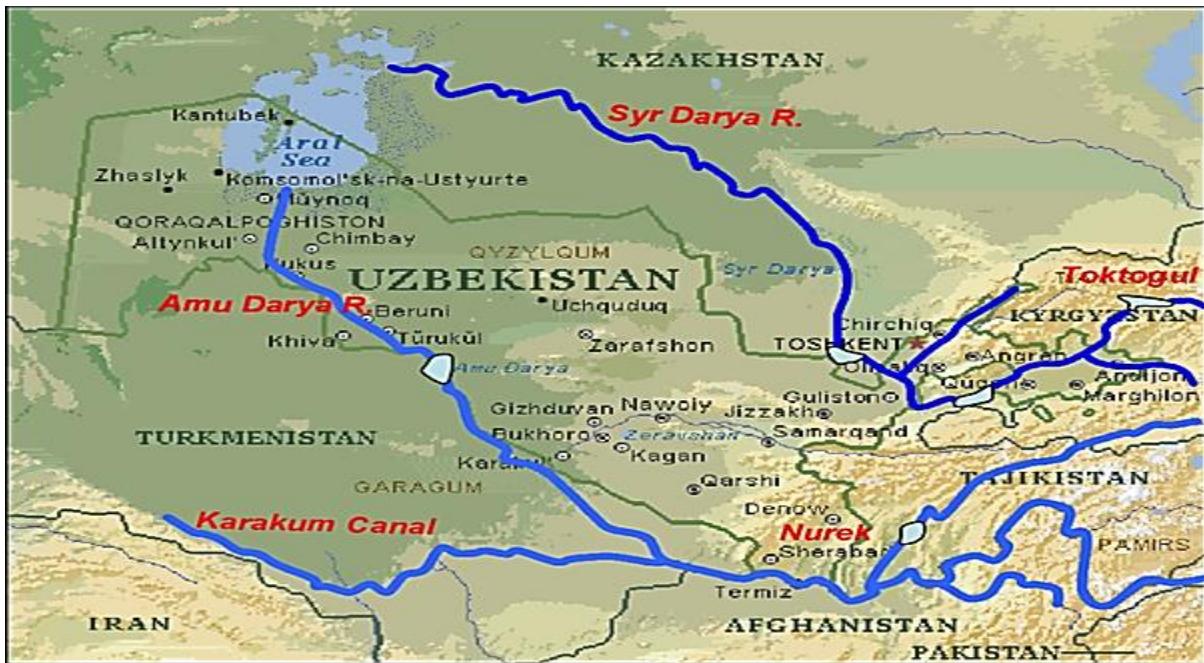
I. 1600-1765 -----

Formation of the British East India Company :

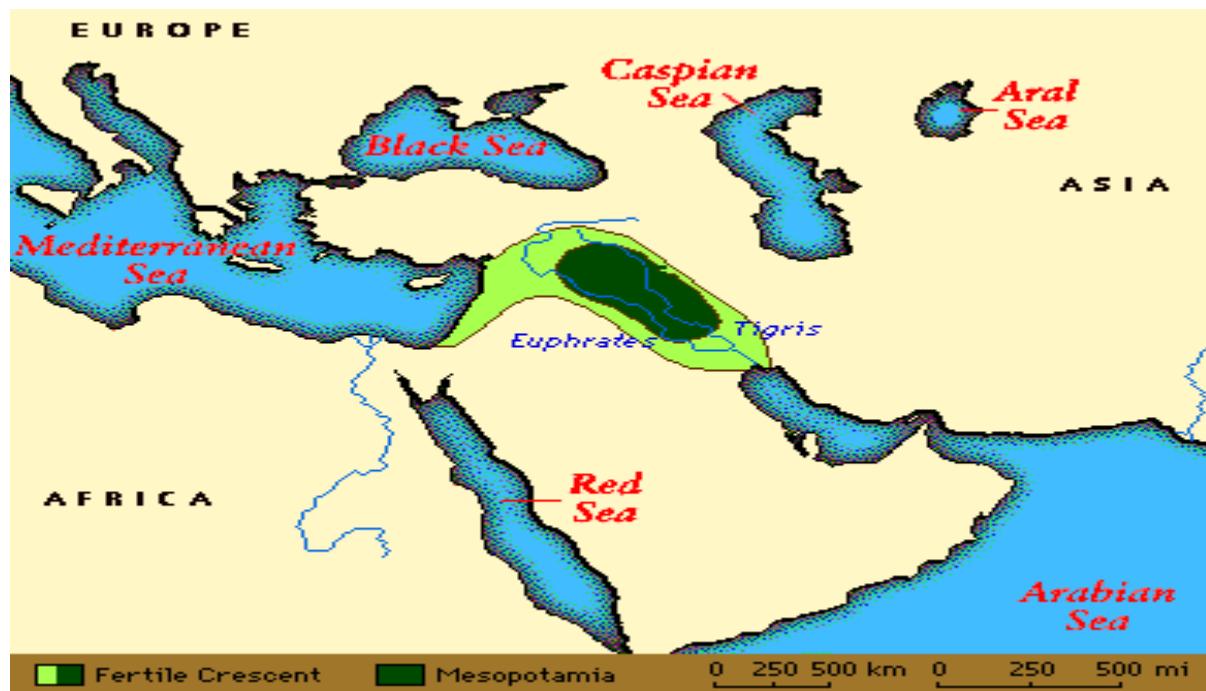
For the majority of students, the history of British India virtually begins with the Clive, however, its root lies far behind

From the days of **Solomon (Monarch of Ancient Israel 97-931 BCE)** to the end of the Middle Ages trade between India and the West mainly followed the three great waterways of the **Oxus, the Euphrates, and the Red Sea.**

The **Oxus** is a river, today called **Amu Darya** in its western part and Wakhsh in its eastern parts, which flows for a length of 2400 km across modern **Tajikistan, Afghanistan, Turkmenistan and Uzbekistan** into **Lake Aral**. In Ancient times it crossed the regions Fergana, Bactria, Oxiana, Sogdiana and Khiva .



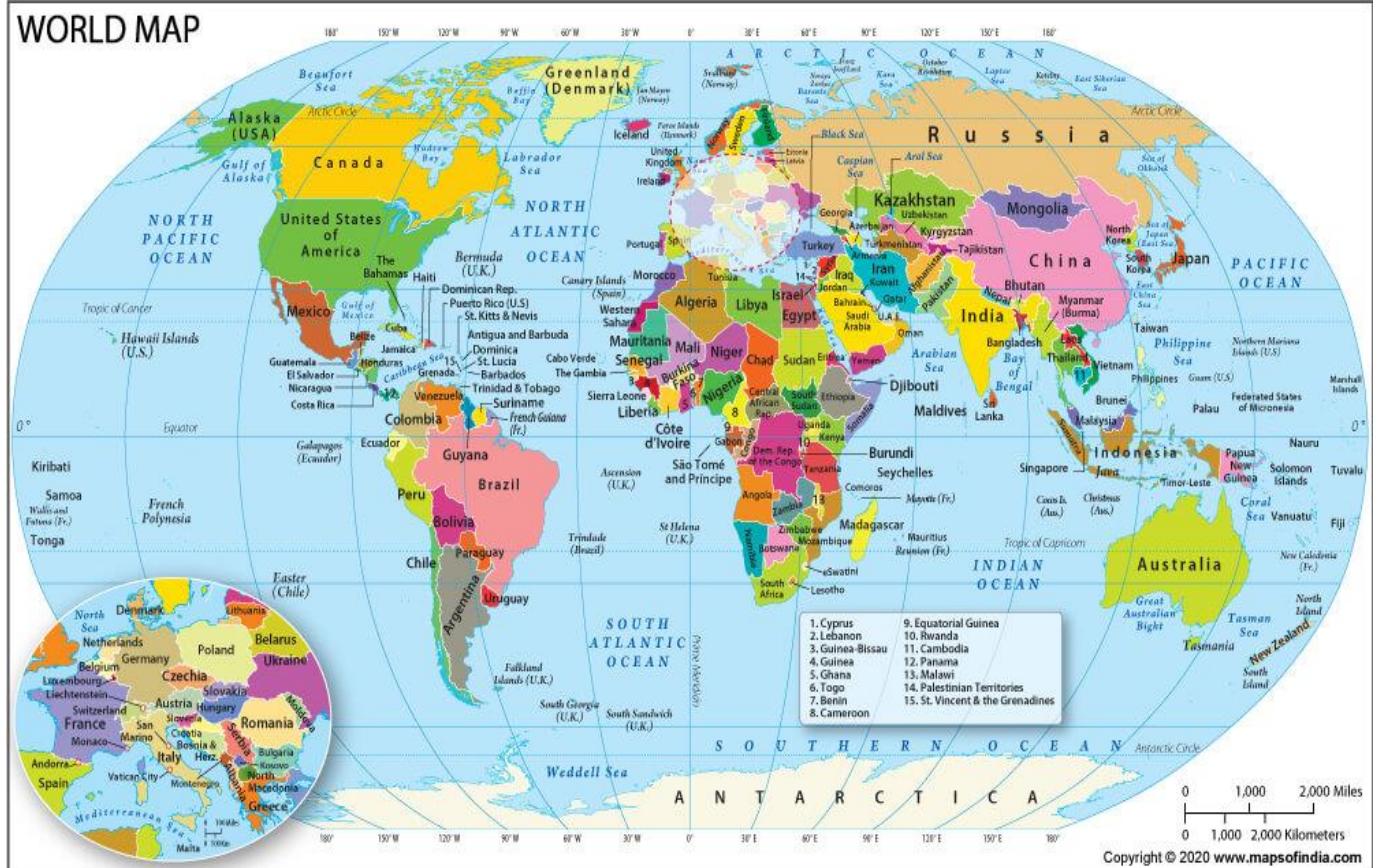
The **Euphrates** is the longest and one of the most historically important rivers of Western Asia. It originates in Turkey and flows through Syria and Iraq before emptying into the Persian Gulf. The river has a total length of 1,740 miles (2,800 km) .



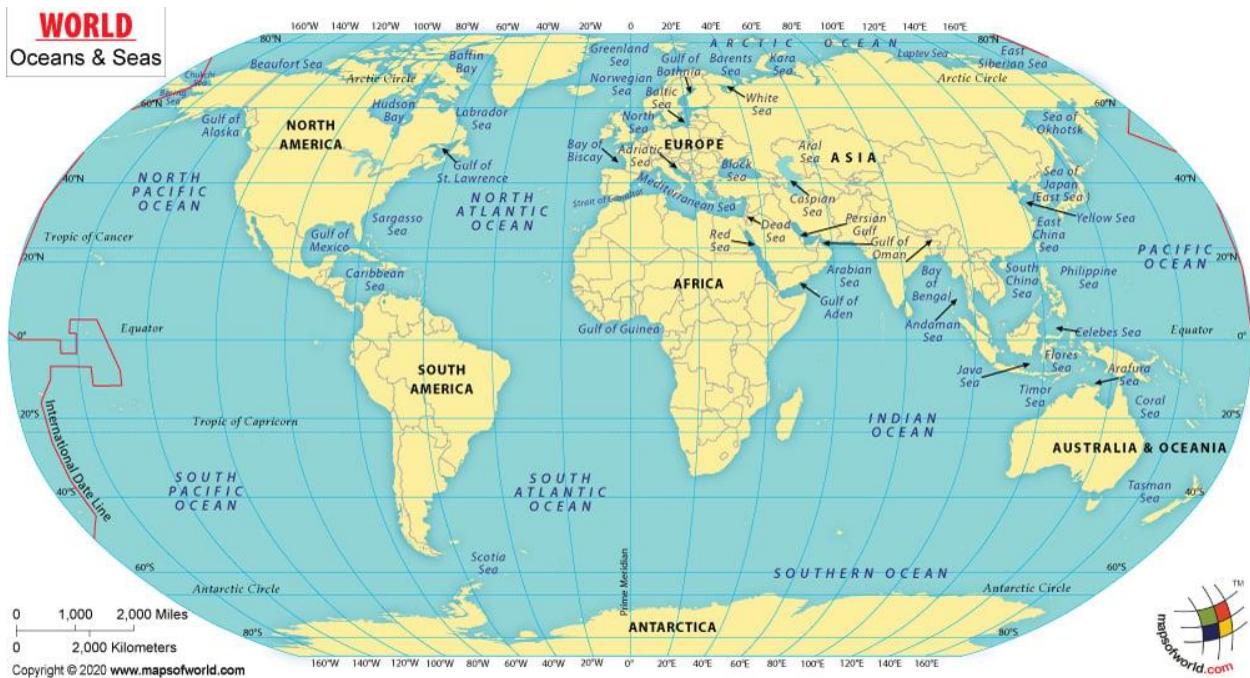
The **Red Sea** is a seawater inlet of the Indian Ocean, lying between Africa and Asia. Its connection to the ocean is in the south through the **Bab-el Mandeb strait** and the Gulf of Aden. It is approximately 1,200 miles (1,900 km) long and 190 miles (300 km) wide .



WORLD MAP



WORLD Oceans & Seas



WORLD MAP



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THE QUEST AND INVENTION OF THE INDIES

The existence of a fourth route, **around Africa**, had indeed long been suspected. **Herodotus 1** (Greece) speaks of two attempts to circumnavigate Africa.

