



Government of Tamilnadu

Department of Employment and Training

Course : TNPSC Group II Exam
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Topic : **Constitution of India**

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**Commissioner,
Department of Employment and Training.**

CONSTITUTION OF INDIA

The British came to India in 1600 as traders, in the form of East India Company, which had the exclusive right of trading in India under a charter granted by Queen Elizabeth I. In 1858, in the wake of the 'sepoy mutiny', the British Crown assumed direct responsibility for the governance of India. In 1765, the company got rights over revenue and Civil Justice of ie. Diwani Rights, over Bengal, Bihar and Orissa. In 1934 Constituent Assembly was formed by the suggestion of Mr. M.N. Roy.

COMPANY RULE (1773 - 1858) :

REGULATING ACT OF 1773 :

Features of the Act :

- ❖ It designated the Governor of Bengal as the 'Governor-General of Bengal'. The first such Governor-General was Lord Warren Hastings.
- ❖ It provided for the establishment of a Supreme Court at Calcutta (1774) comprising one chief justice and three other judges.
- ❖ It prohibits the servants of company for accepting presents.

Pitt's India Act of 1784:

- ❖ In a bid to rectify the defects of the Regulating Act of 1773, the British Parliament passed the Amending Act of 1781, also known as the Act of Settlement. The next important act was the Pitt's India Act of 1784.

Features of the Act :

- ❖ It distinguished between the commercial and political functions of the company.
- ❖ It allowed the Court of Directors to manage the commercial affairs but created a new body called Board of Control to manage the political affairs. Thus, it established a system of double government ie. Dyarchy.
- ❖ The British government got the Supreme control over the company's affairs.

Charter Act of 1833 :

- ❖ This Act was the final step towards centralisation in British India.

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Features of the Act :

- ❖ It made the Governor-General of Bengal as the Governor-General of India and vested in him all civil and military powers. Lord William Bentinck was the first governor general of India.
- ❖ The charter Act of 1833 attempted to introduce a system of open competition for selection of civil servants.
- ❖ East India Company became as a purely administrative body.

Charter Act of 1853 :

This was the last of the series of Charter Acts passed by the British Parliament between 1793 and 1853.

Features of the Act :

- ❖ It separated, for the first time, the legislative and executive functions of the Governor General's council. It provided for addition of six members called legislative councillors to the council.
- ❖ Out of the six members four members were selected from local government of Madras, Bombay Bengal & Agra.

- ❖ It introduced an open competition system of selection and recruitment Civil servants. The covenanted civil service was thus thrown open to the Indians also. Accordingly, the Macaulay Committee (the Committee on the Indian Civil Service) was appointed in 1854.

THE CROWN RULE (1858-1947) :

Government of India Act of 1858:

This Significant Act was enacted in the wake of the Revolt of 1857- also known as the First War of Independence or the 'sepoy mutiny'. The act known as the Act for the Good Government of India, abolished the East India Company rule, and transferred the powers of government, territories and revenues to the British Crown.

Features of the Act of 1858 :

- ❖ It changed the designation of the Governor-General of India to that of Viceroy of India. He (viceroy) was the direct representative of the British Crown in India. Lord Canning thus became the first Viceroy of India.

- ❖ It ended the system of double government by abolishing the Board of Control and Court of Directors.
- ❖ It created a new office, Secretary of State India, vested with complete authority and control over Indian administration.
- ❖ It established a 15-member to assist the secretary of state for India. The council was an advisory body.

INDIAN COUNCILS ACT OF 1861,

1892 AND 1909 :

Features of the Act of 1861 :

- ❖ It made a beginning of representative institutions by associating Indians with the law-making process. In 1862 Lord Canning nominated 3 Indians to his council, the Raja of Benaras, Maharaja of Patiala and Sir Dinakar Rao.
- ❖ It also provided for the establishment of new legislative councils for Bengal, North-Western Frontier Province (NWFP) and Punjab, which were established in 1862, 1866 and 1897 respectively.
- ❖ Decentralisation process started.
- ❖ It empowered the Viceroy to make rules and orders for more convenient transaction of business

in the council. It also gave a recognition to the 'portfolio' system, introduced by Canning in 1859.

