



CONSTITUTION AND POLITY OF INDIA

FOR UPSC & STATE PCS EXAMS

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CHAPTER-1

INTRODUCTION

What is State?

- The classical understanding of State has been in terms of four elements **territory, population, sovereignty, and government**.
- Sovereignty is the central characteristics of State. Sovereignty is the **undisputed legal authority** on the people and the territory over whom the sovereign power is exercised. It is technically unlimited power, but it is not practical because a State is answerable to international forums and institutions or countries.
- Government is the organ of a state through which sovereign power is exercised.

State and citizen

- **People** is an important element of State
- It is in relationship with the people that the State power and the **laws become relevant**.
- Everyone living within the territory of the State is not its citizens. Everyone living within the territory, both the **citizens and the aliens** have certain expectations from the state. e.g. safety. But citizen can demand many other rights from the State.
- Citizens are expected to **participate in the affairs of the State**.
- Citizens are the full member of the society, and they enjoy all the rights.

What is government?

- A set of institutions, individuals, occupying positions in the institutions and procedures for constituting the institution and for exercise of power is referred to as the Government.
- The State exercises its sovereign power over the population and territory through the Government.
- Government is an organ of the state through which sovereignty is exercised.

State and government

- When a new State comes into being it defines the form of government according to its own preference.
- State is prior to Government. Change in government is easier and frequent than change in the form of State.
- As compared to sovereignty of the State, which means absolute power, the Government can exert power within the legally defined boundaries. Government institutions example legislature, executive and the judiciary have their respective powers and functions as defined by the Constitution.
- Opposition to state by its citizen is understood as rebellion, but opposition to a government is accepted as legitimate.

Significance of Constitution

- Various forms of governments are practiced in different countries.
- The forms of government are contained in the constitution of these countries.
- Constitution means a document having a special legal sanctity, which sets out the framework and principal functions of the Government.

- The idea of Constitutionalism suggests ways and means to work out a governmental organization which **exercises power and ensures at the same time, individual freedom and liberty.**
- At the same time these governmental institutions are not only essential but also useful for smooth functioning of the society
- But the power of the State and of the government should not be absolute.
- **Constitutionalism** suggests a way of **reconciling power of the state with individual liberty** by prescribing the principles of organising State.
- The constitution outlines the vision of the framers and is the most important document of the State.
- Constitution is an **expression of faith** in boarding the hopes that people have from the State and the promise that they wish to make for the future.
- Constitutions **ensure certain rights to citizens** and defines their duties example Part 3 of the constitution.
- It can also be termed as the **“Fundamental Law”** of a country which reflects people’s faith and aspirations.
- Constitution is a compromise between the need for the powers of the government and at the same time protect the rights of the people.

Is constitution static?

- A Constitution is an extension of the **philosophical and organizational frameworks** into the future.
- But state must face the challenges of **changing social economic and political conditions** in the society.
- All living Constitutions provide for **procedures for introducing changes** in them by means of amendment. So, the Constitution is not static.

- Article 368 provides for Amendment so that we can change the Constitution as and when required.

Written and unwritten constitutions

Constitution of most countries of today came into existence as a result of their conscious decision to have such a document.

- Written constitutions provide **institutional arrangements and procedures in written form**: American (1776) and French (1789) constitutions.
- Unwritten constitution: example Britain
- But the laws and institutions of **British Constitution have gradually evolved** over the centuries. The British Constitution is an “unwritten” Constitution. It comprises the **constitutional conventions** that act such as the **statues and Acts of Parliament**. Here the parliament is supreme, unlike the “written” constitution where the constitution is supreme.
- In Britain, any change in the constitution is possible by means of laws passed by the Parliament. There is no distinction between an ordinary law and a constitutional law. This is an example of **most flexible form of Constitution**.
- In India constitution is supreme.

Making of the constitution

Demand for a Constitutional Assembly:

- **MN Roy** put forward the idea for constitutional assembly in **1934**.
- **INC** officially demanded constituent assembly in **1935**.
- **Jawahar Lal Nehru** demanded the constitution should be framed without external interference in **1938**.
- Accepted by British government known as **August offer** in **1940**.

- Proposal was rejected by Muslim league (**demanded 2 separate constituent assembly.**)
- Cabinet mission (3 members **Lord Pethic Lawrence, Sir Stafford Cripps and AV Alexander**) was sent to India.
- It puts forth a scheme for the constituent assembly which satisfied to Muslim league.
- The constitution of India was framed and adopted by the **Constituent Assembly of India.**
- The Constituent Assembly was set up in **November 1946** as per the **cabinet mission plan of 1946.**

Composition

- The members were **elected indirectly by the provincial assembly** in the ratio of one member per 1 million population.
- There were a total of **389 members** in the constituent assembly of which **296 were elected** by the members of the Provincial Assembly and the rest were nominated by princely states. In the 296 members of British India **292 from 11 governor's province, 4 from Chief Commissioners Province and 93 were from princely states.**
- Seats were divided among **Muslims, Sikhs and general** (all except Muslims and Sikhs) in proportion to population
- Representatives of each community were to be elected by members of that community in the provincial legislative assemblies and voting was to be done by the method of proportional representation by means of single transferrable vote.
- Representatives of princely states were to be nominated by the heads of princely states.
- Constituent assembly comprised all sections of Indian society.

Working and other Objectives achieved by Constituent Assembly

- Its **first meeting** was held on **9th December 1946**, with **Sachidanand Sinha** as the interim president
- On 11th December 1946, **Dr. Rajendra Prasad** was elected as **President** of the Constituent Assembly.
- The historical **“Objective Resolution”** was moved in the constituent assembly by **Pandit Jawaharlal Nehru** on **13th December 1946**.
- The Constituent Assembly formed **13 important committees** for framing the constitution.
- The **Drafting Committee** was appointed on 29th August 1947, with **Dr. B.R. Ambedkar** as the Chairman.
- The **first draft** of the Constitution was prepared in October 1947.
- The Draft Constitution of India prepared by the drafting committee was **submitted to the president** of the assembly on 21 February 1948.
- The **clause-by-clause considerations** of the Draft Constitution was taken up between 15th November 1948 and 17th October 1949.
- **On 26th November 1949**, the people of India through the constituent assembly **adopted, enacted and gave themselves** the Constitution of India.
- The constitution was finally **signed in by the members** of the constituent assembly on 24th January in 1950 which was the last day of the Assembly.
- The Constitution **came into full operation with effect from 26th January 1950**.
- During this period the constituent assembly acted as a **“temporary parliament”** [15 August 1947 to 26th November 1949]
- The constitution was approved by the members and was signed in by **284 members** of the constituent assembly