Pharaoh Necho (king of Egypt 610-595 BC) sent an expedition consisting of Phoenician mariners, who sailed down the Red Sea, and after three years returned through the ***Strait of Gibraltar***.

Xerxes (Persian ruler 465 BC) permitted a Persian noble named Sataspes, who was lying under sentence of death, to expiate his crime by a similar feat. He set out in the opposite direction, through the Strait of Gibraltar, but returned after reaching a point called Soloeis, the modern **Cape Spartel**.

Hanno the Carthaginian is also said to have gone as far as a place called Hesperi Cornu, perhaps the Bight of Benin.

Lastly, Eudoxus of Cyzicus, returning from a voyage to India made under the orders of Ptolemy Euergetes, about 120 b. c, was carried by the stress of weather to the east coast of Africa. There he picked up the prow of a ship, which his sailors, judging by its appearance, declared to have come from Spain.

Eudoxus was so impressed that on his return he fitted out an expedition of his own to circumnavigate Africa, but he was never heard of again.

The truth was, however, that a way around Africa to India was unnecessary while the infinitely nearer routes by way of Asia Minor were available, and the subject attracted little attention. But the whole complexion of affairs was changed when the **Turks conquered Constantinople in A.D. 1453**. The trade- routes were now in the hands of a hostile power. Shipping lay rotting at the quays of Venice. The great European marts like Antwerp were crying out for spices.



A new way to the East had to be discovered at all costs, and adventurous spirits set out to find one, across the Atlantic, round Africa, or through the Arctic ice-floes to the north-west or north-east. Hakluyt rightly considers that the real value of the early explorers lies not so much in their actual achievements as in the information which they collected for the Portuguese in later days.

The discovery of the new way to the East eventually fell to the lot of Portugal, and how this happened cannot better be told than in the quaint words of Purchas : and made way to that maturity, whereby it opened soon after another World, was **Prince Henry of Portugal**.

The Prince was dead, but his spirit lived in the breasts of his countrymen. They crept ever farther and farther down the coast, erecting crosses, converting the natives, or kidnapping them for slaves, and seeking for the kingdom of the legendary Prester John, until, in 1487, **Bartholomew Diaz** ¹ first discovered the famous Cape which for his manifold troubles he termed Cabo Tormentoso, or the tempestuous Cape (cape of good storm) ; but **King John**, hoping thence to discover the Indies, named it at his return the **Cape of Good Hope** ¹.

At the same time, one **Peter Covilian**, traveling via Constantinople and Aden, had actually managed to reach **Goa and Calicut**. On his return he was detained at the Abyssinian court, but he managed to send back to his master a map of the coast of East Africa and the way to India. Armed with Covilian's map, **Vasco Da Gama**, after many anxious months of training, and the utmost care in the selection of tackle, stores, medicines, and charts, sailed in splendid pomp from Lisbon, with **three ships and 160 men, on July 9, 1497**.

On May 20, 1498, he cast anchor off Calicut, and the Cape route to India was opened.

Meanwhile, other great discoveries had been made in the West. **Christopher Columbus**, a Genoese, had offered his services to Portugal for the discovery of a western route to India, but finding himself neglected, had transferred himself to Spain, with the result that Spain became the **mistress of America (1492)**.





The English Levant Company was a corporation of English merchants who, under a royal charter granted by Elizabeth I in 1581, enjoyed a trading monopoly with the Ottoman Empire and, after 1592, with Venice.

The old **Levant Company** (suffered severely from the Spanish cruisers which harassed their fleets from the harbour of Gibraltar. English merchants had felt keenly the Spanish invasion of the Netherlands, which ruined the great mart of Antwerp, and even when the **Dutch** recovered their prestige, **they proved not friends but dangerous rivals.**

Their action in 1597, when they suddenly ***raised the price of pepper from 3s. to 8s. per pound***, caused much feeling in England.

All these circumstances combined to create a strong desire to find a sea-route to India, which would make England independent of her neighbours, and enable her to fetch merchandise from the East for herself.

As early as **1590**, **John Davis** set out in the **Samaritan**, but got no farther than **Madeira**. In the next year, John Raymond sailed from Plymouth Sound with three tall ships,

In 1596, another fleet, consisting of the **Bear**, the **Bear's Whelp**, and the **Benjamin**, was sent out by Sir Robert Dudley, with an introductory letter from Queen Elizabeth to the Emperor of China. They were never seen again. According to an obscure report, they waylaid and plundered some Portuguese galleons, but were in their turn exterminated by their rivals.

Further they demanded the privilege of trading with any Eastern nation where they had not already been forestalled by their rivals. They accordingly drew up and presented to the Privy Council through Sir Francis Walsingham a long document entitled Certain reasons why the English merchants may trade into the East Indies, especially to such rich kingdoms and dominions as are not subject to the King of Spain and Portugal :

*about the voyage to the East round the Cape. This document is dated **March 10, 1599**, but it was not until **December 31, 1600**, that the charter, entitled **A privilege for fifteen years** granted by Her Majesty to certain adventurers for the discovery of the trade for the East Indies, was finally issued.*

Sir Thomas Smythe, having secured this charter, sent round the beadle with the Company's subscription-book for the first voyage.

After some trouble, capital to the amount of £68,323 was raised, and a fleet of four ships, ***the Red Dragon, Hector, Ascension, and Susan***, was fitted out, altogether 1,400 tons, with a complement of 480 men. Captain James Lancaster was in charge. With the adventures of this fleet at Achin in Sumatra and at Bantam (where they established a factory), we are not here concerned. The second voyage was a repetition of the first. Meanwhile, however, the idea of getting into touch with the mainland of India, as suggested by Fitch, had not been forgotten.

It was determined to send another embassy to the court of Akbar, to be followed later, if necessary, by a fleet.

John Mildenhall, who was chosen for this errand, travelled to India by the overland route through northern Persia. He took his own time over the journey, and did not reach Lahore until 1603. ***On reaching Agra, he was kindly received at first by Akbar.***

The East India Company did not, however, abandon the project. The first two ' voyages ' had, as we have seen, gone to the **Spice Islands**. When the third fleet made ready to sail, it was determined that one vessel should be sent to **Surat**, to establish a factory there by treaty with the Mughal Court, buy calicoes, and rejoin the rest at Bantam ; by which means, writes Captain Keeling, the ' General ' of the expedition, they ' would lay the best foundation for gain against another year that ever I heard of '.

Surat was chosen for many reasons. As the great entrepot of the Mughal Empire on the western coast of India, it was, in the words of a contemporary traveler, ***a city of very great trade in all classes of merchandise***, a very important seaport, yielding a large revenue to the king and frequented by many ships from Malabar and all parts '.

The English Factory at Surat has been called the "**“Corner Stone”**" of the British empire in India.

Points till now:

1. The Britishers came to India in 1600 as traders in the form of The East India Company created by some of the merchants of London.
2. The company secured for it a charter from Queen Elizabeth in Dec,1600 which settled it's **constitutional power and privileges**.
 - a. The charter vested the management of the company in the hand of a Governor and **24 members (court of directors)** who were authorised to organize and send trading expeditions to the East India.
 - b. Monopoly of trade with the East.
 - c. Charter was for 15 years and was terminable on two years' notice.
 - d. It could be renewed if the interest of the crown was not affected.
3. First settlement of company was at Surat (1612), as a result of a **Royal Firman** from the Emperor **Jahangir** granting it land and other concessions.
4. This was followed by “Musulipattam ---- Madras (1639) and later at Hariharpur in Mahanadi Delta (1690).
5. Thus in the course of time the factories at **Bombay, Madras and Calcutta** became the chief settlements or presidencies of company.

LEGISLATIVE POWERS: The charter of 1600 granted to the Governor and company the power to make, ordain and constitute reasonable laws constitutions, orders and ordinances for the good governance of the company.

NOTE:

Though limited in scope, but the legislative powers of the company was of great importance as it is “***the germ***” out of which the Anglo-Indian Codes were ultimately developed.

the legislative power of the company was very limited and not to be contrary to the laws, statutes or customs of England to prohibit any fundamental change in the principle of English law as it was for purely a trading concern and not a political sovereign acquiring foreign territory.

6. By the Charters of 1609 and 1661 similar powers were affirmed.
The Charter of 1693 makes no mention of legislative powers.

THE CHARTER OF 1726:

The Charter of 1726 had a great legislative significance. Hitherto, ***the legislative power was vested in the Court of Directors in England.*** They were not conversant with the conditions prevailing in India. It was, therefore, considered desirable to vest law-making power in those who were acquainted with the Indian conditions. Accordingly, ***the Charter authorized the Governor and Council of the three Presidencies to make, constitute and ordain bye-laws,*** rules and ordinances for the good governance of the Company and to impose punishments for their contravention.

The Charter also established the Mayor's Courts at Calcutta, Bombay and Madras and expressly introduced English laws into these Presidencies.

Thereafter, events of great importance took place in the interior of Bengal. It was a period of gradual disintegration of the Moghul Empire. Its last strong Emperor Aurangzeb was dead. Soon after the death of Aurangzeb the controlling and powerful unifying force that existed in country under the rule of Aurangzeb declined and India became a battleground of rival contesting principalities.

The East India Company took full advantage of this chaotic situation and gradually established itself as the unrivalled master of the Indian sub-continent. The victory of the Company in the **battle of Plassey in 1757 against Sirajuddaulla**, Nawab of Bengal, had laid the foundation of the British Empire in India. In **1765 Shah Alam granted the Diwani**, after loosing the "**Battle of Buxar**". i.e.. the responsibility of the collection of revenue to the Company, which automatically involved the administration of civil justice.

As Ilbert has said: "The year 1765 makes a turning point in the Anglo-Indian History and may be treated as commencing the period of territorial sovereignty by the East India Company". The Company henceforth threw off the mask of traders and appeared in the true garb of rulers.

1765-1858 (BEGINNING OF THE BRITISH RULE):

The grant of Diwani made the East India Company real masters of **Bengal, Bihar and Orissa**.

As a result of Diwani the Company became responsible for the administration of **civil justice and collection of land revenue**. But it was very difficult for the Company-a trading body-to administer this vast territory.

The administration of civil justice and collection of revenue was, therefore, left to Indians. The Company, however, appointed two English officers to supervise the working of this system. This system proved to be harmful for the country.

The Indian official who were responsible for administration had no effective power to enforce their decisions. On the other hand, the Company's servants who were **real rulers had no responsibility** and they exploited the situation for their selfish ends.

They were directly responsible to the Court of Directors in England.

The Governors and Councillors were appointed from among the senior servants of the company.

Salary of these servants was ridiculously small and low-paid, therefore, they started extracting presents, bribes and levies from the poor people and returned to England with huge wealth.

The suffering of the people reached to maximum when there was a ***great famine in Bengal.***

The climax was reached when the Company approached the British Government for a huge loan.

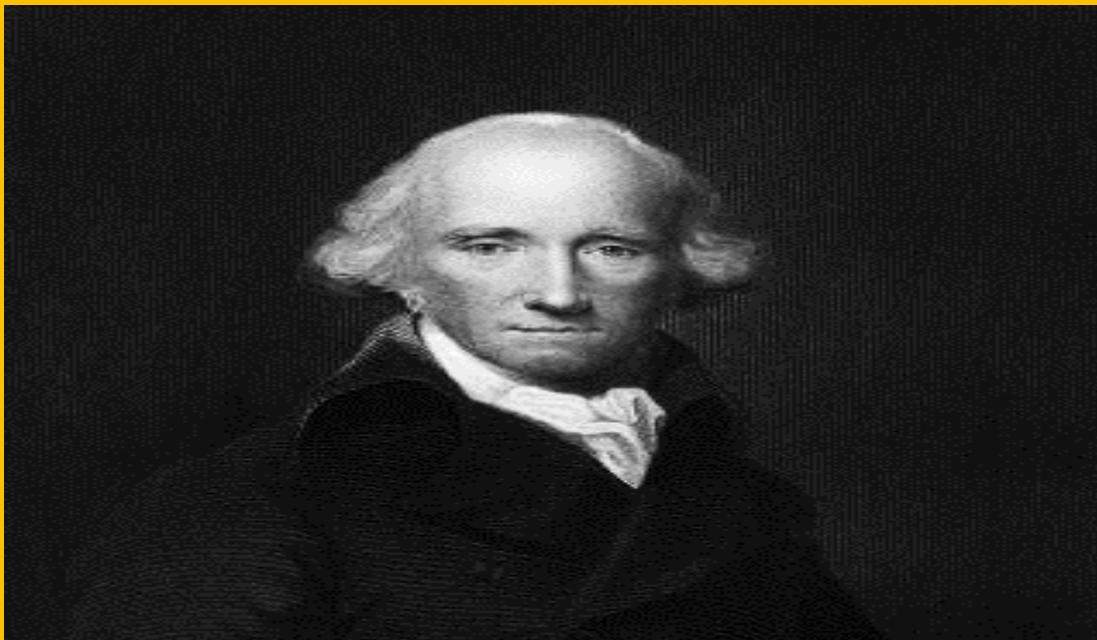
On this strange behavior of the company, ***a Secret Committee was appointed by the House of Commons to inquire into the affairs of the Company on 13th April, 1772.***

In its inquiry, the committee exposed the company and suggested that the affairs of the **Company must be regulated by Parliament.**

Consequently, the Parliament passed the ***Regulation Act of 1773.***

PROVISIONS OF THE REGULATING ACT 1773

1. It was the **first step** taken by the British Parliament to control and regulate the affairs of the East India Company in India, which established a definite system of Government of India.
2. Changed the constitution of the Company in England.
3. Governor of Bengal became the Governor-General of Bengal.
4. **Warren Hastings** was appointed as the Governor-General of the Presidency of Fort William (Calcutta), along with 4 councilors/ **executive council with** to assist him. jointly called **the Governor General in council**.



