

## INDIAN POLITICAL SYSTEM

### UNIT - I

#### HISTORICAL DEVELOPMENT:

British (East India Company) came to India in 1600

- 1765 - obtained diwani
- 1858 - M N Roy suggested k
- 1934 - constitution Assembly formed
- 1946 - Constitution come into being

#### The Company Act (1773-1858)

- Regulating Act of 1773
- Pitt's India Act of 1784
- Charter Act of 1833
- Charter Act of 1853
- Regulating Act of 1773

Feature:

- Designated Governor General of Bengal – Lord Warren Hastings
- Sub-ordinates-Bombay and Madras presidency
- Established Supreme Court at Calcutta(1774)
- No bribes
- Report on 'Revenue, Civil and military affairs'

#### Pitt's India Act of 1784

Feature:

- Distinguished Commercial and Political function
- Double Govt: Court Directors and Board of Control empowered .

#### Chartter Act of 1833

Feature:

- Governor General of Bengal to Governor General of India
- 1<sup>st</sup> Governor Gen. of India – Lord William Bentick
- Previous Acts became Regulations
- Laws under their act called Acts
- East India Company came to Administration
- Civil Servant Selection started.

## Charter Act of 1853

Feature:

- Separated legislative and executive function
- Open competition for ICS to Indians, Macaulay committee appointed in 1854
- Company rule can be terminated any time
- Local representation in the Indian Legislative Council
- 4-6 appointed by Local govt. of Madras, Bombay, Bengal and Agra.

## THE CROWN RULE (1858-1947)

### GOVERNMENT OF INDIAN ACT OF 1858

Feature:

- Governor General of India to Viceroy of India
- Ended Double Government
- New Office – Secretary of State for India
- Established 15 member Sued.

### INDIAN COUNCILS ACT OF 1861

Features:

- Non-Official India member in Council
- Decentralation
- Establishment of new legislative council
- Portfolio system
- Empowered viceroy to issue ordinances .

### INDIAN COUNCILS ACT OF 1892

Features:

- ✓ Increased members of Legislative Council
- ✓ Discuss budget and question executive
- ✓ Nomination of non-official members.

## INDIAN COUNCILS ACT OF 1909

### Features:

- Increased legislative members council from 16 to 60
- First Indian law member in Viceroy's executive council – " Satyendra Prasad sinha"
- Communal representation system for Muslims
- Father of Communal Electorate – Lord Minto.

## GOVERNMENT OF INDIAN ACT OF 1919

### Features:

- ✓ Relaxed Central control over provinces
- ✓ Dyarchy-Transferred and Reserved subject
- ✓ Bicameralism- Upper and Lower House
- ✓ 3-6 Indian members – Viceroy's executive council
- ✓ Separate electorates – Sikhs, India Christians Anglo Indians and Europeans
- ✓ New Office – High commissioner for India in London
- ✓ Establishment of a Public service commission.

## GOVERNMENT OF INDIA 1935

### Features:

- Divided power – Federal, Provincial and concurrent list
- Abolished "Dyarchy"
- Introduced Bicameralism- 6-11 provinces
- 10% got voting right
- Establishment of RBI
- Establishment of Provincial and Joint Public Service Commission
- Establishment of a Federal court – 1937.

## INDIAN INDEPENDENCE ACT OF 1947

- ✓ Clement Atlee – British rule by June 30, 1948
- ✓ Mountbatten plan
- ✓ Features;
- ✓ Powers to constituent Assemblies
- ✓ Abolished viceroy office and secretary of state
- ✓ Freedom to princely states
- ✓ Continuation of Govt. of India Act 1935
- ✓ King of England no more 'Emperor of India'.