- It is considered to be the **second lengthiest constitution** in the world after the Constitution of Yugoslavia.
- Originally, it had **22 parts, 395 articles and 8 schedules**.
- The constituent Assembly took **2 years, 11 months and 18 days** to frame the constitution.
- It cost the exchequer **₹6.4 crore**.
- The **design of the National Flag** was adopted by the constituent assembly on July 22, 1947.
- The **National Anthem was adopted** by the constituent assembly on January 24th, 1950.
- Constituent Assembly of India was converted into **Provisional Parliament** of India on November 26th, 1949.
- The only state having **Constitution of its own was Jammu and Kashmir but now after abrogation of article 370 it is considered as a Union Territory of India where the laws made by Indian Parliament is followed**.
- The **first elections** to the parliament were held in 1952.
- The **First Amendment** to the constitution was effected in 1951.
- Delhi was made the **National Capital Territory** in 1991.
- The demand for the Constituent Assembly to draft the constitution of India for the first time, raised by Congress in 1935.
- The **Mountbatten plan of June 3, 1947** announced the partition of the country and a separate Constituent Assembly for the proposed state of Pakistan.
- Consequential the members of the Constituent Assembly representing those areas which were to be included in Pakistan, east Bengal, North-West Frontier Province (NWFP), West Punjab, Sindh, Baluchistan, and Sylhet district of Assam, were no more members of the Constituent Assembly of India.
- North-West Frontier Province and Sylhet decided through a referendum to remain with Pakistan.

- Therefore, the membership of the constituent assembly for India versus to **299 after partition**.
- The first meeting of the Constituent Assembly was boycotted by the Muslim League.
- Sri **BN Rao was appointed as the legal advisor** of the Constituent Assembly.
- **Dr. B.R. Ambedkar** is rightly regarded as the “**Father of the Constitution of India**”.
- **January 26th** was selected as the date of commencement of the Constitution of India because on this date in **1930, Indian people observed ‘Independence Day’ following the resolution of “Poorna Swaraj”** of the Congress session held in the midnight December 31, 1929, at Lahore.

Three Phases of the Constituent Assembly

- i. First phase: As Constituent Assembly under the limitations of cabinet mission plan from 6th December 1946 to 14th August 1957.
- ii. Second phase: As Constituent Assembly a Sovereign Body + Provisional Parliament from 15th August 1947 to 26 December 1949.
- iii. Third phase: As a Provisional Parliament from 27th November 1949 to March 1952.

Committees of the Constituent Assembly

The constituent assembly appointed 22 committees to deal with different tasks of Constitution-making out of these 10 were on procedural affairs and 12 on substantive affairs. These were as follows:

Committee on Procedural Affairs

1. Steering committee (Chairman Dr. K.M Munshi).
2. Rules of procedure committee (Chairman Dr. Rajendra Prasad).
3. House Committee. (Chairman B. Pattabhi Sitaramayya)
4. Hindi translation committee.
5. Urdu translation committee.
6. Finance and Staff committee (Chairman Dr. Rajendra Prasad)
7. Press Gallery committee (Chairman Usha Nath Sen)
8. Committee on the effect of Indian independence act of 1947
9. Orders of business committee
10. Credentials committee (Alladi Krishnaswamy ayyar)

Committee on substantive affairs

1. Drafting committee (Chairman Dr. B.R. Ambedkar).
2. Committee for negotiating with his states (Chairman Dr. Rajendra Prasad).
3. Committee on Chief Commissioners provinces (Pattabhi Sitaramayya).
4. Union constitution committee (Chairman Jawaharlal Nehru).
5. Provincial constitution committee (Chairman Dr. Sardar Patel).
6. Special committee to examine the Draft Constitution (Chairman Alladi Krishnaswami ayyar).
7. Commission on linguistic provinces.
8. Expert committee on Financial Provisions (Chairman Nalini Ranjan Sarkar).
9. Ad hoc committee on National Flag (Dr. Rajendra Prasad)
10. Union Power Committee (Jawaharlal Nehru)
11. Ad hoc committee on Supreme Court [S. Varadhachary (not an assembly member)]
12. Committee on fundamental rights and minorities (Chairman Sardar Patel)

Drafting committee

Among all the committees of the Constituent 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 consisted of 7 members they were:

1. Dr. B.R Ambedkar (Chairman)
2. N Gopalaswamy Ayyangar
3. Alladi krishnaswamy Ayer
4. Dr. K.M Munshi
5. Sayed Mohammad Saadullah
6. N Madhava Rao (He replaced BL mitter who resigned due to ill health)
7. TT krishnamachari (He replaced Deepak khaitan who died in 1948)

The Drafting Committee, after taking into consideration the process proposals of the various committees, prepared the first draft of the constitution of India which was published in February 1948. The people of India were given 8 months to discuss the draft and proposed amendments in the light of the public comment's criticisms and suggestions, the Drafting Committee prepared a second draft which was published in October 1948.

The Drafting Committee took less than 6 months to prepare its draft. In all it sat only for 141 days.

Enforcement of the constitution

Some provisions of the constitution pertaining to citizenship, elections, provisional parliament, temporary and transitional provisions, and short title contained in **Articles 5,6,7,8,9,60,324,366,**

367,380,388,391,392 and 393 came into force on November 26, 1949, itself.

The remaining provisions (the major part) of the Constitution came into force on January 26, 1950. This day is referred to in the Constitution as the 'date of its commencement' and celebrated as the Republic Day.

With the commencement of the constitution the Indian Independence Act of 1947 and Government of India act of 1935, with all enactments amending or supplementing the latter Act were repealed. The Abolition of Privy Council Act (1949) was however continued.