NOTE: (There was no separate Legislative council)

5. Decisions with majority, Governor-general could vote only in case of a tie.

6. Unequivocally, Governors of other **2 presidencies (Madras and Bombay)** were **subsumed/ made subordinate under the control of Bengal**, especially in matters of foreign policy. Hence, they couldn't wage wars against Indian states without Bengal council's approval, except in case of emergency when they could take order from directors in London.
7. **Company Directors /Court of Directors** were elected for a period of 4 **years and 1/4th** retired every year subject to not being re-elected again.
Company Directors were directed to report to the British authorities on matters of revenue, civil and military matters.

NOTE: there were 24 Court of Directors who used to sit in Britain.

8. Laid foundation for a **centralized administration** in India.
9. **1st Supreme Court** was proposed in 1772 but established in 1774 at Fort William in Calcutta, **Sir Elijah Impey**, as the first Chief Justice with 3 other judges, appointed by the Crown and hold office during His pleasure. Jurisdiction over both Civil and Criminal subjected to British not the India.
10. **The Governer-General and Councilors and judges of the Supreme court were exempt from arrest or imprisonment.**
11. **Prohibited/forbade the servants of the Company from engaging in any private trade or accepting Presents or bribes from the natives.**

With this Act modern constitutional history began.

NOTE: prior to this Act Court of Directors (24) members were elected annually by the Court of Proprietors.

A shareholder who held shares worth £500 had the right to elect directors.

This act restricted the voting right to those shareholders who held shares of worth £1,000 and increased the term of office of Directors to 4 years.

DEFECTS OF REGULATING ACT 1773

❖ The defects of the regulating company became clear very soon.

- Constant quarrels between the Warren Hastings and the members of the council.
- Supreme Court could not function smoothly as its jurisdiction and its relations with the council were not clear.
- Sentenced to death of an Ex-Divan of Murshidabad, Maharaja Nanda Kumar and a Brahman by caste, which was charged with committing forgery. This matter created much sensation in Bengal.
- Moreover, the control of the British government over the company remained vague even after the enactment of the Regulating Act of 1773.

Pitt's India Act 1784.....

THE AMENDMENT ACT 1781

OR

THE ACT OF SETTLEMENT

OR

DECLARATORY ACT 1781



Background behind this Act to be passed:

- The Regulating Act 1773 created a tussle between the Supreme Court and the G-G-inCouncil, by curtailing many powers of the SC in hands of the Governor-General-in- Council.
- Such as, under Regulating Act of 1773, Servants of the company brought under the jurisdiction of the SC, by which they were brought within the dual control of Governor-General-in-Council and the SC.

Provisions of the Act of 1781.

1. Passed on **5th July 1781**.
2. Demarcated relations between **SC & GG-in-Council**.
3. The key provisions of this Act to limit the powers of Supreme Court.
4. The 1781 Act exempted, Revenue collectors (including Zamindars) and officers of the company from SC.
5. SC's geographical jurisdiction limitized only to Calcutta.
6. Appellate jurisdiction was skirted by empowering the Governor-in-General to convene as a "Court of Record" and take the appeals from Mufassil Courts (Provincial Courts) directly, which was to be the final court of appeal.
7. It empowered the Governor-General-in-Council to frame regulations for the Provincial Courts and Council also.

8. This Act also asserted that Mohammedan cases should be determined by Mohammedan law and Hindu law applied in Hindu Cases.

Hence, it deems that Amending Act of 1781 was the first attempt in India towards separation of the executive from the Judiciary.

Pitt's India Act, 1784

The Act is named after William Pitt the younaer (Britain's Prime Minister)

Passed by the British Parliament (The House of Commons & The House of Lords) to rectify the defects of the Regulating Act of 1773. This Act brought up dual control or joint government of British possession in India (i) the British Government and (II) The Company, by crown in Great Britain and EIC of British In India, resting final authority with the British Govt.

It was an act for the better Regulation and Management of the Affairs othe EIC, and of British Possessions in India.

PROVISIONS OF Pitt's INDIA ACT

1) Creation of two Bodies: - For the purpose of the joint government.

(I) **Board of Commissioners for the affairs of India called the "Board of Control"** comprising **6 members** for **Political Matters** of the company.

- 1. **Secretary of State** (Board President)
- 1. **Chancellor of the Exchequer**
- 4. **Privy Councilors**

All were nominated by the King

Through BoC in Britain the British Govt. could control the company's Civil, Military and Revenue affairs in India. BoC had the power to send Governors to India and of alteration.

(II) **"Court of Directors" for company's Commercial affairs**

(24 members used to sit in Britain and as per Regulating Act of 1773 it has full control over company's commercial and political affairs. However, from Pitt's India Act it had only control over **commercial activities**.

NOTE: In this dual system of control, the company was represented by the Court of Directors and the Crown by the Board of Control.

(III) **Council reduced from 4 to 3**

- One of them was to be the commander in Chief of the King's army in India.

Position of Gov-Gen became strong as he could pass any resolution by having one member in his side, right to caste vote, right of veto

- (IV) Bengal Presidency (Calcutta) became supreme among 3 Presidencies.
- (V) Disclosing the Property: All civil and military officials were to provide the Court of Directors a full inventory of their property in India and Britain as well within two months.
- (VI) The Company's territories in India were called the "**British Possession in India**".
- (VII) **Secret Committee**: (It includes all 6 members of 3 members from court of directors) There was also a secret committee of the 3 directors, which had to transmit the orders of the Board to India.

NOTE: **This secret committee was to work as a link between the Board of Control and the Court of Directors.**

FACTS: -

- I. Term "**British Possession**" was used for the 1st time.
- II. Distinction between the commercial and the political activities were made.
- III. **Direct control of British government over Indian administration, company became subordinate to British Govt. unlike as the previous Act of 1773.**
- IV. **Commercial activities were still the monopoly of the Company.**
- V. Pitt's India Act deemed a failure as of nebulous /ambiguous distinction between British government control and the company's power.



THE CHARTER ACT OF 1793



- 1) company Charter was renewed for the next **20 years**.
- 2) Provisionalised the Monopoly of trade in India for another 20 years.
- 3) It also established the trend of "acquisition of sovereignty by the Crown and not in its own rights". Which stated that company's political functions were in behalf of the British Govt.
- 4) Dividend raised to 10%.
- 5) Realm of Governor-General now increased and now could override his council's decisions under certain circumstances.
- 6) Granted extensive power to supersede over subordinate presidencies of Bombay and Madras when present in those Presidencies.
- 7) Could appoint a vice-president in place of Governor-General, if absent.
- 8) Composition of Board of Control amended, **President + 2 Junior members and privy council of 4 members**.
- 9) Salaries of the Board and other officials now **CHARGED** on Company.
- 10) Senior Officials were now barred/forbidden to leave India without permission and if so would be considered as resignation.
- 11) Company was authorized to grant licenses to individuals to carry trade in India, known as "privilege of country trade" which resulted in shipments of Opium to China.

CHARTER ACT OF 1813

Background of charter Act, 1813:

- a) Napoleon Bonaparte's Continental System in Europe (forbidden import of British goods into France and its allies).
- b) British traders suffered and due to Industrial evolution put pressure on Britain Govt. to dissolve the monopoly in Eastern Asia.
- c) Strong opposition by company, but monopoly dissolved except trade with China and tea trade.
- d) Adam Smith theory. (mercantilism)

Key Provisions of The Act:

1. Company's Monopoly was ended, except for trade in tea and with China although the Act renewed for further 20 years
2. The Indian trade thrown open to all British Merchants..
3. Christian Missionaries permitted in religious proselytization to expand Christianity, Bishops were appointed at Calcutta.
4. Company should invest for 1 Lac Rs. Budget on the education to anglicize the Indians.
5. More power was given to the Courts. Otherwise until then courts used to convict Indian subjects only but now it could convict European British subjects as well.
6. *The Charter Act of 1813 first time explicitly defined the Constitutional position of British Territories in India.*
7. Tax system introduced by empowering the Local Govt. Hence, source of Revenue was divided into 2 parts (Revenue collected from

Commercial trade and Revenue collected from Tax from British possessions in India)

8. Prior to the charter a Committee of the House of Commons investigated into the financial affairs of the company. Hence, the Act regulated the company's territorial revenues and commercial profits. It was asked to keep its territorial and commercial accounts separate.

Charter Act of 1833

Or

Saint Helena Act 1833

KEY FEATURES OF THE CHARTER ACT OF 1833

Centralized the Indian
Administration

Trade link with China and
trade in Tea were also
abolished.

Provisions of the Charter Act of 1833

- 1) Governor-General of Bengal was re-designated as the Governor-General of India. (Lord William Bentinck who was the Governor-General of Bengal became the 1st Governor-General of India (1828-1835). And vested in him all affairs of civil and Military power, controlled by the Council.
- 2) This Act took away the legislative powers of the Governors of Bombay and Madras, then onwards the Governor-General of India had the exclusive legislative powers over entire British India. Thus, country's administration was unified, which is called as the beginning of a Central legislature for India.
NOTE: This was the final step towards centralization in British India.
- 3) Governor-general Council increased to 4 members (4th member was a law making member, Lord Macaulay), had limited powers only. Also authorized to amend, repeal or alter any law pertaining to all people and places in British Indian territories.
- 4) Separation of the executive and the legislative functions of the Council.

Note: - *for the 1st time Governor-General's government was called the "Government of India" and the council was called "the Indian Council."*

Note: *The Laws made under the previous acts were called as Regulations while laws made under this act and afterward were called as Acts.*

5) Abolition of EIC's monopoly on all basis, also ending its commercial activities and making it into the British Crown's trustee in administrating India. Hence, EIC became purely an administrative body.

6) Company still possessed the Indian territories but it was held "In trust for his majesty", his heirs and successors.

7) SPLIT INTO BENGAL PRESIDENCY: Divided into the presidencies of Agra and fort William.

8) British Parliament abolished slavery in Britain and all its possessions in 1833.

9) This Act permitted the English to settle freely in India.

10) 1st Indian Law Commission was established, sought to codify all Indian laws.

11) Chairman of 1st Law Commission was Lord Macaulay.

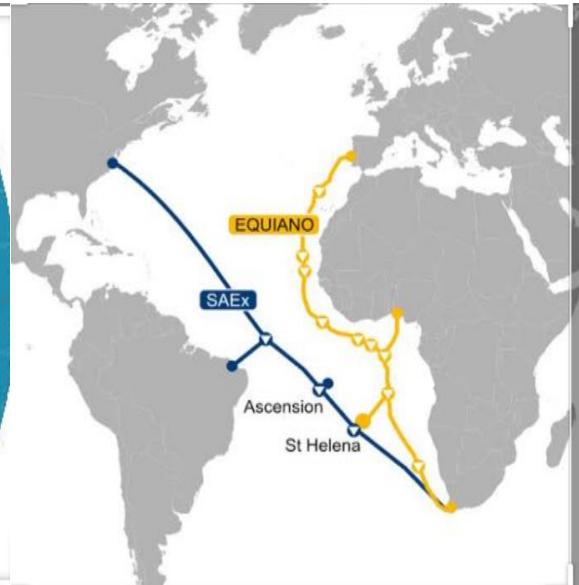
NOTE: 1st Law Commission was framed in 1834 as a result of Charter Act of 1833, under the Chairmanship of TB Macaulay, and the first commission's recommendations resulted in the Codifications of the Penal Code and Criminal Procedure Code.

NOTE:

IPC was drafted in 1860 on the basis of the recommendations of the First Law Commission, under the Chairmanship of Lord Macaulay. Three other Law Commissions were constituted by the British Govt., before Independence, but after Independence the 1st Law commission was constituted in 1955.

INDIAN LAW COMMISSION:

- main function for the Law Commission is to conduct legal research and review existing laws with the aim of reforms and identifying the laws that are no longer relevant and can be repealed immediately. Identifying the Laws that are not in tune with the present climate of economic liberalization and require changes.



