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Chapter- 1 - Historical Background

Introduction	<ul style="list-style-type: none"> • Britishers came to India in 1600 under charter granted by, by Queen Elizabeth I in 1765.Company obtained ‘diwani’ rights over Bengal, Bihar , Orissa. • In 1858 because of ‘Sepoy mutiny’, the British Crown assumed direct responsibility for the governance of India. • MN Roy suggested for a need of constitution (in 1934) and constituent assembly was formed in 1946.
THE COMPANY RULE (1773–1858)	<p>1. Regulating Act of 1773 –</p> <ul style="list-style-type: none"> • 1st step taken by the British Government to Control and regulate the affairs of the east India company in India. • Recognised political and administrative function of the Company; • Laid the foundation of Central Administration in India. <p><u>Features–</u></p> <ul style="list-style-type: none"> • Designated the Governor of Bengal as the ‘Governor-General of Bengal’ and first Governor-General was Lord Warren Hastings. • Governor General was to be assisted by an executive council of four members and was given a casting vote but no veto • Governors of Bombay and Madras were made subordinate to governor-general of Bengal. • Est. by SC at Calcutta in 1774(1 Chief justice + three other judges) • No Private trade by servants of the company <p>2. Pits India Act, 1784 –</p> <p>To Rectify the defects of the Regulating Act, 1773 British Parliament passed the Amending Act, 1781, also known as ‘Act of settlement’.</p> <p><u>Features of Pits India Act –</u></p> <ol style="list-style-type: none"> 1. Distinguished b/w Commercial & and political functions of the Company. 2. Allowed, the Court of Directors to manage, Commercial affairs but Created a new body called Board of Control to manage political affairs. Thus, Established- system of – double government. 3. Empowered the Board of Control to supervise and direct all operations of civil and military government or revenues of the British possessions in India.

Act was significant- two reasons:

1. Company's territories in India for 1st time called '**British possessions in India**'.
2. British Government was given the supreme control over Company's affairs and its administration in India.

3. Charter Act of 1833 –

Final steps towards centralization in British India

Features –

- Made Governor-General of Bengal as **Governor-General of India (William Bentick-1st)**
- Power- Civil & Military to governor general of Bengal
- Deprived the Governor of Bombay and Madras of legislative power & Governor-General of India was given exclusive legislative powers for the entire British India.
- Ended- activities of **East India Company**- as a commercial body became a purely administrative body.

Introduced open system competition – for selection of **Civil Servants**.

4. Charter Act of 1853 – Last Charter act between 1793 to 1853

Features –

- Introduced open competition system of selection and recruitment of civil servants [Macaulay Committee 1854]
- 1st time – separated – Legislative & Executive Junction of Governor General's Council.
- Introduced 1st time – local representation in the Central Indian Legislative Council (out of the 6, 4 members were appointed by local (provincial) governments of Madras, Bombay, Bengal and Agra.

THE CROWN RULE (1858–1947)

Government of India Act, 1858 –

- 'Act for the Good Govt. of India'
- Abolished the East India Company (EIC) & transferred the powers of Govt, territories and revenues to the British Crown.

Features –

1. Change – designation – **Governor General of India** to **Viceroy of India**.
2. Ended – **double govt. system** – by – abolishing the Board of Control and Court of Director.
3. Created new office, Secretary of State for India, vested – complete authority over Indian administration.
4. Established a **15-member Council** of India to assist secretary of state for India, also made him chairman of the council.
5. Largely confined to improvement of administrative machinery by which Indian Govt. was to be supervised and controlled in England.