Important facts

1. **Elephant** was adopted as the symbol (seal) of the Constituent Assembly.
2. **Sir B.N. Rau** was appointed as the constitutional advisor (Legal advisor) to the Constituent Assembly.
3. **H.V.R Iyenger** was the Secretary to the Constituent Assembly.
4. **Prem Behari Narayan Raijada** was the calligrapher of Indian constitution. The original constitution was handwritten by him in a flowing italic style.
5. The original version was beautified and decorated by artist from **Shantiniketan including Nand Lal Bose and Beohar Rammanohar Sinha**.
6. Beohar Rammanohar Sinha illuminated, beautified and ornamented the original Preamble calligraphed by Prem Behari Narayan Raizada.
7. Calligraphy of the Hindi version of the original constitution was done by vasant Krishnan and elegantly decorated an illuminated by Nand Lal Bose.
8. **S.N. Mukherji** was the chief draftsman of the constitution in the constituent assembly.

PARTS	SUBJECT MATTER	ARTICLES COVERED
1.	The Union and its Territory	1 to 4
2.	Citizenship	5 to 11
3.	Fundamental Rights	12 to 35
4.	Directive Principles of State Policy	36 to 51
4A.	Fundamental Duties	51A
5.	The union Chapter 1- The Executive Chapter 2- The Parliament Chapter 3- Legislative Powers of President Chapter 4- The Union Judiciary Chapter 5- Comptroller and Auditor General of India	52 to 151 52 to 78 79 to 122 123 124 to 147 148 to 151
6.	The States chapter 1- General chapter 2- The Executive chapter 3- The State Legislature chapter 4- Legislative Powers of Governor chapter 5- The High Courts chapter 6- Subordinate Quotes	152 to 237 152 153 to 167 168 to 212 213 214 to 232 233 to 237
7.	The States in Part B of the First Schedule (Repealed)	238
8.	The Union Territories	239 to 242
9.	The Panchayats	243 to 243-O
9A.	The Municipalities	243 P to 243-ZG
10.	The Scheduled and the Tribal Areas	244 to 244-A
11.	Relations between the Union and the States Chapter 1- Legislative Relations	245 to 263 245 to 255

	Chapter 2- Administrative Relations	256 to 263
12.	Finance, Property, Contracts and Suits Chapter 1- Finance Chapter 2- Borrowing Chapter 3- Property, Contracts, Rights Liabilities, Obligations and Suits chapter 4- Right to Property	264 to 300-A 264 to 291 292 and 293 294 to 300 300-A
13.	Trade, Commerce, and Intercourse within the Territory of India	301 to 307
14.	Services under the Union and the States chapter 1- Services chapter 2- Public Service Commissions	308 to 323 308 to 314 315 to 323
14A.	Tribunals	323-A to 323-B
15.	Elections	324 to 329-A
16.	Special Provisions Relating to Certain classes like SCs, STs, OBCs and the Anglo- Indians	330 to 342
17.	official Language Chapter 1- Language of the Union Chapter 2- Regional Languages Chapter 3- Language of the Supreme Court, the High courts and so on Chapter 4- Special Directives	343 to 351 343 and 344 345 to 347 348 and 349 350 and 351
18.	Emergency Provisions	352 to 360
19.	Miscellaneous	361 to 367
20.	Amendments of the Constitution	368
21.	Temporary, Transitional and Special provisions	369 to 392
22.	Short title, commencement, authoritative text in Hindi and Repeals	393 to 395

SCHEDULES OF THE CONSTITUTION

Numbers	Subject Matter
First Schedule	<ol style="list-style-type: none"> 1. Name of the States and their territorial jurisdictions. 2. Name of the Union Territories and their extent.
Second Schedule	<p>Provisions relating to the emoluments, allowances, privileges, and so on of:</p> <ol style="list-style-type: none"> 1. The president and the Governors of the States. 2. The Speaker and Deputy Speaker of Lok Sabha. 3. The Chairman and the Deputy Chairman of the Rajya Sabha. 4. The Chairman and Deputy Chairman of the Legislative Assemblies in the States. 5. The Chairman and Deputy Chairman of the Legislative Councils in the States. 6. The Judges of the Supreme Court and of the High Courts 7. The Comptroller and Auditor-General of India
Third Schedule	<p>Forms of Quotes or Affirmations for</p> <ol style="list-style-type: none"> 1. The Union Ministers 2. The candidates for election to the Parliament 3. The members of the Parliament 4. The Judges of the Supreme Court 5. The Comptroller and Auditor-General of India.

	<p>6. The State Ministers.</p> <p>7. The Candidates for elections to the State Legislature.</p> <p>8. The Members of the State Legislature</p> <p>9. The Judges of the High Court.</p>
Fourth Schedule	Allocation of seats in the Rajya Sabha to the States and the Union Territories.
Fifth Schedule	Provisions relating to the administration and the control of the Scheduled Areas and the Scheduled Tribes
Sixth Schedule	Provisions relating to the administration of the tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.
Seventh Schedule	Division of the powers between the Union and the States in terms of List 1 (The Union List), List 2 (The State List) and List 3 (The Concurrent List).
Eighth Schedule	Includes the languages recognised by the constitution. Originally it had 14 but presently there are 22 languages. They are : Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi, Sanskrit, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by 21st Amendment Act of 1967, while Konkani, Manipuri and Nepali were added by the 71st amendment act of 1992. The 92nd Amendment Act 2003, added Bodo, Dogri, Maithili and Santhali.
Ninth Schedule	Validation of certain Acts and regulations, mostly relating to the land reforms. There are

	284 such acts. This schedule was added to the constitution by the First Amendment Act of 1951 which provided that by incorporating any law into it, the State would make it immune from the judicial scrutiny.
Tenth Schedule	Provisions relating to the disqualification of the legislators on the ground of defection this schedule was added by 52nd Amendment Act of 1985. It is also known as Anti-Defection law.
Eleventh Schedule	Specifies the power, authority and responsibility of the Panchayats. It has 29 matters. This schedule was added by the 73rd Amendment Act of 1992.
Twelfth Schedule	Specifies the power, authority and the responsibilities of Municipalities. It has 18 matters. This schedule was added by 74th Amendment Act of 1992.