Charter Act of 1853

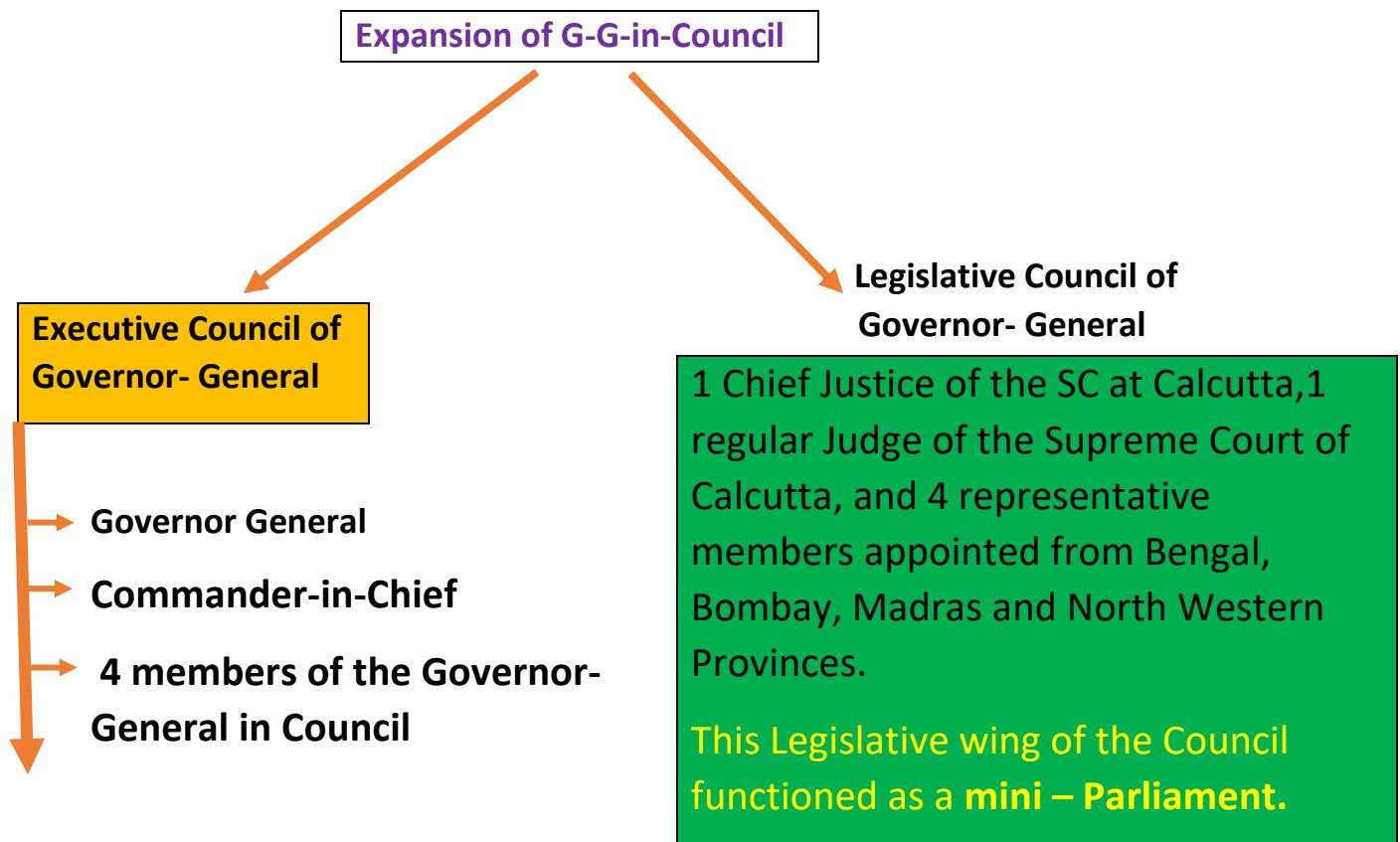
Provisions of the Charter Act of 1853

1. **This Act didn't mention the time period for which the company charter was being renewed.** Means Indian territories will remain under the Governance of the Company, until the Parliament otherwise direct.
2. This Act also empowered the **Court of Directors** to create a new **presidency or province** or appoint a **lieutenant Governor**. This facility was provided because of the difficulties that were faced in administering the increasingly large Indian territories of Britain. **For this 2 new provinces of Sindh and Punjab** were added and in 1859, a **Lieutenant Governor for Punjab** was appointed.
3. G-General could nominate a vice president to the Council.
4. For all legislative proposals assent of G-G was required.
5. By this Act **Assam, Burma and the Central Provinces** were also created.
6. Strength of Court of Directors was **reduced from 24 to 18** out of which 6 people were to be nominated by the Crown.
7. A separate **Legislative Council** of the Governor-General was established. **Six new members as legislative Councilors** were added. Out of these **6 members, 4** were appointed by the provincial government.
8. Right of Casting Vote was given to presiding officer.

9. This made **executive and legislative** functions of the Governor-General's Council as separate subjects.

10. The 4th Law member (Lord Macaulay) became a full member with the **"right to vote"**.

11. Expansion of the council had increased from **4 members** to **12 members**.



Hence, for the first time, it separated the legislative and executive functions of the Governor – General's Council and members from Bengal, Bombay, Madras & NW Provinces shows the very first "Local Representation" in the Indian Legislature.

Introduced a system of **open competition** for selection of Civil Servants, and stated that the Indian should not be debarred (**on the basis of merit and not on the basis of Birth, color, religion or race**) from holding any place, office and employment under the Company. *However, this provision was negated after opposition from the Court of Directors.*

12. INDIAN CIVIL SERVICES: -

- Finally, The Macaulay Committee of 1854 gave India her **1st Civil Services**.
- **Appointment was to be done only by open competition based on merit** and was open to all irrespective of patronage previously held by the Court of Directors.
- As per the report recommended that only the "fittest" be selected to the ICS.

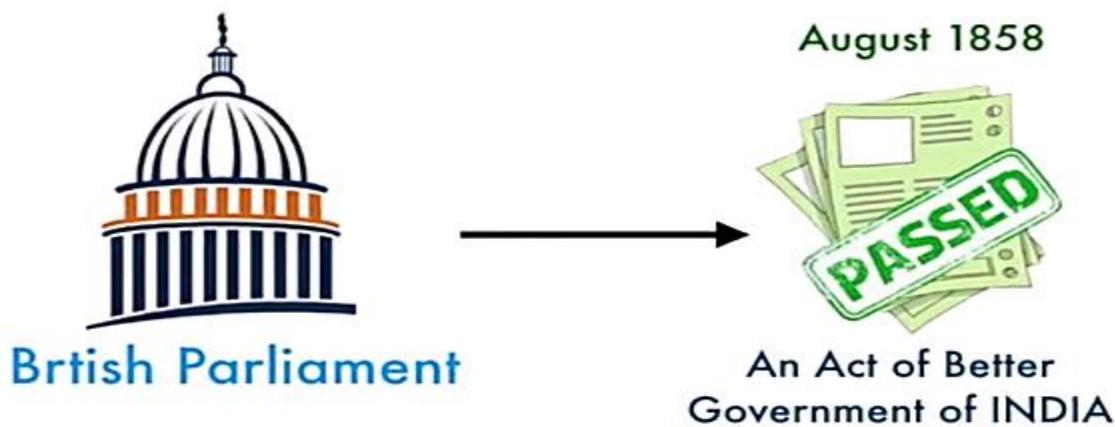
GOVERNMENT OF INDIA ACT

1858

Or

The Crown Rule

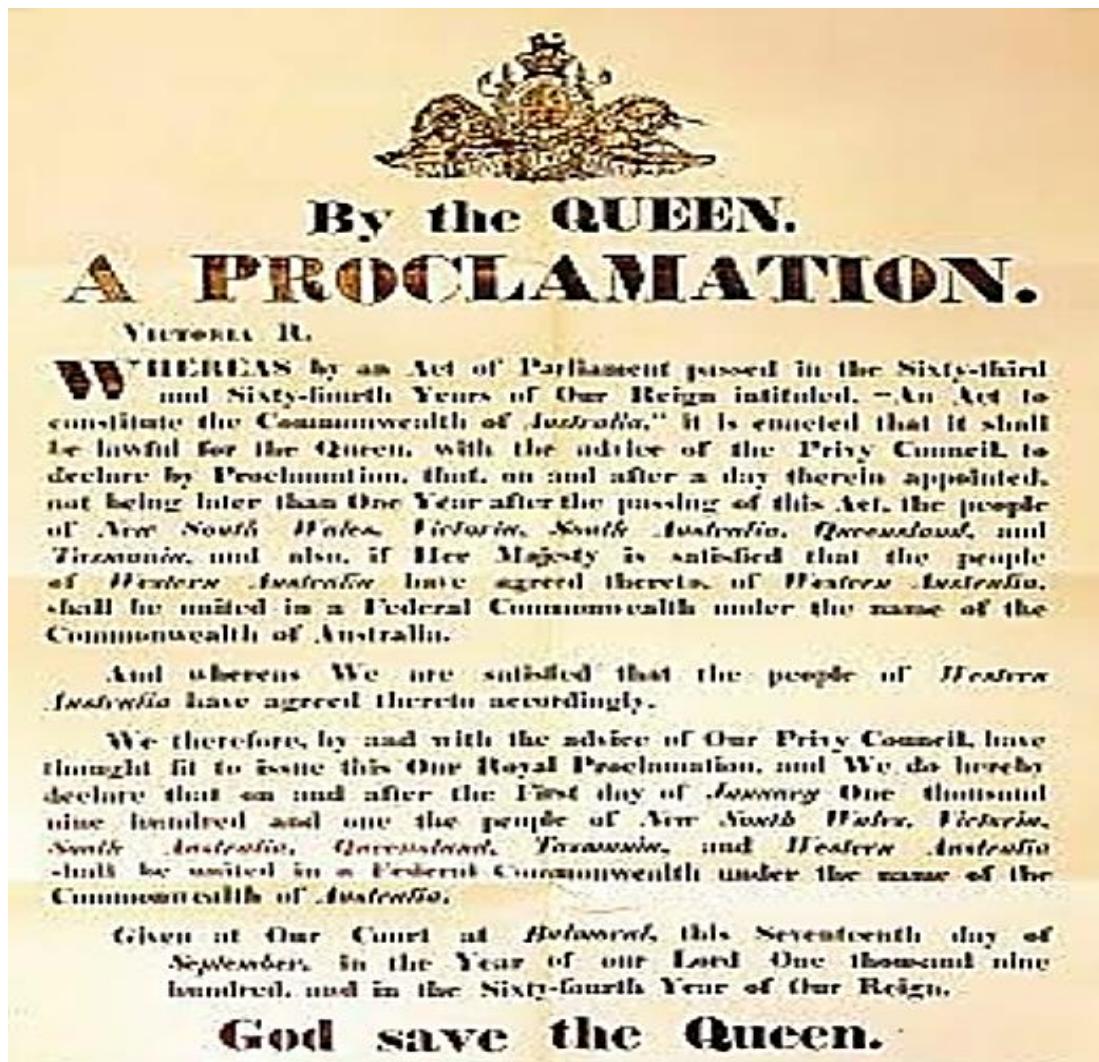
1. **GOI Act** was passed by the **Parliament of United Kingdom** and got **Royal Assent on 2 August 1858**, but came into being on **1st November 1858**. Despite The Prime Minister's opposition to the idea of crown to take direct control to rule India, the bill was passed in the **House of commons** easily.



2. Its provisions called for the **liquidation of the British East India Company** and the **transference of its functions to the British Crown**. known as an "**Act for the good Government of India**".

Provisions:

3. British East India Company with this act was liquidated/abolished and then onwards Indian territories of Britain were to be governed *in the name of the British Queen "Victoria". Proclaimed by Canning on 1st November, 1858, at Allahabad.*



5. **The Post of Court of Directors as well as Board of Control were abolished**, which is known as the dual form of Govt. created during the Pitt's India Act of 1784, and one new office "**Secretary of State for India**" was created. He was assisted by a **Council of 15 members**. (**The Council was based in "Whitehall" an advisory body and the Secretary of state was made the chairman of the council**)

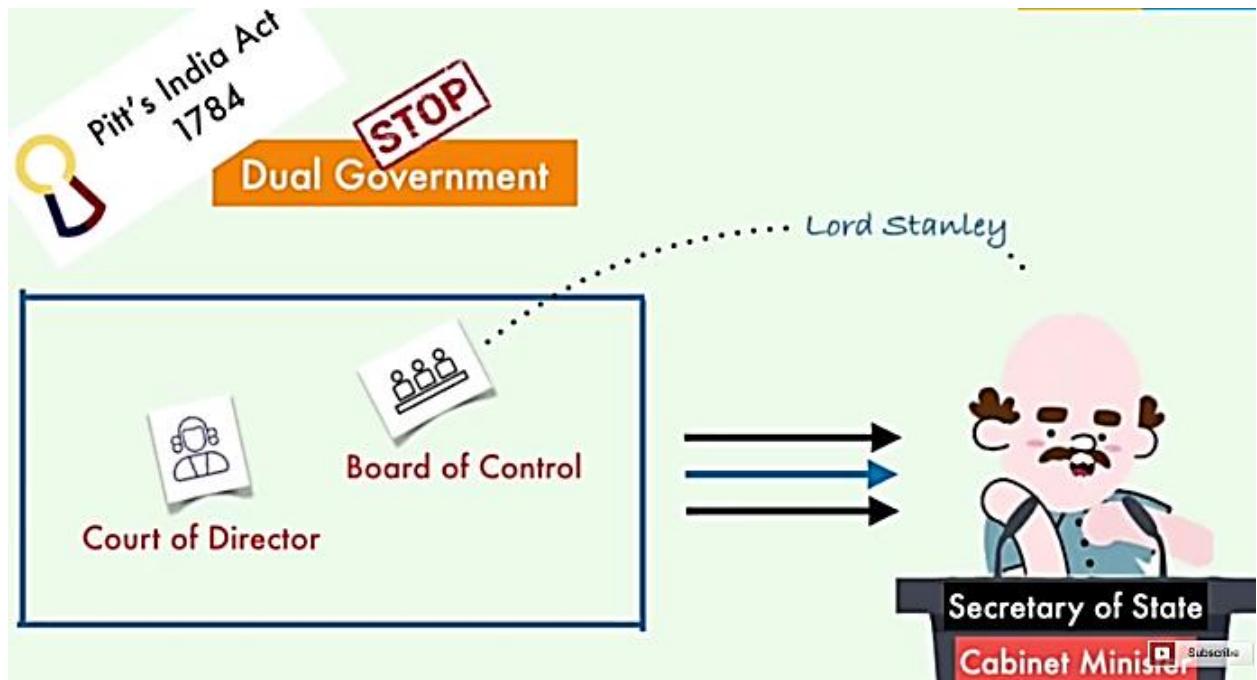
In 1858 the company's involvement in India's government was transferred by the Government of India Act 1858 to the British government. The act created a new governmental department in London (the India Office), headed by the cabinet-ranking Secretary of State for India, who was, in turn, to be advised by a new Council of India (also based in London), which assisted the Secretary of state for India contained 15 members while the erstwhile council of India contained 4 members only and was referred to as Council of Four.