## MAKING OF THE CONSTITUTION

- Demands for Constituent Assembly
- 1934 – M.N.Roy
- 1935 – INC
- 1938 – Nehru The Constitution of Free India Formed , without outside interference, by a Constituent Assembly elected on the basis adult Franchise .
- 1940- August offer
- 1942-cripps-drafts proposal – rejected by the muslim league
- COMPOSITION OF THE CONSTITUENT ASSEMBLY
- November 1946
- Feature
- Total 389-296-british india 93 princely state
- One seat for 10lakh
- Three communities– Muslims Sikhs and general
- Proportional representation by means single transferable vote
- For Princely – head election July – august 1946, INC 208 seats Muslim league others 15

## WORKING OF THE CONSTITUENT ASSEMBLY

- ✓ First meeting Dec, 1946
- ✓ Muslim League boycotted – Pakistan
- ✓ 211 members attended
- ✓ Dr. Sachchidanand Sinha – Temp President – French practice.
- ✓ Dr. Rajendra Prasad – President
- ✓ Two Vice-President – H.C.Mukherjee and V.T.K.Krishnamachari
- ✓ OBJECTIVES RESOLUTION
- ✓ December 13,1946- January 22,1947
- ✓ Independent Sovereign Republic
- ✓ India shall be Union of all territories (states)
- ✓ Territories retain autonomous status except such powers to Union
- ✓ Power and authority derived from the people
- ✓ Safeguard for minorities, backward & tribal areas
- ✓ Integrity of the territory. World peace and welfare of Mankind.

## DRAFTING COMMITTEE

- Set up on August 29, 1947
- Seven Members headed by B.R.Ambedkar
- First draft – Feb 1948

Eight months- Public comments, Criticism, Suggestion

Second draft – Oct 1948.

- Less than 6 months -141 days.
- ENACTMENT OF THE CONSTITUTION
- First reading – Nov 4,1948- five days – general discussion
- Second reading – Nov 15, 1948 to Oct 17, 1949
- 7653 amendments proposed: 2473 actually discussed.
- Third reading – Nov 14, 1949; Draft constitution passed on Nov 26, 1949
- Out of 299 members, 284 members only present in assembly
- Constitution contained a Preamble, 395 Article and 8 Schedules.
- Dr B R Ambedkar – ‘Father of the Constitution of India’ Modern Mani’

### **SAILENT FEATURE OF THE CONSTITUTION**

#### **WRITTEN CONSTITUTION**

- ✓ 1947- Preamble, 395 Articles (22 Parts) and 8 Schedules
- ✓ 2016 – Preamble, 465 Articles ( 25 Parts) and 12 Schedules
- ✓ RIGIDITY AND FLEXIBILITY
- ✓ Indian Constitution - neither rigid nor flexible but of both
- ✓ FEDERAL SYSTEM
- ✓ Federal system of Government
- ✓ Two government division of power, independent judiciary , bicameralism
- ✓ PARLIAMENTARY FORM OF GOVERNMENT
- ✓ Parliamentary system – Westminster model.
- ✓ INDEPENDENT JUDICIARY
- ✓ Supreme Court at in the country
- ✓ High Court at the state Level
- ✓ DIRECTIVE PRINCIPLES OF STATE POLICY
- ✓ ‘NOVEL FEATURE’ of the constitution
- ✓ Three level categories socialist, Gandhian, Leberal Intecial
- ✓ FUNDEMENTAL RIGHT

#### **Part- III of the Constitution – 6 Fundamental Right**

- Right to Equality (ART 14 – 18)
- Right to Freedom ( Art 19- 22)
- Right to Exploation ( Art 23 –24)
- Right to Freedom of Religion(Art25-28)
- Right to cultural and Education Right(29-30)
- Constitutional remedies (Art31-35)

## FUNDAMENTAL DUTIES

- Added by the 42th Constitution Amendment Act of 1976
- 86<sup>th</sup> Constitution Amendment Act of 2002 added on more
- Part IV-A 11 Fundamental Duties

### **FUNDEMENTAL DUTIES**

- ✓ Part IV A – Articles 51 A – 11 Duties
- ✓ 1976, Added Fundamental Duties added in the Constitution
- ✓ Inspired from USSR
- ✓ LIST OF FUNDEMENTAL DUTIES
- ✓ Respect Constitution, National Flag, National Anthem
- ✓ Uphold and protect the Sovereignty, Unity and Integrity of India
- ✓ Defend the country and the spirit of common brotherhood
- ✓ Value and preserve the rich heritage of the country composite culture
- ✓ Protect & improve Natural environment including forest, Lakes, rivers, & wildlife
- ✓ Develop scientific temper, humanism and the spirit of inquiry and reform
- ✓ Safeguard public property and to abjure violence
- ✓ Strive towards excellence
- ✓ Provide opportunities for education to his child between the age 6 and 14
- ✓ (Added by the 86<sup>th</sup> Constitution Amendment Act, 2002)