CHAPTER- 2

CONSTITUTIONAL DEVELOPMENT IN INDIA

Though the Constitution of India was framed by the Constituent Assembly between Nov. 1946 and Nov. 1949, the spirit of constitutionalism had already gained ground among the Indian populace due to various constitutional experiments introduced by the British over a period of nearly 200 years. The history of the constitutional development in India can be traced back to the **Regulating Act of 1773**, which for the first time made the provision for the post of Governor-General in India. Since then, several constitutional changes were introduced aiming at streamlining the Indian Administration. However, the year **1858** serves as a watershed when the **Indian Administration came under the direct rule of the British crown** and the centralisation of administration was at its pinnacle. Thus, the period of British constitutional experiment can be divided into two phases:

A. Constitutional Experiments During the Rule of the East India Company

Regulating Act of 1773

- **Subordination of the presidencies** of Bombay and Madras to that of Bengal.
- Governor of Bengal made the Governor-General of Bengal.
- **Council of the Governor-General** established consisting of 4 members.
- **Supreme Court** established at Fort William. **Sir Elizah Impe** was the first Chief Justice. Judges were- 1.Chambers, 2.Limenter and 3. Hyde.
- This Act was based on the report of the committee headed by the **British Prime Minister Lord North**.
- Governor General was in power to make rules regulations and ordinances with the consent of the Supreme Court

Significance: This was the **beginning of parliamentary control** over the government of the East India Company. It also laid the foundation of a unitary type of government in India.

Pitt's India act of 1784

- It distinguished between commercial and political function of the company.
- Established the Board of Control and Department of Indian Affairs in England to control the company.
- Double Government system was established by this act.
- The Company's territory in India were called a “**British possessions in India**”.
- A 6-member Board of Controllers was setup which was headed by a minister of the British government. All political responsibility were given to this board.
- Trade and commerce related issues were under the purview of the Court of Directors of the company.
- Provinces had to follow the instructions of the Central Government and Governor General was empowered to dismiss the failing provincial government.

Significance: This Act reiterated the supremacy of the British Parliament over the affairs of the company. The **centralization of authority** became stronger. Sir C. Ilbert said that this Act enunciated a system, which remained substantially in force until 1858.

Charter Act of 1793

- **Enlarged the powers of the Governor-General in India** over the subordinate presidencies of Madras and Bombay.
- Members of the Home government to be paid not from the British Exchequer, but from the Indian Revenue.
- Courts were granted power to interpret rules and regulations.

Significance: It further consolidated the Crown's power over the East India Company. It was a step towards centralisation of power.

NOTE: The Charter Acts were called so as they regulated the charter of the Company granting right to trade with India.

Charter Act, 1813

- Abolished the monopoly of companies' Indian trade except Trade in Tea and with China.
- Allowed Christian Missionaries to preach in India.
- The powers of the Board of Control were further enlarged.
- Allowed the company to retain possession of the British territories and revenue for another 20 years.
- Local autonomous bodies were empowered to levy taxes.

Significance: The constitutional position of British territories in India was defined explicitly for the first time. It reduced the Company from a governing body to mere administrative body.

Charter Act, 1833

- The company lost its monopoly of trade with China.
- Governor General of Bengal made the Governor-General of British India.
- Governor-General-in-Council made further powerful.
- The Governor General and his council were given vast powers. This council could legislate for the whole of India subject to the approval of the board of controllers.
- The council got full powers regarding revenue and a single budget for the country was prepared by the Governor-General.
- Law member added to the Governor-General council as the 4th member for legislative purposes.
- Law Commission constituted for consolidating, codifying and improving Indian laws.

- In **1835 Lord Macaulay** was appointed as Chairman of the first Law Commission, Sir James Stephen was appointed as a law member in place of Lord Macaulay
- Slavery system in India was declared illegal through this Charter Act and was abolished in 1843.
- Introduction of civil servants including Indian's was attempted but was negated after opposition from the court of directors.

Significance: This Act was the final step towards the centralization in British India. **Centralization of power was reinforced** by further strengthening the Governor-General of India and his council. This Act, according to Lord Morley was the most important Act passed by the British parliament till 1909.

Charter Act of 1853

- This Act **renewed the powers of the Company.**
- Strength of the Court of Directors reduced.
- The **Law member became the full member** of the Governor-General-In-Council.
- Six new members called **Legislative Councillors** were added to the council creating a separate Governor General's council called **Indian (Central) Legislative Council.**
- Open competition system for civil servants including Indians. **Macaulay Committee (Committee on Indian Civil Service) was appointed in 1854.**
- Local representation in Indian (Central) legislative council was introduced. **4 out of 6 members** of Governor General council were appointed by the local (provincial) governments of Madras, Bombay, Bengal, and Agra.
- A **separate governor for Bengal** to be appointed
- British parliament was empowered to put companies' governance 1857 to an **end** at any suitable time

Significance: This was the last Charter Act. The authority of the Governor-General's council was further strengthened.

B. INDIA UNDER THE BRITISH CROWN (1858-1947)

Government of India act 1858

- British crown decided to assume sovereignty over India from the East India company in an apparent consequence of the revolt of 1857, described as an armed sepoy mutiny by the British historians and remembered as the **First War of Independence by the Indians**.
- The first statute for the governance of India, under the direct rule of the British government was the Government of India Act, 1858.
- The Governor General of India was to be called as **Viceroy of India (Representative of British crown)**.
- It provided for absolute British imperial control over India without any popular participation in the administration of the country.
- Board of Control and Court of Directors (**Double government** was established).
- The powers of the crown work to be exercised by the Secretary of State for India assisted by a council of 15 members known as **Council of India**.
- The country was divided into provinces headed by a Governor or Lieutenant journal governor aided by his Executive Council.
- The Provincial Government had to function under the superintendence, direction, and control of the Governor General in all matters.
- **All the authority for the governance of India was vested in the Governor-General-in-Council who was responsible to the Secretary of State for India.**

- The Secretary of State was ultimately responsible to the British parliament

Significance: By this Act Indian administration came under direct control of the British crown and its provisions made the Indian administration completely centralised

Indian Council Act, 1861

- After 1857 British government sought cooperation of the Indians in the administration of their country.
- The Indian Council Act of 1861 is an important landmark in the constitutional and political history of India.
- Viceroy should nominate some Indians as non-official members of his expanded council. Raja of Banaras, the Maharaja of Patiala and Sir Dinkar Rao were nominated to the legislative council by Lord Canning.
- It decentralized the legislative powers of the Governor General's council and vested them in the Governments of Bombay and Madras.
- Establishment of **New Legislative Council for Bengal, Northwest Frontier Province (NWFP) and Punjab (1862, 1866 and 1897 respectively).**
- **Portfolio System:** Introduced by Lord Canning in 1859. A member of the Viceroy's council was made in charge of one or more departments of the government and was authorised to issue final orders on behalf of the council on matters of his own department(s).
- Viceroy can issue ordinance under emergency without the concurrence of legislative council. The life of such ordinances was 6 months.
- This Legislative Council was neither representative nor deliberative in any sense.