After establishing the Council of 15, the Council of Four was formally renamed by section 7 of the act as the Council of the Governor General of India.

Sometimes it was also called the "Executive Council of India".

6. This was known as the "**Council of India/India Council**" was based in "**Whitehall**" and the Secretary was designated as chairman of the Council.

7. The Secretary of State for India was to be **MP of British Parliament and a member of the Prime Minister's Cabinet and responsible to British Parliament**.



8. The **Secretary of state for India**, was also used as the **channel of communication** between Viceroy and British Government in Britain, as He was responsible ultimately to the British Parliament.
9. **First Secretary of the state for India was "Lord Stanley".**
10. The 'secretary of state for India' in Britain could also **dissolve** any act passed by the Governor-General's Council.
11. The representative of the British government in India was the **Governor-General as well as the Viceroy at the same time**, held by the same person **to neglect the future conflict** and later merged as the Viceroy only.

12. *The Governor-General of India "Lord Canning" became Governor General in 1856 and with the GOI Act of 1858 he was turned Viceroy of India.*

13. *The Law member and the Governor-General-in-Council of India were to be appointed by the Crown.*

14. *The repressive policies of Doctrine of Lapse and Subsidiary Alliance were ended* and the right to inherit the throne by adopted son restored once again.

.....

After the 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, 3 Acts were enacted by the British Parliament in 1861, 1892, and 1909.

Indian Council Act of 1861 is an important landmark in the Constitutional and Political history of India.

Indian Council Act of 1861

1. The Indian Council Act 1861 was an act of the British parliament that **made significant changes in the Governor-General's council** and transformed India's executive council to **function with the framework of a cabinet** run on the **Portfolio system** which lasted up to the present time.
2. Post of 1857 revolt, **Sir Syed Ahmed Khan** through his book "**Asbab-e-Baghawat-e-Hind**" **advised the British Government to take Indian Nationals into the administration of India.**

Provisions:

3. **Lord Canning, the Governor-General & Viceroy** of India at the same time, incorporated the **portfolio system in 1861**.
Hence, each member was assigned a portfolio of a particular department.
4. It made a **beginning of representative institutions** by associating Indians with the **Law-making process/Legislation** it thus, provided that the Viceroy should nominate some Indians as "**non-official members**" of his expanded council.
5. Hence, **Lord Canning appointed 3 Indians to the Council in 1862 namely, The Raja of Banaras, the Maharaja of Patiala and Sir Dinkar Rao.**
6. **Even though Indians were nominated, there was no statutory provision for the inclusion of Indians in it.**
7. The viceroy had the power to '**overrule the council**'.
8. **Viceroy also gained the power to Promulgate the ordinance without the council's concurrence during emergencies.**
9. **New provinces** could also be created for legislative purposes and Lieutenant Governor be appointed for them.

10. Then, new Legislative Councils were formed in other provinces in **Bengal in 1862, NWFP in 1886, and Burma & Punjab in 1897.**

11. For Legislative functions: **the Governor-General's Council was enlarged by not less than 6 and not more than 12 members** (nominated by the Governor-General), appointed for the **term of 2 years**. Out of these, at least **half of the additional members were to be "non-official"** with limited roles.

NOTE:

The Non-Official members had no rights in the Governor-General's Council as neither they could ask any questions nor discuss the Budget.

Moreover, the Non-Official members were used to be native Princes or Zamindars who had no interest in the legislation of India.

Therefore, the total strength increased to 17.

1. **Restoration the power of Bombay and Madras:** It was the function of **decentralization of administration** with the **vesting of legislative power to the presidencies of "Bombay and Madras".** Which means this act **restored the legislative powers of the Governor-in-council of the Presidencies of Madras and Bombay, which was taken away by the charter Act of 1833.**
2. The Provincial Legislative Councils were empowered to make laws for the benefit of the Province.

3. The Governor-General's assent on every bill passed by the Legislative Council was necessary and only then it could become an Act.

Note:

He had also the power to alter the limits of the Provinces, Presidencies and territories. However, the Provincial legislatures were not empowered to make any laws that might alter the acts of Central Legislature.

4. For the **executive functions** of the Council, a **fifth** (Law member) **was added (a jurist, James Wilson)**. So, now there were five members for **Home, Military, Law, revenue and finance** (later in 1874 a **sixth member** for public work was added).

5. **Indian High Court Act of 1861**, was an act of the Parliament of the United Kingdom to authorize the Crown to create High Courts in the Indian colony. **This Act abolished the Supreme Courts at Calcutta, Madras, and Bombay, The Sadar Diwani Adalat and the Sadar Faujdari Adalat at Calcutta, Sadar Faujdari Adalat at Madras; Sadar Diwani Adalat and Faujdari Adalat at Bombay**

6. The Indian Council Act of 1861, fulfilled the aspiration of associating Indians, provided the defective system of law making in India and defined the powers of the legislative councils, hence, in short the act laid the **foundation of administrative system & official legislature in India which lasted till the independence of India.**

The period from 1861 to 1892 was the rise of the Indian National Movement. The chief factors that gave rise to the movement have been grouped into 6 heads:

- (1) inspirations of the political ideals of the West
- (2) religious revival and faith in the ancient glory of India
- (3) economic discontent and disappointment at the non-fulfilment of British promises
- (4) the influence of Indian press and the vernacular literature;
- (5) the development of the means of communications and the holding of Imperial Darbars; and
- (6) the increase in the feeling of racial bitterness due to the arrogant and insolent attitude of the ruling race, the plundering administration of Lord Lytton and the display of violent temper and organized scurrilous propaganda carried on by Europeans and Anglo-Indians over the Ilbert Bill.! The Indian National Congress was founded in 1885 and in its first session passed resolution expressing grave dissatisfaction at the existing system of Government and demanded reform and expansion of the Legislative Councils by admitting a considerable proportion of elected members as well as an increase in their powers.

The Viceroy Lord Dufferin felt that the time had come to accept the demands of the Congress for reform seriously. He appointed a Committee and drew up plans for the enlargement of the Council and association of Indians with the work of Government.

The report of the Committee was sent to the British Government. On the basis of these principles a Bill was introduced in the Parliament which was passed after two years and became the **Indian Councils Act of 1892.**

Before this act Indian National Congress put forward its demands in the form of petition, pray and protest. Such as,

- **ICS to be held in England and India,**
- **reforms in the legislative council** and
- **adoption of the Principle of election in place of nomination** and
- **reduction in the Military expenditure.** And the
- **right to discussion on budget matters.**

NOTE: As a result; **Viceroy Lord Dufferin (1884-1888)** set up a committee to draw a plan for the enlargement of the provincial councils and enhancement of their status. ***The plan was rejected by the Secretary of State for India as he did not agree to introduction of the Principle of direct election.***

INDIAN COUNCIL ACT 1892:

1. ***The Indian Councils Act of 1892 introduced various amendments to the composition and function of legislative councils in British India and increased the size of the legislative councils with addition of members in the “Central as well as provincial legislative councils”.***

Note: ***though it included the non-official members yet maintained the official majority.***

2. The Governor-General's council with **minimum 10** and maximum **16 members.**

- a. **Bombay: 8**
- b. **Madras: 20**
- c. **Bengal: 20**
- d. **NWPS: 15 and Oudh: 15**

3. However, the principle of representative Government by way of **indirect election** was accepted but it did not give the representation to the people in real sense.

NOTE: Word election was not used in this Act.

4. It increased the functions and powers of Members and now they could **discuss the budget** but **without right to vote** and **not allowed to ask supplementary questions.**

5. Allowed to ask questions to "executive" on the "domestic matters" only with the prior permission of the Governor-General. And allowed to ask questions on public interest.

NOTE: But the President of the Council had the power to disallow any question without giving a reason.

6. A system of "Indirect elections" was introduced to elect the "members of the councils". ***The universities, district board,***

municipalities, zamindars and chambers of commerce
were empowered to **recommend members to provincial councils.**

7. The system of **indirect election** prevented direct contact between the public and the representatives.

8. *It can be said that the policy of petition prayer and protest was seen as a weakness by the British Government.*

9. Nevertheless, the act at least provided the Indians an opportunity to share councils at the highest levels and thus laid down the foundations of the representative government.

10. *This Act of 1892 marks the beginning of representative form of Government of India.*

MORLEY- MINTO REFORMS:

МОРЛІ-МІНТО ВЕЕОВСІ:

INDIAN COUNCIL ACT, 1909



**Morley
Minto
Reforms
1909**

1. **Morley-Minto reform was another name of Indian Council Act of 1909**, which was named after **the then Secretary of state (Morley) and the then Viceroy (Minto)**.
2. Introduced to placate the moderates and disseminate Muslims from national Movement by granting them separate electorate.
3. It introduced '**Communal representation**' for Muslims by accepting the concept of '**Separate electorates**', under which the Muslim members were to be elected only by Muslim voters. Thus, the Act legalized communalism and **Lord Minto came to be known as 'Father of the Communal Electorates'** meant to create disunity between Hindus and Muslims.

4. Under this Separate electorate some other minorities were consisted such as Hindu Zamindars, Chamber of Commerce Bombay, and Calcutta. By which some seats in the councils were reserved for Muslims to be elected by Muslim voters.
5. It considerably **raised the size of the legislative councils**, both Central and Provincial. And the number of members in the **Central Legislative council was raised** from **16 to 60**. However, the number of members in the provincial legislative councils was not uniform.
6. It *retained the "Official Majority"* in the Central Legislative Council but allowed the provincial legislative councils to have a non-official majority.
7. Unlike the INC Act of 1892, in this Act functions of the legislative councils at both levels and **members were allowed to ask supplementary questions, and move resolutions on the budget, and so on but they did not have the right to "Vote"**.
8. *Elections were introduced in India for the first time, now Indians were allowed in the Executive Council of Viceroy.*
9. **It for the first time provided 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.**
10. However, number of elected members in these councils was less than held of their total membership.
11. Elected members were not elected by the People but by landlords, organization or traders and industrialists, universities and local bodies. Means it was a policy of **limited suffrage**.

12. Indian Could join Indian Council in London and **first two Indians** to join India Council were; **Sri Krishna Govinda Gupta & Syed Hussani Bilgrami.**

13. No power to legislature.

NOTE: Bilgrami retired early in 1910 owing to ill-health and his place was taken by Mirza Abbas Baig,

The Secretary of State's Council of India was abolished by the Government of India Act 1935.

Government of India Act 1919

or

Montague-Chelmsford reform

The Morley-Minto reforms failed as they did not establish Parliamentary form of Govt. in the country. Indian National Congress became very active during the time of 1st World War and pressed for reforms.

*In response to this popular demand, On August 20, 1917, the British Government declared, for the first time, that its objective was the gradual introduction of **responsible government** in India and increasing association of Indians in every branch of the administration . The GOI Act 1919 was thus enacted in 1919 which came into being in 1921.*

1. GOI Act 1919, embodied the reforms recommended in the report of the **Secretary of State for India (Edwin Montague) and the Viceroy (Lord Chelmsford)** which covered 10 years from 1919-1929 as it was set to be reviewed by the Simon Commission in 1929.
2. The Declaration: it promised a responsible Govt. to the Indians.

3. This Act ended the despotism and began the genesis of responsible government in India and it received royal **assent on 23rd December 1919.**

Salient features of the Act were as follows:

4. This Act had a **separate preamble** which declared that the objective of the British Government was the gradual introduction of responsible government.
5. It relaxed the central control over the provinces by demarcating and **separating the central and provincial subjects**. The Central and provincial legislatures were authorized to make laws on their respective list of subjects. However, the structure of government continued to be centralized and unitary.
6. The Act provided for the establishment of a "**Public Service Commission**" in India for the first time. Hence, a Central Public Service Commission was set up in 1926 for recruiting Civil Servants.
7. The **Act kept the Income Tax as a source of revenue to the Central Government**. However, for Bengal and Bombay, to meet their objections 25 % of the income tax was assigned to them.

