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GS PAPER - II

VOLUME-I

INDIAN POLITY



INDIAN POLITY, CONSTITUTION & GOVERNANCE

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- Law Commission of India
- National Council of Senior Citizens
- NCW
- NALSA
- Central Vigilance Commission
- Central Administrative Tribunal
- Auroville Foundation
- IDF
- NBCFDC
- Competition Commission of India
- TDSAT
- Central Wakf Council
- CAG
- NCST
- Armed Forces Tribunal
- NCM
- National Commission for Safai Karamcharis
- NCLT
- NGO's
- CBI

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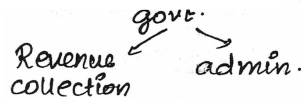
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Indian Polity, Constitution, Governance

Historical Underinnings of Indian Constitution

Today's constitution has close link with some of the significant development took place in british India. These are as follows :-

- On 31 Dec ¹⁶⁰⁰ AD, EIC (East India Company) got royal charter permission from Queen Elizabeth to carry out business activity in India.
 - EIC setup one administrative body, named as Court of Director. in which there was one governor and 24 one man committee under him.
 - EIC was expanding very rapidly and wanted to take over entire India.
- Black note tragedy** Weakening mughal empire motivated company further and sudden death of Aurangzeb in 1707 resulted into first war that EIC waged against India in 1757 named as Battle of Plassey, in which Siraj ud-Daulah, Nawab of Bengal, was defeated and victory of EIC in this battle resulted into foundation of british empire in India.
- Following this victory, governor of Bengal was appointed in 1758 (Lord Clive became first GOB).
- Company waged another war, Battle of Buxar in 1764 against Shah Alam, Nawab of Outh (Awadh) and victory of company in this battle resulted into Diwani or tax collection rights from Bengal, Bihar and Orissa.



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| | <p>→ Overnight success of company brought it lots of revenue and because of this, officers of company indulged in corrupted and mal practices and there were frequent tax evasion cases.</p> |
| | <p>Complaints of it soon reached British parliament and <u>Lord North committee</u> was set up to investigate these charges.</p> |
| | <p>This committee found charges correct and recommended regulating or controlling company activities.</p> |
| to regulate affairs of East India company | <p>For this, Regulating act 1773 was brought, which has following provisions :-</p> |
| | <p>→ <u>Company license</u> was now to be renewed in every 20th year, subject to honest and fair business of company. This renewal was to be done by charter act.</p> |
| | <p>→ Post of governor of Bengal was enlarged and was renamed as governor general of Bengal. (Lord Warren Hastings became first GGOB).</p> |
| for solving conflicts → b/w french, dutch, portuguese and east India company | <p>One judicial body named as Supreme Court was setup in Calcutta (It has no connection with SC of Delhi). (1774, Port Williams)</p> |
| | <p>Following charter Act were brought to renew company's license :-</p> |
| (1) | <p>Charter Act of 1793 :-</p> <p>In this, SC was given power to interpret rules & regulations</p> |

| | |
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| | made of Board of Control. (William Pitts, PM of Britain) |
| | It is to be noted that in 1784, Pitts India Act was brought to fill the gaps in regulating act 1773. |
| | This act created BOC over and above company's administrative body, court of director so that legislative, executive and administrative functions could be shifted from <u>COD</u> to <u>BOC</u> . By this, EIC was reduced to business firm only. (centralization of power) |
| | Officers in BOC were decided to be paid out of Indian revenue from 1793 onwards, which can be seen as classic example of "Drain Theory of India", a book written by Dadabhai Naoroji. |
| | (agreement) |
| (2) | Charter Act of 1813 :- |
| other companies in Britain also wanted to do trade with India. | In this charter, monopoly of EIC for exporting tobacco, cotton, tea etc. was ended and same rights to export these crops was given to French and Portuguese. |
| | It resulted into better remuneration for Indian farmers on one hand and on other, domination of EIC got a setback. (Missionaries were opened to convert religion) |
| (3) | Charter Act of 1833 :- |
| | By this post of GGDB was enlarged and was renamed as governor ^{gen.} of India. (Lord William Bentick became first GGOI). |
| last step of gov. to centralize the power | He was provided with one governor general in council and one legislative house was also provided with name Indian Council, which is known as Lok Sabha today. |
| Patronage system was abolished but postponed | One law commission provision was also provided which is considered as faint beginning of constitution writings. |