Significance: Created relaxation in the centralization of power.

Indian Council Act, 1892

- Number of non-official members were increased in legislative council but maintained the official majority in them.
- Function of Legislative Council was increased and gave them **power of discussing budget and addressing question to the executive.**
- It provided for nomination of some non-official members of the:
Central Legislative (Viceroy) Council - from Provincial Legislative Councils and Bengal Chamber of Commerce.
Provincial Legislative Council (Governor) – from District Boards, Municipalities, university, trade associations, zamindars & chambers.

Significance: The Act could be termed as the **beginning of parliamentary system** as it allowed discussion over budget and queries by members.

Indian Council Act 1909 or Morley-Minto Reforms

- Reforms recommended by the then Secretary of States for India (**Lord Morley**) and the viceroy (**Lord Minto**) were implemented by the Indian Council Act, 1909.
- The maximum number of additional members of the Indian Legislative Council (Governor General's Council) was raised from **16** (under the act of 1892) to **60** (excluding the Executive Councillors).
- It provided (for the first time) for the association of Indians with the executive councils of Viceroy and Governors.
Satyendra Prasad Sinha became the first Indian to join the Viceroy's executive council he was appointed as the **Law Member.**

- It also provided for the separate representation of presidency corporations, Chamber of Commerce, universities, zamindars, Sikhs, Indian Christians, Anglo-Indians and Europeans.
- The size of Provincial Legislative Councils was enlarged by including elected non-official members so that the official majority was gone.
- An element of election was also introduced in the Legislative Council at the centre also but here the official majority was maintained
- The Legislative Councils were empowered to move resolutions on the Budget and on any matter of interest, except certain specified subjects such as Armed forces, Foreign Affairs and the Indian states.
- It provided for the first time, for separate representation of the Muslim community and thus the act legalised 'communalism' and Lord Minto came to be known as the "Father of the Communal Electorate"

Significance: First explicit attempt at introducing a representative and popular governance.

The Government of India Act, 1915

- This act was passed to consolidate the provisions of the preceding Government of India Acts.

Montague Chelmsford Reforms and the Government of India Act, 1919

- The then Secretary of State for India Mr. ES Montagu and the Viceroy Lord Chelmsford formulated proposals for the Government of India Act, 1919.
- it created a new office of the High Commissioner for India in London and transferred to him some of the functions hitherto performed by the Secretary of State for India.

- It provided for the establishment of a Public Service Commission. Hence a **Central Public Service Commission was set up in 1926 for recruiting civil servants.**
- Responsible Government in the provinces was to be introduced, without impairing the responsibility of the Governor (through the Governor General), for the administration of the province by resorting to device known as 'Dyarchy' or dual government.
- This Act provided **voting rights to the Indian woman (for the first time)**. David Lloyd George was the then Prime Minister of England.
- The subjects of administration work to be divided into 2 categories Central and Provincial.
- Central Subjects were those which were exclusively kept under the control of the Central Government.
- The provincial subjects were subdivided into 'Transferred' and 'Reserved' subjects.
- The 'transferred subjects' were to be administered by the **Governor with the aid of Ministers** responsible to the Legislative Council in which the proportion of elected members was raised to 70%.
- The 'reserved subjects' were to be administered by the **Governor and his Executive Council** with no responsibility to the Legislature.
- The previous Central control over the provinces in administrative, legislative and financial matters was relaxed. Sources of revenue were divided into two categories so that the provinces could run the administration with the revenue raised by the provinces themselves.
- The provincial budget was separated from the central budget.

- The provincial legislature was empowered to **present its own budget and levy its own taxes** relating to the provincial sources of revenue.
- The Central Legislature retained power to legislate for the whole country or any subject.
- The control of the Governor General over a provincial legislation was retained by providing that a Provincial Bill even though assented by the Governor would become a **Law only when assented to also by the Governor General**.
- The Governor was empowered to reserve a Bill for the consideration of the Governor General if it was related to some specified matters.
- The Governor General in Council continued to remain responsible only to the British Parliament through the Secretary of State for India.
- The Indian Legislature was made more representative and, for the first time **'bi-cameral'**.
 - *- Lionel Curtis was a British official and author. His ideas concerning 'Dyarchy' were important in development of the Govt. of India Act,1919 and his writing, influenced the evolution of the Commonwealth of Nations.**
- The Upper House was named the Council of States. This was composed of about **60** members of whom **34** were elected.
- The Lower House was named the Legislative Assembly. This was composed of about **144** members of whom **104** were elected.
- The electorate arranged on a communal and sectional basis, developing the Morley-Minto device further.
- The Governor General's overriding powers in respect of central legislation were retained as follows:
 - His prior sanction was required to introduce bills relating to certain matters;

- He Had the **power to veto** or reserve for consideration of the Crown any Bill passed by the Indian legislature;
- He had the converse power of certifying Bill, or any grant refused by the Legislature;
- He could make Ordinances, in case of emergency.

Significance: First shot to make the British administration in India more responsible to Indian people process of decentralization was given impetus.

Simon Commission

- This commission headed by Sir John Simon, constituted in **1927** to inquire into the working of the Act of 1919, placed its report in 1930. The report was examined by the British Parliament and the Government of India Bill was drafted accordingly.
- It was constituted because there was a provision in GOI Act, 1919 to review the constitutional working of this act after 10 years
- **7-member statutory commission, all were White only.** Indian leaders were disgruntled at this fact and asked the government how the constitutional reforms can happen if there are no Indian leaders present in it.
- British Government offered that they would review reforms proposed by Indian leaders and a committee was formed under the leadership of **Motilal Nehru** and the report prepared in Dec 1929 called '**THE NEHRU REPORT**'. Dominion status was demanded in this report.
- In its report of 1930, Simon Commission recommended the **abolition of dyarchy, extension of responsible government in the provinces, establishment of a federation of British India & princely states, continuation of communal electorate & so on**
- After three Round Table conferences (btw 1930&1932), British Government, British India & Indian princely states "**WHITE PAPER on Constitutional Reforms**" was prepared.