### **FUNDAMENTAL RIGHT OF THE CONSTITUTION**

- Articles 14 Equality before Law and Equal Protection of Laws
- Article 15 Prohibition of Discrimination on Certain Grounds
- Articles 16 Equality of Opportunity in Public Employment
- Articles 17 Abolition of Untouchability
- Articles 18 Abolition of Titles

### **RIGHT TO FREEDOM**

- Articles 19 Protection of Six Rights
- Articles 20 Protection in Respect of Conviction for Offences
- Articles 21 Protection of Life and Personal Liberty
- Articles 21 A Right to Education
- Articles 22 Protection Against Arrest and Detention

### **RIGHT AGAINST EXPLOITATION**

- ✓ Articles 23 Prohibition of Traffic in Human Beings and Forced Labour
- ✓ Articles 24 Prohibition of Employment of Children in Factories, etc.

- ✓ RIGHT TO FREEDOM OF RELIGION
- ✓ Articles 25 Freedom of Conscience and Free Profession , Practice and Propagation of Religion
- ✓ Articles 26 Freedom to Manage Religions Affairs
- ✓ Articles 27 Freedom from Taxation for Promotion of a Religion
- ✓ Articles 28 Freedom from Attending Religious Instruction

#### CULTURAL AND EDUCATION RIGHT

- ✓ Articles 29 Protection of Interests of Minorities
- ✓ Articles 30 Right of Minorities to Establish and Administer Education Institution

#### RIGHT TO CONSTITUTION REMEDIES

- ✓ Articles 31 Habeas Corpus
- ✓ Articles 32 Mandamus
- ✓ Articles 33 Prohibition
- ✓ Articles 34 Certiorari
- ✓ Articles 35 Quo-Warranto

### **DIRECTIVE PRINCIPLES OF STATE POLICY**

- Part IV Articles 36 to 51
- Borrowed idea from Irish Constitution
- Dr. B R Ambedkar describe 'novel feature' of the Indian Constitution
- CLASSIFICATION OF THE DIRECTIVE PRINCIPLES
- Based on concept and Direction
- Socialistic Principles
- Gandhian Principles
- Liberal – Intellectual Principles
- Article 38 Promote welfare of the people by securing a social order by justice
- To minimize inequalities in income, status, facilities and opportunities

#### SOCIALISTIC PRINCIPLES

- Article 39; To secure 6 principles
- Article 39 A To promote equal justice and free legal aid to the poor
- Article 41 To secure the right to work, education & public assistance incase of unemployment, old age, sickness and disablement
- Article 42 Provision for just and humane conditions of work, maternity relief
- Article 43 To secure living wage, decent standard of life, social & cultural opportunities for all workers
- Article 43 A Take steps to secure the participation of workers in industries.
- Article 47 Raise nutrition level, standard of living of people & to improve public health

## GANDHIAN PRINCIPLES

- Article 40 Organise village panchayats & endow with power & authority to enable them to function as units of self-government
- Article 43 Promote cottage industries by individual/ co-operation in rural areas
- Article 43B Promote voluntary formation, autonomous functioning, democratic control & professional management of co-operative societies
- Article 46 Promote the educational & economic interest of SCs STs & weaker section of society and protect from social injustice and exploitation
- Article 47 Prohibit the production and sale of intoxicating drinks & drugs which are injurious to health
- Article 48 Prohibit the slaughter of cows, calves and draught cattle. Improve their breeds

## LIBERAL – INTELLECTUAL PRINCIPLES

- ✓ Article 44 Secure for all citizens a uniform civil code throughout the country
- ✓ Article 45 Provide early childhood care & education for all children until age of 6
- ✓ Article 48 Organise agriculture & animal husbandry on modern & scientific lines
- ✓ Article 49 Protect monuments, places and objects of artistic or historic interest
- ✓ Article 50 Separate judiciary from the executive in the public services of the state
- ✓ Article 51 Promote international peace and security. Honorable relation b/w nations. Respects for international law and treaty. Encourage settlement of disputes.