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| | <p>Charter Act of 1853 :-</p> <p>This is last charter act of British India, in which GOB post was recreated, because of increased work.</p> <p>Policy of open recruitment was also started to end nepotism and spoil system. → 1853 - Lord Macaulay merit system - 1854</p> |
| <p>origination of parliamentary form of govt.</p> | <p>After 1855, pressure of exploitation on Indians was so high that it could not be tolerated anymore.</p> <p>Because of this, first war of independence was fought in 1857 in which we pushed EIC back to Britain but at last we were pushed back by advanced British forces.</p> |
| <p>administration of country ↓ GOI</p> | <p>British India was taken by British parliament in 1858 by Govt. of India Act which has following other provisions:-</p> |
| | <p>(1) BOC, COD were abolished and these were replaced by one post named as Secretary of State (Lord Stanley became first SOS). <small>member of British cabinet & responsible to parliament.</small></p> <p>This SOS post which was now to be known as Viceroy, means more respect (Lord Canning was first Viceroy). <small>↓ last GGDI</small> <small>responsible to crown & SOS.</small></p> |
| <p>(2) Indian house ↓ 15 members (all white)</p> | <p>Doctrine of Lapse policy was also ended so that provincial autonomy could be guaranteed.</p> <p>British India was now considered as extended British territory and British Parliament had to perceived indirect policy of exploitation on name of welfare in form of divide & rule and carrot & stick policy.</p> <p>We can see following example of this policy :-</p> |

(1) Govt. of India Act 1909 or Minto - Morley reform :-

In this, communal representation was introduced in form of separate electorates for Muslims.

They said that Bengal area is geographically large so it is hard to manage administratively. But real reason was that Britishers realised that united India cannot be ruled for long. These seeds of poison were sown in 1909, came out to be gigantic tree in form of Pak in 1947.

(2) GOI Act 1919 or Montague - Chemsford report (Mont-ford report)
In this, 2 elements were introduced -

(dual governance)

(i) Dyarchy :- (2 list system)

It was introduced at provincial level in form of 2 lists - namely, reserved list and transferred list.

Highly
unsuccessful

In reserved list which was with english included important subjects like finance, defence etc. and nominal subjects like agriculture, irrigation etc were kept in transferred list.

It was done to satisfy those Indians who were demanding to be part of legislative functions.

We were blamed for failed agriculture to which Britishers were making every contribution by not allotting money for canals etc.

(ii) Bicameralism :-

It means 2-house system, which was introduced at central level to create upper house over and above Indian council.

It was done to accommodate those Indians who wanted to become legislature.

We were blamed for delayed legislative process.

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| | GOI Act 1935 :- |
| | It is also called as first constitution of British India and it is based on Nehru report which was made after accepting Simon commission challenge that we Indians can't make constitution. |
| 6 states adopted bicameralism | In this act, dyarchy was shifted from provinces to centre and it was introduced in form of 3 list namely - federal list, provincial list and concurrent list. |
| | This arrangement, today, we find in Schedule 7 of Indian constitution. |
| First time women got right to vote. | Bicameralism was also introduced in provinces to have upper house like Vidhan Parishad and lower house like Vidhan Sabha. |
| | This act is also known for birth of RBI. |
| | It is also known for birth of All India Federation which never came into before 1950 as all provinces did not join the centre. |
| | Establishment of federal court. |

Cripps Proposal 1942 → Dominion Status (This was (May independence) rejected)



Cabinet mission 1946 - comp. Independence
Two nation theory x



Mount Pattern Plan 1947
(India indep alt)

↳ Constituent assembly - 389 members
drafting - 220 Committees

9 Dec. 1946 - First Meeting
Dr. S. Sinha

11 Dec.

External sovereignty - in hands of british parliament till 1950.

After 1935, process of getting independence was very fast and Indians were protesting for complete independence.

Because of onset scenario of World War II, Britain was also realizing that it would have to leave the occupied colonies including India.

The first attempt in this regard was made in form of Cripps proposal 1942 in which dominion status was proposed. It means half independence that we rejected as we demanded for complete independence.

Again, another attempt was made in form of cabinet mission plan 1946 in which complete independence was granted but the theory of two nation was not accepted as it was not good for Britain's commercial interests.

This proposal was reshaped as Mountbatten Plan 1947 where along with comp. independence, two nation theory was accepted.

This plan was approved as Indian Independence Act. It provided for one body called as constituent assembly which was assigned the task of framing the Indian constitution.