➤ Recommendation was incorporated in the GOI ACT, 1935.

Communal Award

- Scheme of representation of minorities is known as Communal Award announced by **Ramsay MacDonald in August 1932**.
- Continued separate electorates for the Muslims, Sikhs, Indian Christians, Anglo-Indians, European & extended it to the depressed class (SCs).
- Gandhiji was distressed, took fast unto death in Yeravda Jail (POONA) to get award modified.
- Later under '**POONA PACT**', retained the Hindu Joint electorate & gave reserved seat to the SC's.

Government of India Act, 1935

- It was a lengthy and detailed document having 321 sections and 10 Schedules.
- The Act of 1935 prescribed a federation, taking the Provinces and the Indian states (native states) as units.
- It was optional for the Indian states to join the federation and since they never joined the **Federation never came into being**
- **The Act separated Burma from India and 2 new provinces of Orissa and Sindh were created.**
- The Act divided legislative powers between the Centre and Provinces.
- The executive authority of a Province was also exercised by a Governor on the behalf of crown and not a subordinate of Governor General.
- The Governor was required to act with the advice of Ministers responsible to the legislature.
- In certain matters, the Governor was required to act "**in his discretion**" without ministerial advice and under the control and directions of the Governor General and through him, of the Secretary of State.

- The executive authority of the Centre was vested in the Governor General (on behalf of the Crown).
- Counsellors or Council of Ministers responsible to legislature was **not appointed** although such provisions existed in the Act of 1935
- The **Central Legislature was bi-cameral** consisting of the **Federal Assembly and the Council of State**.
- In **6 provinces** the legislature was **bi-cameral** comprising a Legislative Assembly and a Legislative council. In other provinces the Legislature was unicameral.
- Apart from the Governor General's power of veto a bill passed by the Central Legislatures was also subject to be veto by the Crown.
- The Governor General could prevent discussion in the Legislature and suspend the proceedings on any bill if he was satisfied that it would affect the discharge of special responsibilities.
- The Governor General had independent powers of legislation, concurrently with those of the Legislature.
- On some subjects no bill or amendment could be introduced in the legislature without the governor general's previous sanction.
- A three-fold division in the Act of 1935-- there was a Federal List over which the Federal Legislature had exclusive powers of legislation. There was a Provincial List of matters over which the Provincial Legislature had exclusive jurisdiction. There was a Concurrent List over which both the Federal and Provincial Legislature had competence.
- The Governor General was empowered to authorise either the federal or the provincial legislature to enact a law with respect to any matter which was not enumerated in the above noted Legislative Lists.

- Dominion Status, which was promised by the Simon Commission in 1929 was not conferred by the Government of India Act, 1935.

Cripps Mission

- In March 1942, Sir Stafford Cripps, a member of the British cabinet came with a draft declaration on the proposal of the British government.
- These proposals were to be adopted at the end of the Second World War provided the Congress and the Muslim league could accept them.
- According to the proposals
 - The constitution of India was to be framed by an elected Constituent Assembly by the Indian people.
 - The Constitution should give India Dominion Status.
 - There should be one Indian union comprising all the Provinces and Indian States.
 - Any Province (or Indian state) non accepting the Constitution would be free to retain its constitutional position existing at that time and with such non-acceding Provinces the British government could enter into separate Constitutional arrangements.

Cabinet Mission Plan

- In March 1946, Lord Atlee sent a cabinet minister to India consisting of 3 Cabinet Ministers, namely Sir Stafford Cripps (Chairman, Trade board & commerce), Lord Pethick Lawrence (SSI) and Mr. A V Alexander (First lord of Admiralty).
- The object of the mission was to help India achieve its independence as early as possible, and to set up a Constituent Assembly.
- The Cabinet Mission rejected the claim for a separate Constituent Assembly and a separate state for the Muslim.

- According to the Cabinet Mission Plan there was to be a Union of India, comprising both British India and the States and having jurisdiction over the subjects of Foreign Affairs, Defence and Communication. All residuary powers were to be vested in Provinces and the States.
- The Union was to have an Executive and a Legislature consisting of representatives to the Provinces and the States.
- Any decision involving a major communal issue in the legislature was to require a majority support of representatives of each of the two major communities present and voting as well as majority of all the members present and voting.
- The provinces could form groups with executives and legislature, and each group could be competent to determine the provincial subjects.

The Mountbatten Plan

- The plan for transfer of power to the Indians and partition of the country was laid down in the Mountbatten plan.
- It was given a formal shape by a statement made by the British government on 3rd June, 1947.

The Indian Independence Act, 1947 of the British Parliament

- In pursuance of this Act, the Government of India Act, 1935 was amended by the Adaptation Orders, both in India and Pakistan, for setting up an interim Constituent Assembly to draw up the future constitution of the country.
- From the 15th August, 1947 India ceased to be a Dependency, and the suzerainty of the British Crown over the Indian states and the treaty relation with Tribal Areas lapsed from that date.
- In a referendum held on 6 July, 1947 Sylhet (Assam) had decided to join the province of East Bengal (to be part of a new country Pakistan).
- The office of Secretary of State for India was abolished.

- The Governor-General and the Governors lost extraordinary powers of legislations to compete with the Legislature.
- The Central Legislature of India, composed of the Legislative Assembly and the Council of States, ceased to exist on August 14, 1947.
- The Constituent Assembly itself was to function also as the Central Legislature with complete sovereignty.