8. Diarchy in the Provinces: *(Dual form of government)* it was introduced at the Provincial level.

9. Dyarchy has been derived from the Greek word “di-arche”, means double rule.

10. It means dual set of government, **one is accountable and second is none accountable.**

*The principle of dyarchy was a **division of the executive branch** of each provincial government into authoritarian and popularly responsible sections.*

*The first was composed of **executive councillors, appointed, as before, by the crown.***

*The second was **composed of ministers** who were **chosen by the governor** from the elected members of the provincial legislature. These latter ministers were Indians.*

11. In matter of Legislation subjects were divided into Central and Provincial.

*It further divided the Subjects of the provincial government into two groups “**Reserved and Transfer**”.*

- I.** One was **reserved list** (Jail, Police, Justice, Finance, defense, foreign affairs, irrigation and communications)
- II.** second was **transferred** (agriculture, health education, Local self government etc.)

NOTE: *The Reserved list was controlled by British (Governor and His Executive Council) without being responsible to the Legislative Council).*

and the transferred subjects were given to the governor with the aid of Indian ministers responsible to the legislative Council.

12. It Introduced for the first time, "Direct Elections" in the Country and The Franchise (Right of voting) was granted to the limited number of only those who paid a certain minimum "Tax" to the government.

NOTE: Majority of members of both the Houses were chosen by Direct Election.

13. It required that the 3 of the 6 members of the Viceroy's Executive Council (other than the commander-in-chief) were to be Indians.

14. Proportion of the elected members was increased upto 70% in the Provincial Legislative Council but the separate electorate for Muslims was continued.

15. The principle of **Communal Representation** was extended and Sikhs, Europeans and Anglo-Indians were included.

16. First time it separated the **Provincial budgets from the Central budget** and authorized the provincial legislatures to enact their budgets.

17. It also made the ground for **Indian federalism**, as it identified the provinces as units of fiscal and general administration.

18. **Central Govt:** the principle of responsible Government was not introduced in the Centre the Central Govt remained responsible to the British Parliament through the Secretary of State.

19. This Act made the central legislature "**bicameral**". Thus, the Indian Legislative Council was replaced by a bicameral Legislature consisting of The lower house (**The Legislative Assembly**) **composed of** 145 members (**104 were elected**) serving **three-year terms**,

and on the other hand the Upper House was the Council of States with 60 members (**34 were elected**) serving **Five years' terms** and the rest were **nominated**.

20. **The Viceroy had overriding powers in respect of Legislature.**

- i **No bill of the legislature could be deemed to have been passed without previous sanction of Viceroy.**
- ii **Prior sanction was required to introduce Bills relating to certain matters.**

- iii He had also the power to “Veto” Bills or reserve for consideration of the Crown any Bill passed by the Indian Legislature.
- iv He could make Ordinances having the force of law for a temporary period in cases of emergency.

21. Final decision to decide whether a particular subject was a Central or Provincial lies with Governor-General and the Courts.

22. It also provided a **statutory commission** would be set up at the end of 10 years after the act passed shall inquire into the working system of the government. The Simon Commission of 1927-29 was an outcome of the provision.

Simon Commission.-

The persistent demand for further reforms led the British Government to appoint a Statutory Commission known as the Simon Commission. The Government of India Act had provided for the appointment of a Statutory Commission after the expiry of ten years of the passing of the Act to inquire into and report on the working of the Act in 1927.

The Commission, headed by Sir John Simon, submitted its report in 1930. The report was considered at a Round Table Conference, consisting of the representatives of the British Government and of British India as well as the Rulers of the States.

A white paper was prepared as a result of this Conference embodying the outlines of the reforms. The white paper was submitted to the Select Committee of the Parliament. In accordance with the recommendations of the Select Committee the Government of India Bill was introduced in the Parliament and passed with certain amendments as the Government of India Act, 1935.

GOVERNMENT OF INDIA ACT

1935:
1935

The "Government of India Act 1935 marked a second milestone towards a **completely responsible government in India**. It was the **lengthiest act enacted by the British Parliament at that time, having 321 Sections and 10 Schedules**. It was passed by the British Parliament in August 1935. So, it was divided into Government of India Act 1935 and the Government of Burma Act 1935.

1. GOI Act 1935 got royal assent on 24th July 1935, However, commenced on 1st April 1937.
2. The Act was completely based on:
 - a. The recommendations of **Simon commission**
 - b. Recommendations of **Round Table conferences**
 - c. The **White Paper** published by the British government in 1933 (Based on the 3rd Round Table conference).
 - d. There was also growing demand for constitutional reforms in India by Indian leaders.

3. **All-India Federation:** It provided for the establishment of an **All-India Federation consisting of provinces and princely state as units.** This Act divided powers between center and the provinces. **Residuary power was given to the Viceroy.**

NOTE:

The accession of the States to the Federation was optional. It could not be established until the States had given their assent to join the Federation by signing the "Instrument of Accession" mentioning therein the extent to which it consented to surrender its authority to the Federal Government. However, the federation never came into being as the princely states did not join it.

4. It also provided **three lists** which gave the subjects under each government:

- Federal list (at center with 59 items)**
- Provincial list (at Provinces with 54 items)**
- Concurrent list (at both Center and state with 36 items).**

5. The Viceroy was vested with the residual powers.

Here are some main provisions of the GOI 1935.

6. PROVINCIAL AUTONOMY:

- Diarchy was abolished at the provincial levels** with the governor as the head of the executive. There was a council of Minister to advise him. And the ministers were responsible to the legislature.
- However, the governor still retained special reserve powers.

- iii. The Provinces were no longer delegates of Central Govt, but allowed to act as autonomous units of administration in their defined sphere.
- iv. The Executive authority of a province was also exercised by a Governor on behalf of the Crown and not as subordinate to Governor – General.
- v. The British authority could still suspend a provincial government.
- vi. This system came into effect in 1937 and was discontinued in 1939.

7. Diarchy at the Center:

- i. The subjects under the Federal List were divided into two: Reserved and Transferred subjects.
- ii. The reserved subjects were controlled by the Governor-General who administered them with the help of three counsellors appointed by him, who were not responsible to the legislature.
- iii. The transferred subjects were administered by the Council of Ministers (Not more than 10).
- iv. However, the governor General had special powers to interfere in the transferred subjects also.

(This provision of the Act did not come into operation at all)

8. Bicameral Legislature at Provincial level:

- i. ***It introduced bicameralism in 6 out of eleven provinces.*** Thus, the legislatures of ***Bengal, Bombay, Madras, Bihar, Assam and the United Provinces*** were made bicameral consisting of the two houses the ***Federal Assembly (Lower house) and the Council of States (Upper House).***
- ii. **In other 5 provinces there was ‘Unicameral’.**
- iii. **The Federal Assembly had a term of 5 years.**
- iv. The principle of communal electorate was preserved in the election of the Assembly.
- v. **Financial Bills could only be introduced on the recommendation of the Governor and Bill become Act only with the assent of the Governor.**

9. It further extended the principle of communal representation by providing separate electorates for depressed classes (Schedule Castes), women and labour workers. Hence, there were to be separate electorates for the minority communities.

10. **Federal Legislature:** The Federal Legislature was to consist of two Houses, the Council of States and the Legislative Assembly. The Legislative Assembly (Lower House) was to consist of 375 members, 250 of British Indian Provinces and 125 representing the Indian States. Its tenure was, unless dissolved earlier, five years.

The Council of States (Upper House) was to consist of 260 members, out of which 156 members were to represent British India. 6

representatives to be nominated by the Governor-General and the rest elected directly.

One hundred and four members were to be nominated by the Princes of the Indian States. The powers of the Federal Legislature were extremely limited. They had in general equal powers but demands of supply of votes and financial Bills were to originate in the Lower House.

If there was any difference between the two Houses, the Act provided for a joint session of the two Houses for solving the deadlock.

11. It **abolished the Council of India**, established by the Government of India Act of 1858. The Secretary of state for India was provided with a team of advisors.

12. Federal Court:

- I. A federal court was established at Delhi which was set up on **1st October 1937**, for the resolution of disputes between provinces and also between the center and the provinces, with 1 chief Justice and not more than 6 judges with the retiring age of 65.
- II. The qualification for the judges were also given in the Act. The Judges were appointed by the Crown.
- III.** Jurisdiction of Federal Court was ***Original, Appellate and advisory.***
- IV. The Federal Court had also advisory jurisdiction. The Governor could refer any question of law to the Court to obtain its opinion whenever he liked to seek its advice.

13. Reserve Bank of India:

The Act also provided for the Reserve Bank of India to control the currency and credit of the country.

14. It extended franchise. About 10% of the total population got the right to vote.

15. It also Provided Federal Public Service Commission, Provincial Public Service Commission and joint public Service Commission.

16. There were some other points in GOI 1935:

- a. A federal railway authority was set up to control Indian railways.
- b. It was proved a milestone in the development of a responsible constitutional government in India.
- c. The GOI 1935, was replaced by the constitution of India after Independence.
- d. Burma was served off from India.

August Offer (1940)

1. August offer was an offer made by Viceroy Linlithgow in August 1940, promising the expansion of the Executive Council of the Viceroy of India to include more Indians.
2. Lord Linlithgow had declared India to be at war against Germany without constitution. There was also a change of Government in Britain and **Winston Churchill** became the Prime Minister in 1940.
3. The British Government was keen to get Indian support for the war because Britain herself was in danger of being occupied by the Nazis and in this light, The INC softened to support only if power was transferred to an interim government in India.
4. On that, the Viceroy Linlithgow made a set of proposals called the "**August Offer**" for the first time the right of Indians to frame their own constitution was acknowledged.

THERE WERE SEVERAL PROPOSALS OF AUGUST OFFER:

- a) A body to frame a constitution for India to be arranged after World War II and Dominion Status was the objective for India.
- b) Executive council would be expanded right away to include Indians more than Whites for the first time. However, Defence, finance, and home portfolios were to remain with the British.
- c) To establish war advisory council.
- d) Veto power for Minority: No future constitution to be adopted without the consent of the Minorities.

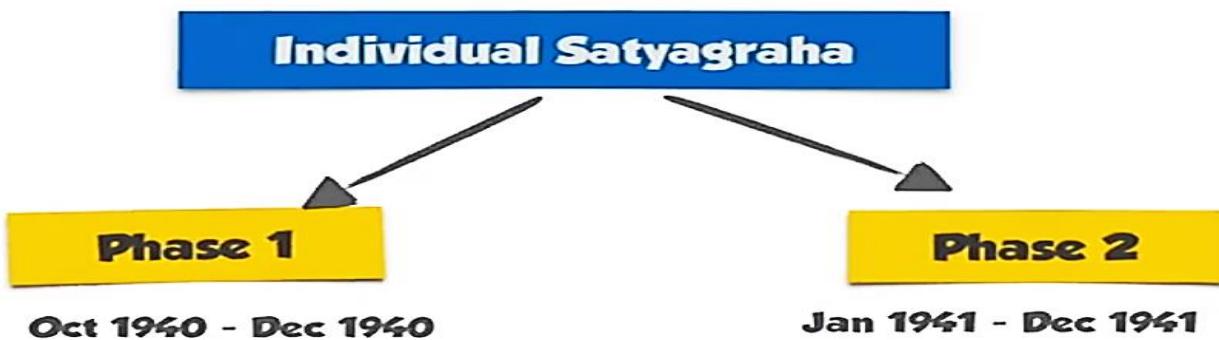
The viceroy also stated that there would be no revision of the Government of India Act, and before any real constitutional reform the differences between the INC and the Muslim League would have to be resolved.

RESPONSE OF THE INC:

INC rejected this offer at its meeting at Wardha in August 1940. As;

- 1. It demanded complete independence from colonial rule.
- 2. Jawaharlal Nehru remarked that the dominion status concept was **as dead as a doornail**.
- 3. The league also rejected the offer saying that nothing short of Partitioning the country would be acceptable to them.

4. After that, Mahatma Gandhi started the **individual Satyagraha** (1940-1941) to **affirm the "Right to free Speech"**. He avoided a mass Satyagraha because he did not want violence. (this Individual Satyagraha occurred in 2 Phases).



5. The first three satyagrahis **were Vinoda Bhave, Nehru and Brahma Dutt**, all three were sent to jail.

6. The Satyagrahis also started a march towards Delhi which was called the "**Delhi Chalo Movement**" in the **Phase II of the Individual Satyagraha**.



7. After the failure of the August offer the British Government sent the Cripps Mission to India in bid attain Indian support for the war.

Dec 1941

**Congress passed a
resolution that they can
support British
government in WW II**

**If British government promise Complete
Freedom after WW II**

Cripps Mission

(March 1942)

The Cripps Mission was sent to India on March 22nd 1942, in order to attain the Indian cooperation in the WWII, headed by **"Sir Richard Stafford Cripps" a minister in Winston Chrchil's Coalition Government.**

it was for the first time when the British acknowledged India's right to frame their own constitution.