It was not an elected body but it was partially elected and partially indirectly.

It had 389 members who were categorized into more than 20 major and minor committees, the most imp. committee was drafting comm. which was headed by Dr. B.R. Ambedkar.

This constituent assembly had its first meeting on 9 Dec 1946 in which Dr. B. Bhanu was elected as its provisional or temp. chairperson, as after 2 days, on 11 Dec 1946, Dr. R. Prasad

was elected as its permanent chairperson.

This assembly worked for 2 yrs. 11 months 18 days time to frame the constitution which was adopted on 26 Nov 1949 and constitution was enforced after 2 months on 26 Jan 1950, which we celebrate every year as Republic day.

Structure of Constitution

U.S.A.^o (Format)

L'Intro - Preamble

- Objective reso. of Pt. Nehru

L chapters - Parts 15

5. Bechar Ram (Tabalpur)

$$L_{22} L_{\gamma 25}$$

L Info. $\begin{cases} \text{Points - Articles} \\ \text{Para} \end{cases}$ 39

395-448

L Appendix - schedule - 8-12

Structure of Constitution :-

Constitution is Supreme law book in India which is a codified document and it is sequentially arranged & organically linked.

Its introduction is called Preamble and chapters are called parts and appendix attached in last is called Schedules.

The info. in points and paragraph has been presented in form of articles.

Schedules :-

1. Schedule 1 - Name of Indian States and Union Territories

It is complementary to Part 1 and it includes the name of 29 states and 7 UTs, their areas and other factual info. related to them.

It can be amended by simple majority i.e. more than 50% of present and voting.

2. Schedule 2 - Salary and emoluments

It provides for salary and allowance provision for various constitutional dignities like President, PM etc.

The significance of Schedule 2 is that, it provides for an expression charged expenditure, which means salary of functionary will not be reduced during his tenure so that he/she can function neutrally and without any pressure. It provides for another expression named as Warrant of Precedence i.e. hierarchy or senior-junior chain.

It can be amended by simple majority.

3. Schedule 3 - Oath and Affirmation

It provides for various format of oath and affirmation for different posts.

Oath is taken in the name of god, whereas affirmation means promise to carry out duties attached with post.

If a person does any mistake while repeating or taking oath and affirmation, he may not be allowed to sit in office.

Supreme court in KM Sharma v/s Devital case in 1990 categorized Schedule 3 in 2 parts namely - descriptive part and substantive part.

In descriptive part, name and surname of person, name of post, name of the god are to be included. If there is any mistake while uttering descriptive part then oath will not be invalidated and the person will be allowed to sit in office.

In 2nd part which is substantive one includes obligations of duties which if wrongly uttered may result into invalidation of entire oath and person have to take it again in correct format.

It is to be noted that Schedule 3 violate principle of secularism in India as it recognizes god.

Schedule 3 can be amended by special majority or by constitutional amendment Act under article 368.

4. Schedule 4 - Allocation of Rajya Sabha seats among states

It provides for distribution of Rajya Sabha seats among 29 states and Delhi and Puducherry in proportion to the population residing there. (UP has max. and goa, sikkim etc have min. R.S. seats).

It is to be noted that Schedule 4 violate principle of equality as every state has not been given equal share in R.S.

In USA, every small or big state has been given share of 2 seats in Senate to make a total of 100 seats. That's why, India is union not a federation.

Schedule 4 can be amended by simple majority.

5. Schedule 5 - Administration of Scheduled area & scheduled tribe:

It provides protection to backward areas and backward communities termed as scheduled body.

President by way of governor save these bodies from state politics so that industries are not permitted there, resulting in cutting of forest and disturbing flora and fauna.

Schedule 5 is available for entire India except some north east states.

6. Schedule 6 - Administration of Tribal area in Assam, Meghalaya, Tripura and Mizoram

It provides protection to tribal areas located in Assam, Meghalaya, Tripura and Mizoram.

To understand it better, let's differentiate it with Schedule 5 in following table :-

Schedule 5

- All States are covered except 4 North east States
- It does not provide autonomous Status to any scheduled area.
- It provides for body TAC (Tribal Advisory Council) which is nominated body to advise governor on administration of that area.

Schedule 6

- It is available only for A, M, T, M
- It provide for autonomous Status.
- It provides for DC (District Council), RC (Regional Council) which are partially elected & partially nominated & enjoys legislative, judiciary & executive power Subject to Certain restrictions