S.NO.	MEMBERS	Portfolios Held
1.	Jawaharlal Nehru	Vice President of the Council; External Affairs and Commonwealth relations
2.	Sardar Vallabhbhai Patel	Home, Information and Broadcasting
3.	Dr. Rajendra Prasad	Food and Agriculture
4.	Dr. John Mathai	Industries and Supplies
5.	Jagjivan Ram	Labour
6.	Sardar Baldev Singh	Defence
7.	C.H. Bhabha	Works, Mines and Power
8.	Liaquat Ali Khan	Finance
9.	Abdur Rab Nishtar	Posts and Air
10.	Asaf Ali	Railways and Transport
11.	C Rajagopalachari	Education and Arts
12.	I.I. Chandragar	Commerce
13.	Ghazanfar Ali Khan	Health
14.	Joginder Nath Mandal	Law

INTERIM GOVERNMENT

S.NO	MEMBERS	Portfolios Held
1.	Jawaharlal Nehru	Prime Minister, External Affairs and Commonwealth relations; Scientific Research
2.	Sardar Vallabhbhai Patel	Home, Information and Broadcasting; States
3.	Dr. Rajendra Prasad	Food and Agriculture
4.	Dr. John Mathai	Railways and Transport
5.	RK Shanmugham chetty	Finance
6.	B.R. Ambedkar	Law
7.	Jagjivan Ram	Labour
8.	Sardar Baldev Singh	Defence
9.	Raj Kumari Amrit Kaur	Health
10.	C.H. Bhabha	Commerce
11.	Rafi Ahmed Kidwai	Communication
12.	Dr. Shyama Prasad Mukherjee	Industries and Supplies
13.	VN Gadgil	Works, Mines and Power
14.	Maulana Abul Kalam Azad	Education

First Cabinet of Independent India 1947

NATIONAL SYMBOLS

National Flag

- The National Flag is a horizontal tricolour of **deep saffron** (kesaria) at the top, **white** in the middle and **dark green** at the bottom in equal proportion.
- The ratio of width of the flag to its length is two to three.
- In the centre of the white band is a **Navy-blue wheel** which represents the chakra.
- Its design is that of the wheel which appears on the abacus of the **Sarnath Lion Capital of Ashoka**.
- Its diameter approximates to the width of white band, and it has **24 spokes**.
- Designed by Pingali Venkayya.
- The design of the National Flag was adopted by the Constituent Assembly of India on 22 July 1947.
- Apart from non-statutory instructions issued by the Government from time to time, display of National Flag is governed by the provisions of the **Emblems and Names (Prevention of Improper Use) Act, 1950** and the **Prevention of Insults to National Honour Act, 1971**.

National Emblem

- The state emblem is an **adaptation from the Sarnath Lion Capital of Ashoka**.
- In the original, there are **four lions, standing back to back, mounted on an Abacus with a frieze carrying sculptures in high relief of an elephant, a galloping horse, a bull and a lion separated by intervening wheels over a bell-shaped Lotus**.
- Carved out of a single block of polished sandstone, the Capital is crowned by the **Wheel of the Law (Dharma Chakra)**.

- In the state emblem, adopted by the Government of India on 26 January 1950, only three lions are visible, the fourth being Hidden from the view.
- The wheel appears in relief in the centre of the abacus with a bull on right and a horse on the left and the outlines of other wheels on extreme right and left.
- The bell-shaped Lotus has been omitted.
- The words **Satyamev Jayate from Mundak Upanishad**, meaning “Truth Alone Triumphs”, are inscribed below the Abacus in Devanagari script.

National Anthem

- The song “**Jana-gana-mana**” composed originally in Bengali by Rabindranath Tagore, was adopted in Hindi version by the Constituent Assembly as the National Anthem of India on 24th January, 1950.
- It was **first sung on 27th December 1911** at the Calcutta session of Indian National Congress.

National Song

- The song Vande Mataram, composed in Sanskrit by **Bankim Chandra Chatterjee**, was a source of inspiration to the people in their struggle for freedom.
- It is an equal status with ‘Jana-gana-mana’.
- The first political occasion when it was sung was the **1896 session of the Indian National Congress**

National Calendar

- The national calendar is based on the **Saka Era**, with **Chaitra as its first month** and a normal year of 365 days was adopted from 22 March 1957 along with the **Gregorian calendar** for the following purposes:
 - i. Gadget of India,

- ii. News broadcast by All India Radio,
 - iii. calendars issued by the Government of India and
 - iv. Government communications addressed to the members of the public.
- Dates of the national calendar have a permanent correspondence with the dates of Gregorian calendar, **1 Chaitra falling on 22 March** normally and on 21 March in Leap year.

National Animal

- The **magnificent tiger, Panthera tigris**, is the national animal.
- To check the dwindling population of tigers in India, '**Project Tiger**' was launched in April 1973.
- According to 2011 census-there are 53 tiger reserves.

National Bird

- The Indian Peacock, *Pavo cristatus*, the national bird of India, is a colourful, swan-sized bird, with a fan-shaped crest of feathers, a white patch under the eye and a long, slender neck.
- The male of the species is more colourful than the female, with a glistening blue breast and neck and a spectacular bronze-green train of around 200 elongated feathers.
- The female is brownish, slightly smaller than the male and lacks the train.
- The elaborate courtship dance of the male, fanning out the tail and preening its feathers is a gorgeous sight.
- The Peacock is fully protected under the **Indian wildlife (Protection) Act, 1972**

National Flower

- **Lotus (*Nelumbo Nucifera Gaertn*)** is the national flower of India.

National Tree

- **Indian Fig tree, *Ficus bengalensis***, is whose branches root themselves new trees over a large area.
- The roots then give rise to more trunks and branches.
- Because of this characteristic in its longevity, this tree is considered immortal and is an integral part of myths and legends of India.

National River

- **The Ganga aur Gangses** is the longest river of India flowing over 2,510 kilometres of mountains, valleys and plains.
- Originate in the snowfields of the Gangotri Glacier in the Himalayas as the Bhagirathi River.
- It is later joined by other rivers such as Alaknanda, Yamuna, Son, Gomti, Kosi and Ghagra.
- The Ganga River basin is one of the **most fertile and densely populated areas of the world** and covers an area of 1,000,000 square kilometres.
- There are two dams on the river- one at Haridwar and the other at Farakka.
- Dolphin is an endangered animal that specifically habitats this river.
- The Ganga is reverd by Hindus as the most sacred river on earth.
- **Key religious ceremonies are held on the banks of the river** at cities such as Varanasi, Haridwar and Allahabad.
- The Ganga widens out into the **Ganges Delta in the Sundarbans** swamp of Bangladesh before it ends its journey by emptying into Bay of Bengal.
- Ganga Action Plan (GAP) was started in April 1986 to reduce the pollution load in river.

- **National River Ganga Basin Authority** was set up in 2009 under chairmanship of Prime Minister and consisting of Chief Ministers of State in which river flows to monitor the implementation.