Background:

1. Japan was advancing outside eastern Borders of India and the fall of Burma was a jolt to the British In the War, and the threat of Japanese invasion on India hence, Indian support was essential for Britain.
2. Britain had to face the pressure from the US and other allied leaders over its own imperial policies in India and also to secure Indian cooperation for the Allied war efforts.
3. Indian nationalists had agreed to support the Allied as they hoped for immediate transfer of substantial power and complete independence after the war.

Proposal of the Cripps Mission:

1. Setting up of an Indian Union with a Dominion Status, with the freedom to remain with the British Commonwealth or to secede from it. And the liberty to take part in international organizations.
2. **Constituent Assembly** for framing a new Constitution of India, shall be composed immediately after the end of the War. This assembly would have members elected by the Provincial assemblies and also nominated by the Princes.
3. Any province which is not willing to join the Indian Dominion could form a separate union and have a separate constitution.
4. In the meantime, until the constitution came into force India's defense would remained under control of "**His Majesty's Government.**
5. The right to cede from the Commonwealth indicated full sovereignty at a later stage.

Failure of the Cripps Mission:

1. The Mission was rejected by the INC, The Muslim League and other Indian Groups.
2. The Hindu Mahasabha and the liberals were against the right of states to secede.
3. The Sikhs objected because any partition would leave Punjab in the hands of Pakistan.
4. The Depressed classes also rejected.
5. Muslim League rejected this because they did not like the idea of a single union of India, and protested against the method for the Constituent Assembly's creation.
6. INC rejected the Cripps mission because of Dominion status, provinces with the right to separately form unions as this was damaging the national unity.
 - i. They also protested the lack of share in defense
 - ii. There was no concrete plan for the Immediate transfer of powers.

Note: **AFTER THE FAILURE OF THE "CRIPPS MISSION", RETURNED TO ENGLAND AND THE CONGRESS- LED BY GANDHI STARTED THEIR NEW CAMPAIGN " THE QUIT INDIA MOVEMENT" IN AUGUST 1942.**

Gandhi called Cripps Mission as "**Post Dated Cheque**".

Quit India

Movement-1942

1. On 8th August 1942, AICC session in Bombay, and Gandhi passed a resolution to launch the "**Quit India Movement**".
2. And at **Mumbai's Gowalia Tank Maidan** also known as **August Kranti Maidan** where the quit India Movement was launched by Mahatma Gandhi **on 8th August 1942**.

Bengal Famine of 1943:

In course of time WWII great Bengal of Famine took place in India resulted in death of more than 1 million people.

C. RAJAGOPALACHARI FORMULA (1944)

1. **C. Rajagopalachari formula or Rajaji formula** was a proposal formulated by Chakravarti Rajagopalachari to solve the political deadlock between the INC and Muslim League on the independence from the British.

Desai-Liakat Pact: (1945)

1. **Desai-Liaqat Pact was concluded between Bhulabhai Desai of the Congress and Liaqat Ali Khan of the Muslim League to find a way out of the 1942-45 political deadlock.**
2. Desai met Liaqat in **January 1945** and gave him his proposal for the formation of Interim Government at center.

3. Nomination of equal number of persons by both in the Central Executive.
4. Representation of the minorities in particular of the Schedule caste and the Sikhs with the 20% of reservation.
5. The interim government was to be formed and was to function with framework of the existing Government of India Act,1935.,
6. But the proposal was not formally endorsed either by the congress or the League.

Wavell Plan and the Shimla conference:

Lord Wavell, who became the viceroy in 1943, was charged with the formula for the future government of India that would be acceptable to both. **Because Lord Wavell was considered an apt person for this task as he had been the head of the Indian Army** and thus had a better understanding of the Indian situation:

Lord Wavell brought up the proposals of the British Government to resolve the deadlock in India on **14th June** which is called Wavell Plan.

Proposals of Wavell Plan:

1. The Viceroy's Executive Council was to have all Indian members except the Viceroy himself and the Commander-in chief. Means the viceroy would still have the veto power.
2. The council would have the equal representation of all Indian including
3. If the plan works similar council would be formed in all provinces comprising of local leaders.

Outcomes:

1. Lord Wavell invited 21 leaders including Gandhi and Jinnah to Shimla, the summer capital of British India to discuss the Plan on June 25th 1945.
 - i. The conference was a failure as both the parties could not sort out their deadlock.
2. Jinnah wanted the Muslim League to be the sole and exclusive representative of all Muslims in India therefore, Jinnah demanded for only League members could be the Muslim representatives in the Council not the Congress nominated Muslims.

3. Congress did not agree to this demand of the League.
4. Thus the Wavell's Plan, got fail and also with it the last chance to avoid the Partition. All steps taken to avoid the partition had been met with failure, meaning that it was inevitable.
5. After this, **the war ended and a new Labor government was elected in Britain**. And this new government intent on giving independence to India without much delay and sent a Cabinet Mission in India.

Cabinet Commission 1946:

- 1. Clement Atlee announced in February 1946 about the Cabinet Mission to India aimed to discuss the transfer of powers from the British government to the Indian leadership, with the aim of preserving unity and granting its independence.**
- 2. Its main objectives were to formulate a constitution making body and to establish an executive council with the support of the Major Indian parties.**
- 3. Members of the Mission:**
 - Pethick Lawrence, Secretary of state for India.
 - Stafford cripps, President of the Board of trade
 - A.V. Alexander, first lord of Admiralty.
- 4. The Cabinet Mission put forward its plan for the solution of the constitutional deadlock in May 1946.**
- 5. Provisions of the Commission:**
 - I. It rejected the demand for a full-fledged Pakistan.
 - II. Grouping of existing provincial assemblies into three sections such as A,B,C.
 - III. Section- A: Madras, Bombay, Central Provinces, United Provinces, Bihar and Orissa (Hindu Majority Provinces)

IV. Section- B: Punjab, NWFP and Sindh (Muslim Majority Provinces)

V. Section C: Bengal and Assam (Muslim majority Provinces).

VI. To formulate a constitutional assembly

VII. Members of all Groups A, B, and C would sit separately to make its own constitution.

VIII. And the whole constituent assembly of all three groups would formulate Union constitution.

IX. Provinces would have full autonomy and residual powers with the weak center.

X. There would be three-tier executive and legislature at provincial. Sections (Group A, B and C) and Union level.

XI. Princely states were no longer to be under paramountcy of British Govt. and be free to enter into an arrangement with successor government or the British government.

XII. After the first General Election (5 years), a province was to be free to come out of a group.

XIII. After 10 years a province was to be free to call for a reconsideration of the group or the Union constitution.

XIV. Interim government to be formed from the constituent assembly.

- II. The central government at Delhi would have powers over the defence, foreign affairs, finance and the communications.
- III. A constituent assembly would be set up for writing a new constitution for the country. And an interim government was to be formed on the basis of the constitution written by the constituent assembly.

6. Reason for the failure of the mission:

That the Congress was not in favor of the grouping of provinces on the basis of Hindu-Muslim majority but, the League did not want any changes in the proposals.

Since, the plan was not accepted, a new plan was proposed by the mission in June 1946, with the division of India into a Hindu-majority India and the Muslim Majority India later to be renamed Pakistan. And a list of princely states was also made that could either join the union or remain independent.,

But the Congress party did not accept the second plan instead, it agreed to be a part of the constitutional assembly.

7. Result-wise, elections held in July 1946, Provincial assemblies for the Constituent assembly.
8. On 10th September 1946 congress forms its government.
9. The congress leaders entered the viceroy's interim council and thus Nehru headed the Interim government and the new interim government began the task of framing a constitution for the country.
- 10.** Jinnah and the league objected to the new central government, and started agitation for Pakistan by any means. Here he called for '**Direct Action Day**' on **16th August 1946.**

Which resulted in the **Communal holocaust**, in which 5000 people were killed on the first day in Calcutta.

11. **Later on 26th October 1946 Muslim League joins the government.**

But INC and Muslim League again could not reach any solution. Hence, Clement Atlee gave a statement in February 20, 1947 to declare of June 30, 1948 as the deadline of transferring the power.

That British would relinquish power either to some form of central government or in some areas to the existing provincial Government.

In the end Lord Mountbatten would replace Wavell as the Viceroy.

INDIAN INDEPENDENCE ACT OF 1947

- On February 20, 1947, British Prime Minister Clement Atlee declared that the British rule in India would end by June 30, 1948; after which the power would be transferred to responsible Indian hands.
- This announcement was followed by agitation by **Muslim League** demanding **partition** of the country.
- Then again on June 3rd, 1947, the British government made it clear that any Constitution framed by the constituent assembly of India (Formed in 1946) cannot apply to those parts of the Country which were unwilling to accept it.
- On the same day June 3rd 1947, Lord Mountbatten, the Viceroy of India, put forth the partition plan, known as the Mountbatten Plan. The plan was accepted by the congress and the Muslim League. Therefore, immediate effect was given to the plan by enacting the Indian Independence Act of 1947.

Features of the Act:

1. It **ended the British rule in India** and declared India as an independent state from August 15, 1947.
2. It provided for the **partition of India and creation of two independent dominions of India and Pakistan** with the right to secede from the British Commonwealth.
3. It **abolished the office of viceroy** and provided, for each dominion, a governor general, who was to be appointed by the British King on the advice of the dominion cabinet.
4. It empowered the Constituent Assemblies of the two dominions to frame and adopt any constitution for their respective nations and **to repeal any act of the British Parliament, including the Independence act itself.**
5. It abolished the office of the secretary of state for India.
6. It **proclaimed the laps of British paramountcy over the Indian princely states** and treaty relations with tribal areas from August 15, 1947.
7. **It granted freedom to the Indian princely states either to join the Dominion of India or Dominion of Pakistan or to remain independent.**
8. **It provided for the governance of each of the dominions and the provinces by the government of India Act of 1935, till the new constitutions were framed.** However, the dominions were authorized to make modifications in the Act.

9. It designated the Governor-General of India and the provincial **governors as constitutional (nominal heads) of the states**. They were made to act on the advice of the respective council of ministers in all matters.

NOTE: the power of the President to issue ordinance is a relic of G.O.I Act 1935.

10. **It dropped the title of Emperor of India from the royal titles of the king of England.** It discontinued the appointment to civil services and reservation of posts by the secretary of state for India. However, the members of the civil services appointed before August 15, 1947 would continue to enjoy all benefits that they were entitled to till that time.

Note:

At the stroke of midnight of 14 – 15 August, 1947, the British rule came to an end and power was transferred to the two new independent Dominions of India and Pakistan. Lord Mountbatten became the first governor-General of the new dominion of India. The constituent Assembly of India formed in 1946 became the Parliament of the Indian Dominion.



CHAPTER 30.

An Act to make provision for the setting up in India of two independent Dominions, to substitute other provisions for certain provisions of the Government of India Act, 1935, which apply outside those Dominions, and to provide for other matters consequential on or connected with the setting up of those Dominions.

[18th July 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) The said Dominions are hereafter in this Act referred to as “the new Dominions”, and the said fifteenth day of August is hereafter in this Act referred to as “the appointed day”.

2.—(1) Subject to the provisions of subsections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.

(2) Subject to the provisions of subsections (3) and (4) of this section, the territories of Pakistan shall be—

(a) the territories which, on the appointed day, are included in the Provinces of East Bengal and West Punjab, as constituted under the two following sections;

Points to be Noted:

- i. **Laws made before the Charter Act of 1833 were called Regulations and those made after are called Acts.**
- ii. Lord Warren Hastings created the office of District Collector in 1772, but judicial powers were separated from District collector later by Cornwallis.
- iii. From the powerful authorities of unchecked executives, the Indian administration developed into a responsible government answerable to the legislature and people.
- iv. The development of the portfolio system and budget points to the separation of Power.
- v. Lord Mayo's resolution on financial decentralization visualized the development of local self – government institutions in India (1870).
- vi. 1882: Lord Rippon's resolution was hailed as the Magna Carta of local self-government. He is regarded as the 'Father of local self-government in India.
- vii. 1924, Railway budget was separated from the General budget based on the Acworth Committee report (1921).
- viii. 1833 Charter Act was the most important act before the act of 1909.
- ix. Till 1947, the Government of India functioned under the provision of the 1919 Act only. The provisions of the Act of 1935 relating to Federation and Diarchy was never implemented.
- x. The Executive Council provided by the 1919 Act continued to advise the Viceroy till 1947. The modern executive (Council of Ministers) owes its legacy to the executive council.
- xi. The legislative Council and Assembly developed into Rajya sabha and

Lok Sabha after independence.

- xii. It was in 1934 that the idea of a Constituent Assembly for India was put forward for the first time by M. N. Roy a pioneer of communist movement in India and an advocate of radical democratism.
- xiii. In 1935, the INC demanded a Constituent Assembly to frame the Constitution of India.
- xiv. In 1938, Jawaharlal Nehru, on behalf of INC declared that ' the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise.
- xv. **After Indian Independence Act 1947, Lord Mountbatten continued as Governor-General and Jawaharlal Nehru was appointed India's first Prime Minister, Muhammad Ali Jinnah became Pakistan's Governor-General and Liaquat Ali Khan its Prime.**
- xvi. **Lord Mountbatten became the first Governor-General of Independent India.**

Formation of the Constituent Assembly

Introduction: A modern state in present era without a constitution is unimaginable because a Constitution is the only mean to have relation between the citizens and the governed. Hence, a state without its constitution would not be a state but a regime of anarchy.