Indian Councils Act, 1861	<p>Important landmark in the constitutional and political history of India.-</p>
Features	<ol style="list-style-type: none"> 1. It made a beginning of representative institutions by associating Indians with the law-making process. 2. It thus provided that viceroy should nominate some Indians as non-official members of his expanded council. 3. Initiated – process of decentralisation by restoring the legislative powers to the Bombay and Madras Presidencies. Reversed – centralising tendency that starting from 1773. 4. It establishment – new legislative councils for Bengal, North-Western Frontier Province (NWFP) and Punjab in 1862, 1866 and 1897 respectively 5. Empowered the Viceroy to issue ordinances, without the concurrence of the legislative council, during an emergency. The life of ordinance was 6 months.
Indian Councils Act, 1892	<ul style="list-style-type: none"> • Increased no. of members of legislative councils and gave them the power of discussing the budget and addressing questions to the executive. • The Act – made a limited & indirect provision for the use of election in filling up some of the non-official seats both in the Central and provincial legislative councils.
Indian Councils Act, 1909	<p>Known as Morley-Minto Reforms – Secretary Viceroy</p> <ul style="list-style-type: none"> • Increased the size of the legislative councils from (16 to 60), both Central and provincial. • Provided for the association of Indians with the executive Councils of the Viceroy & Governors. (Satyendra Prasad Sinha became the first Indian appointed as the law member). • Give separate electorate to Muslims. <p>Introduced system of Communal representation.</p> <ul style="list-style-type: none"> • Lord Minto – Father of Communal Electorate. • Beginning of Non- official majority in the legislative Council.
Government of India Act, 1919	<p>Montagu – Chelmsford Reforms (Montagu was Secretary, Chelmsford – Viceroy for India)</p> <ul style="list-style-type: none"> • Relaxed the central control over the provinces by demarcating & separating the central and provincial subjects. • August, 1917 British declared its objective of Gradual development of responsible-government in India). • Divided Provincial subjects—transferred and reserved subjects. • Dual scheme of governance ‘dyarchy’. • 1st time bicameralism & direct election (introduced) 3 out of 6 members of Viceroy’s Executive Council were to be Indian. • Establishment of central Public Service Commission (set up 1926). • Granted franchise- limited – property, tax or education. • Extended principle of Communal representative • Separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans. • Separated provincial budgets from – Central budget • Indian Legislature Council – called Indian Legislature replaced by upper and lower house <p>Significance –</p> <ul style="list-style-type: none"> • Simon Commission of 1927 was to review condition after new constitution(All members British) • Steps towards complete responsible government. • Division of Subjects – not satisfactory.

	<ul style="list-style-type: none"> The viceroy – retained control of the central govt & role of the mostly elected bicameral Legislature remain advisory. Poona pact-Hindu joint electorate and reserved seats for depressed class
Government of India Act, 1935	<p>(Towards completely responsible government)</p> <ul style="list-style-type: none"> Establishment of an All-India Federation (Provinces and princely states as units) Power b/w centre & unit in 3 list – Federal List (59 items), Provincial List (54 items) and Concurrent List (36 items). Abolished dyarchy in the provinces & introduced ‘Provincial Autonomy’ in its place. Provided for the adoption of dyarchy at the Centre. Bicameralism in 6 out of 11 provinces with many restrictions placed, Separate electorates for (Scheduled Castes), women and labour. Extended the franchise, more than 10% of total population got voting right. Establishment of a RBI to control the currency and credit Establishment of not only a Federal Public Service Commission but also Provincial Public Service Comm. & Joint Public Service Commission. Establishment of Federal Court in 1937.
Indian Independence Act, 1947	<p>Features of the Act –</p> <ol style="list-style-type: none"> Act ended British rule in India. Division of British India into Pakistan & India. A governor-general for each dominion appointed by British king. India – Lord Mountbatten (15th Aug’ 17 – 21 June 1948) C. Rajagopalachari last governor general of India(21 June 1948 – 28 June 1950) Pakistan governor general – Jinnah Freedom to princely states to join either dominions or remain independent Empowered the constituent assembly of dominions to legislate and frame laws Abolished office of the Secretary of state. Removed the title “Emperor of India” from the royal titles of the British Monarch.

Chapter- 2 - Making of the Constitution

DEMAND FOR CONSTITUENT ASSEMBLY	<p>In 1934 – MN Roy – 1st time put the Idea of constituent Assembly.</p> <p>In 1935 – INC – demanded a constituent Assembly to frame the const. of India.</p> <p>In 1938 – J.L Nehru on the behalf of INC declared constitution to be framed without outside interference.</p> <p>Finally, demand was accepted in principle by British Govt, known as “August Offer” of 1940.</p> <p>In 1942, Sir Stafford Cripps – came to India with draft proposal for framing of an independent Constitution to be adopted after the World War II. {Cripps Proposals rejected by Muslim}</p>
COMPOSITION OF	<ul style="list-style-type: none"> Constituent Assembly (CA) was constituted – In Nov 1946 – under the scheme