National Fruit

- A fleshy fruit of the tree **Magnifera indica**, the **mango** is one of the most important and widely cultivated fruit of the tropical world.

National Game

- **Hockey** is the National Game of India.
- The **Golden Era of hockey** in India was the period from 1928 to 1956 when **India won 6 consecutive gold medals in the Olympics**.
- During the Golden Era, India played 24 Olympic matches, won all 24.
- The two other gold medals for India came in the 1964 Tokyo Olympics and the 1980 Moscow Olympics.

National Pledge

General Pledge

- India is my country. All Indians are my brothers and sisters.
- I love my country. I am proud of its rich and varied culture. I shall strive to be worthy of it.
- I shall love and respect my parents, teachers and elders.
- To my country and my people I placed my devotion.

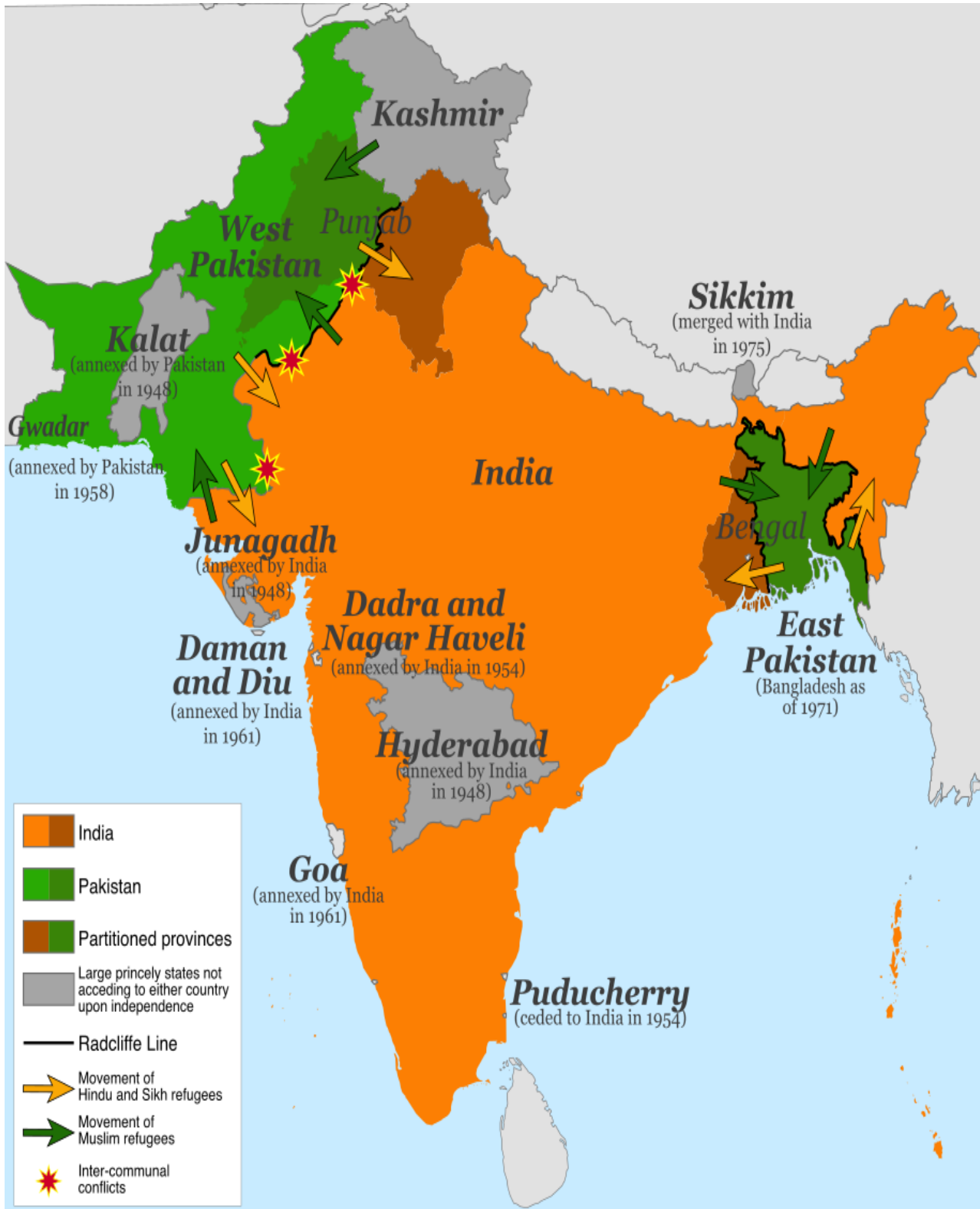
India

On the Eve of British Conquest (1764)



PRE-PARTITION MAP OF INDIA BEFORE 1947





MAP OF INDIA AT THE TIME OF INDEPENDENCE.

The New Flag Code

- One can hoist the flag only from sunrise to sunset.
- The ratio of width to length of the flag should be 2:3.
- Don't print it on a costume, cushion or napkin either.
- Don't use as shroud for funerals except in state funerals or armed forces or other para-military forces funerals.
- Don't drape the flag on vehicles.
- Don't hoist it upside down. Must not touch the ground.
- Must fly higher than all other flags except that of the UN or other nations.
- Don't fly a damaged flag.
- The amended code came into effect from January 26, 2003.

Milestones

- 1687** The first Municipal Corporation in India was set up in Madras.
- 1772** Lord Warren Hastings created the office of District Collector.
- 1829** The office of the Divisional Commissioner was created by Lord William Bentick.
- 1859** The portfolio system was introduced by Lord Canning.
- 1860** A system of Budget was introduced.
- 1870** Lord Mayo's resolution on financial decentralisation visualised the development of local self-government institutions in India.
- 1872** First census in India was conducted during Lord Mayo's period.
- 1881** First regular census was conducted during the period of Lord Ripon.
- 1882** Lord Ripon's resolution was hailed as the 'Magna Carta' of local self-government. He is regarded as the 'Father of local self-government in India'.
- 1905** The tenure system was introduced by Lord Curzon.
- 1905** The Railway Board was set up by a resolution of the Government of India.
- 1921** Public Accounts Committee was created at the Centre.
- 1921** Railway Budget was separated from the General Budget.
- 1935** Reserve Bank of India was established by an Act of the Central Legislature.