It is quite interesting to know that in the sphere of enacted constitutions the **Americans broke the ice by framing their own constitution** by the confederal in 1787 and followed by the France during the great **French revolution in the years 1789-91**.

Making of the Indian Constituent Assembly:

1. As early as in **1922, Gandhi for the first time demanded that the future of the country** must be decided by the chosen representatives of the people and India should have its own constitution framed by the Indians themselves.
2. In order to follow the same, it was decided to form its own constitution by the INC and Muslim League in all party conference in **Feb, 1928** under the chairmanship of Motilal Nehru. Which resulted in **Nehru Report**.
3. **Manvedra Nath (M N Roy)**, a pioneer of communist movement in India and an advocate of radical democratism, in 1934, put forwarded the idea of a Constituent Assembly for India for the first time. And in 1935, the Indian National Congress (INC) for the first time, officially demanded a Constituent Assembly to frame the Constitution of India and in Lucknow session of 1936 the Congress declared that no Constitution imposed by outside authority is acceptable to India.

4. **Jawaharlal Nehru in 1938, on** behalf of the INC declared that 'the Constitution of free India must be framed, without outside interference, by a constituent Assembly elected on the basis of adult franchise.
5. In **1939**, **Mahatma Gandhi** wrote in an article entitled "**The Only Way**" in his writing "**Harijan**" expressing the view that a Constituent Assembly alone can produce a Constitution indigenous to the country and truly and fully representing the will of the people.
6. And the **demand was finally accepted in 'August Offer of 1940**, by British Govt. but the August Offer was not acceptable to India. Japan's dramatic entry into the War and its quick victory over some of the Asian countries compelled Britain to change its policy of indifference towards Indian demand for a Constituent Assembly.
7. In **1942**, **Sir Stafford Cripps**, a member of the cabinet, came to India with a draft a concrete proposal on framing of an independent Constitution of an elected constitution making body, to be adopted after the **World War II**, but rejected by the Muslim League which wanted two autonomous Constituent Assemblies.
8. Finally, in this row, **A Cabinet Mission was sent to India on March 24, 1946**. It rejected the idea of two Constituent Assemblies, and put forth a scheme for the Constituent Assembly which more or less satisfied the Muslim League.
 - By the Cabinet Mission it was clear that the Constituent Assembly was to be a partly elected and partly nominated body. Moreover, the members were to be **indirectly elected by the members of the Provincial assemblies, who themselves were directly elected on a limited franchise**. The assembly included all important personalities of India at that time, with the **exception of Mahatma Gandhi and M. A. Jinnah**.

Note: Constituent Assembly members were both **elected (indirectly) as well as nominated.**

9. In Accordance with the provisions of the **Cabinet Mission Plan**, election to the constituent Assembly was held in **July – August 1946**.

- I. The members of the Constituent Assembly were elected by the provincial Legislative assemblies by indirect election of a Single Transferable-vote system of proportional representation.
- II. The Election for the total **389 seats** among which **296 (4 members represented the Chief Commissioners Provinces which were Delhi, Ajmer, Coorg and British Baluchistan) from British provinces** and **93 from Princely States**, were completed by 1946.

NOTE: **one seat was allotted to every one million people.**

- III. Out of **296 seats** allotted to the Provinces, the Congress bagged as many as 208 seats,
- IV. the Muslim League won 73 seats,
- V. and the remaining 15 seats were captured by the other political parties, including a few independents.

However, the 93 seats allotted to the princely states were not filled as they decided to stay away from the constituent Assembly.

10. Initially, its total membership was kept 389. After Partition, the Constituent Assembly of India had 299 representatives. These included **229 members from provinces and 70 from princely states**. There were total nine women members also.

FIRST MEETING OF THE CONSTITUENT ASSEMBLY

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. **The Inaugural session began at 11 a.m.** with the introduction of **Dr. Sachchidananda Sinha, the temporary Chairman of the Assembly**, by Acharya Kriplani. While welcoming Dr. Sinha and others, Acharyaji said "As we begin every work with Divine blessings, we request Dr. Sinha to invoke these blessings so that our work may proceed smoothly. The first day's proceedings ended after all the 207 members present submitted their credentials and signed the Register.

KEY FACTORS

1. The Constituent Assembly took almost 3 years (**2years, 11 months and 18 days to be precise**) to complete its historic task of drafting the Constitution for Independent India. **Moreover, during this period, it held 11 sessions** covering a **total of 165 days** of these, **114 days** were spent on the consideration of the **Draft constitution**.
2. Total membership of the Assembly thus was to be 389 However, as a result of the partition under the Mountbatten Plan of 3 June, 1947, a separate Constituent Assembly was set up for Pakistan and representatives of some Provinces ceased to be members of the Assembly. As a result, **the membership of the Assembly was reduced to 299**.
3. **The Constituent Assembly held its first meeting on December 9, 1946.** **Dr. Sachchidanand Sinha**, the oldest member was elected as the **provisional Interim/temporary President of the Assembly** (*following the French practice*).
4. Muslim League boycotted the meeting and stressed on demand for separate nation called Pakistan, therefore, Constituent Assembly began functioning without Muslim League members.

Note: **Muslim League demanded for the dissolution of the Constituent Assembly on ground of not being fully representative of all section of India.**

5. Later on **December 11, 1946**, **Dr. Rajendra Prasad and H C Mukherjee** were elected as the **President and Vice President** of the Assembly respectively.

6. **Sir B. N Rau** was appointed as the **Constitutional advisor** to the Assembly.

OBJECTIVE RESOLUTION

7. On **December 13, 1946**, **Jawaharlal Nehru** moved/introduced the historic "**Objective Resolution**" in the Assembly, which laid down the fundamentals and philosophy and the guiding principles of the Indian Constitution.

- I. "This Constituent Assembly declares its firm and **solemn** resolve to proclaim India as an **Independent Sovereign Republic** and to draw up for her future governance a Constitution.
- II. Wherein the territories that now **comprise** British India, the territories that now form the **Indian States**, and such **other parts of India** as are outside India and **the States as well as other territories as are willing to be constituted into the independent sovereign India**, shall be a Union of them all; and
- III. Wherein the **said territories**, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, **shall possess and retain the status of autonomous units** together with residuary powers and exercise all powers and functions of Government and administration save and except such powers and functions as are vested in or assigned to the Union or as are inherent or implied in the Union or resulting therefrom; and

- IV. Wherein all **power and authority** of the Sovereign Independent India, its constituent parts and organs of government are **derived from the people**; and
- V. Wherein shall be guaranteed and secured to all the people of India **justice, social, economic and political; equality of status of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action**, subject to law and public morality; and
- VI. Wherein adequate **safeguards** shall be provided for **minorities, backward and tribal areas, and depressed and other backward classes**; and
- VII. Whereby shall be maintained **the integrity of the territory of the Republic and its sovereign rights on land, sea and air** according to justice and the law of civilized nations; and
- VIII. This ancient land attains its rightful and honored place in the world and makes its full and willing contribution to the promotion of world **peace and the welfare of mankind.**"

8. constitutional structure. The **Resolution was unanimously adopted by the Constituent Assembly on 22 January 1947**. It influenced the eventual shaping of the constitution through all its subsequent stages. Its **modified version forms the Preamble of the present constitution**.

9. **On February 20, 1947, British Prime Minister Clement Atlee declared that the British rule in India would end by June 30, 1948;** after which the power would be transferred to responsible Indian hands.
10. **On June 3rd 1947, Lord Mountbatten,** the Viceroy of India, put forth the partition plan, known as the Mountbatten Plan. The plan was accepted by the congress and the Muslim League. **Therefore, immediate effect was given to the plan by enacting the Indian Independence Act of 1947.**
11. After June 3rd (Mountbatten Plan) Muslim League and most of the others including princely states joined the Constituent Assembly.
12. On **July 26, 1947,** Lord Mountbatten announced the establishment of the separate Constituent Assembly for Pakistan.
13. The Indian independence bill in British Parliament was **introduced on July 4th 1947. And received royal assent on July 18th 1947. However, came in force on August 15, 1947. Therefore, a Fresh election in the New Provinces of East Punjab and West Bengal took Place.**
14. The Constituent Assembly, reassembled on August 14, 1947 as Sovereign Constituent Assembly. Now the members of the Pakistan were ceased to enter the Indian Constituent Assembly.
15. Post Partition the strength of **Constituent Assembly reduced to 299**, when it reassembled on 31st October, 1947.
16. The members of the Constituent Assembly served as the nation's first Parliament after independence.
17. Constituent Assembly adopted the **National Flag on 22nd July, 1947.**
18. **National Song on January 24, 1950.**

19. National Anthem on January 24, 1950.

20. Dr. Rajendra Prasad was elected as the **first President on 24th January, 1950.**

21. The **last session** of the Constituent Assembly was **24th January, 1950.**

22. On 26th January, 1949 constituent Assembly adopted the Constitution and the same constituent assembly continued till the completion of the first General election 1951-1952 in India as the Provisional government.

Committees:

1. The Constituent assembly appointed a number of committees to deal with different tasks of constitution – making. There were total 22 Committees constituted by the Constituent Assembly. Out of these 22 Committees 10 were on procedural affairs and remaining 10 were on Considerable affairs.
2. **On 29th August, 1947,** the constituent Assembly set up a Drafting Committee under the Chairmanship of Dr. B. R. Ambedkar to prepare a Draft Constitution for India, with one objective – draft a permanent and organized constitution for India.

IMPORTANT COMMITTEES OF THE CONSTITUENT ASSEMBLY AND THEIR CHAIRMEN

Name of the Committee	Chairman
Committee on the Rules of Procedure	Rajendra Prasad
Steering Committee	Rajendra Prasad
Finance and Staff Committee	Rajendra Prasad
Credential Committee	Alladi Krishnaswami Ayyar
House Committee	B. Pattabhi Sitaramayya
Order of Business Committee	K.M. Munsi
Ad hoc Committee on the National Flag	Rajendra Prasad
Committee on the Functions of the Constituent Assembly	G.V. Mavalankar
States Committee	Jawaharlal Nehru
Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Vallabhbhai Patel
Fundamental Rights Sub-Committee	J.B. Kripalani
North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee	A.V. Thakkar
Union Powers Committee	Jawaharlal Nehru
Union Constitution Committee	Jawaharlal Nehru
Drafting Committee	B.R. Ambedkar

Drafting Committee:

Among all the Committees of the Constitution Assembly, the most important committee was the Drafting Committee set up on August 29, 1947. It was this committee that was entrusted with the task of preparing a draft of the new Constitution. It comprised of 7 members.

- i. Dr. B. R. Ambedkar (Chairman)
- ii. N Gopalaswamy Ayyangar
- iii. Alladi Krishnaswamy Ayyar
- iv. Dr. K. M. Munshi
- v. Syed Mohammad Saadullah
- vi. N Madhav Rau (He replaced B. L. Mitter who resigned due to ill – Health)
- vii. T. T. Krishnamachari (He replaced D. P. Khaitan who died in 1948)

Note: The Drafting committee took less than six months to prepare its draft. In all it sat for only 141 days.

Sessions of the Constituent Assembly

First Session:	9-23 December, 1946
Second Session:	20-25 January, 1947
Third Session:	28 April - 2 May, 1947
Fourth Session:	14-31 July, 1947
Fifth Session:	14-30 August, 1947
Sixth Session:	27 January, 1948
Seventh Session:	4 November, 1948 - 8 January, 1949
Eighth Session:	16 May - 16 June, 1949
Ninth Session:	30 July - 18 September, 1949
Tenth Session:	6-17 October, 1949
Eleventh Session:	14-26 November, 1949

The Assembly met once again on 24 January, 1950, when the members appended

Enactment of the Constitution:

The Draft Constitution was published in January, 1948. The people of India were given 8 months to discuss the draft and propose amendments. As many as 7,635 amendments were proposed and 2,473 were actually discussed.

- I. Dr. B. R. Ambedkar introduced the final draft of the Constitution in the Assembly on November 4, 1948 (**FIRST READING** – the assembly had a general discussion on it for 5 days)
- II. **SECOND READING** (Clause by clause consideration) started on November 15th, 1948 and ended on October 17, 1949. During this stage, as many as 7635 amendments were proposed and 2473 were actually discussed in the Assembly.
- III. **THIRD READING** started on November 14, 1949. Dr. B. R. Ambedkar moved a motion – the constitution as settled by the Assembly be passed. The motion on draft Constitution was declared as passed on November 26, 1949.
- IV. Out of total 299 members of the Constituent Assembly, only 284 were actually present on that day and signed the Constitution. This is also the date mentioned in the Preamble as the date on which the people of India in the Constituent Assembly adopted, enacted and gave to themselves this Constitution.

Note: Dr. B. R. Ambedkar is recognized as the "**Father of the Constitution of India**".

He is also known as the "**Modern Manu**".

Enforcement of the constitution:

- I. Some Provisions of the Constitution pertaining to Citizenship, provisional parliament, temporary and transitional provisions, and short title contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391,392 and 393 came into force on November 26th, 1949.**
- II. The remaining provisions of the Constitution came into force on January 26th 1950.**