- ❖ It empowered the Viceroy to issue ordinances, without the concurrence of the legislative council, during an emergency. The life of such an ordinance was six months.

Features of the Act of 1892 :

- ❖ It increased the number of additional (non-official) members in the Central and provincial legislative councils, but maintained the official majority in them.
- ❖ It increased the functions of legislative councils and gave them the power of discussing the budget and addressing questions to the executive.
- ❖ Indirect provision for election was used.

Features of the Act of 1909:

- ❖ This Act is also known as Morley-Minto Reforms (Lord Morley was the then Secretary of State for India and Lord Minto was the then Viceroy of India).

- ❖ It considerably increased the size of the legislative councils, both Central and provincial. The number of members in the Central Legislative Council was raised from 16 to 60. The number of members in the provincial legislative councils was not uniform.
 - ❖ It retained official majority in the Central Legislative Council but allowed the provincial legislative councils to have non-official majority.
 - ❖ It enlarged the deliberative functions of the legislative councils at both the levels. For example, members were allowed to ask supplementary questions, move resolutions on the budget, and so on.
 - ❖ It provided (for the first time) 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.
 - ❖ It introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'. Under this, the Muslim members were to be elected only by Muslim voters. Thus, the Act 'legalised communalism' and Lord Minto came to be known as the **Father of Communal Electorate**.
 - ❖ Provided separate representation for Presidency, Corporations, Chambers of Commerce, University, Zamindars.
- GOVERNMENT OF INDIA ACT OF 1919 :**
- ❖ On August 20, 1917, the British Government declared, for the first time, that its objective was the gradual introduction of responsible government in India.
 - ❖ The Government of India Act of 1919 was thus enacted, which came into force in 1921. This Act is also known as Montagu-Chelmsford Reforms (Montagu was the Secretary of State for India and Lord Chelmsford was the Viceroy of India).
- Features of the Act :***
- ❖ The central and provincial legislatures were authorised to make laws on their respective list of

subjects. However, the structure of government continued to be centralised and unitary.

- ❖ It further divided the provincial subjects into two parts-transferred and reserved. The transferred subjects were to be administered by the governor with the aid of ministers responsible to the legislative Council. The reserved subjects, on the other hand, were to be administered by the-governor and his executive council without being responsible to the legislative Council. This dual scheme of governance was known as 'dyarchy'
- ❖ It introduced, for the first time, bicameralism and direct elections in the country.
- ❖ It created a new office of the High Commissioner for India in London
- ❖ It provided for the appointment of a statutory commission to inquire into and report on its working after ten years of its coming into force.

Simon Commission:

- ❖ In November 1927 itself (i.e., 2 years before the schedule), the British Government announced the appointment a seven-member

statutory commission under the chairmanship of Sir John Simon to report, on the condition of India under its new Constitution.

- ❖ All the members of this commission were British hence all parties boycott the commission.
- ❖ In Tamilnadu the boycott was headed by Thiru. Sathyamoorthy.

Communal Award In August 1932 :

Ramsay MacDonald, the British Prime Minister, announced a scheme of representation of the minorities, which came to be known as the Communal Award. The award not only continued separate electorates for the Muslims, Sikhs, Indian Christians, Anglo-Indians and Europeans but also extended it to the depressed classes (scheduled castes).

Gandhiji was distressed over this extension of the principle' of communal representation to the depressed classes and undertook fast unto death in Yeravada Jail (Poona) to get the award modified. At last, there was an agreement between the leaders of the Congress and the depressed classes. The agreement, known as Poona Pact, retained the Hindu joint electorate and

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have reserved seats to the depressed classes.

GOVERNMENT OF INDIA ACT OF 1935 :

The Act marked a second milestone towards a completely responsible government in India. It was a lengthy and detailed document having 321 Sections and 10 Schedules.

Features of the Act :

- ❖ It provided for the establishment of an All-India Federation consisting of provinces and princely states as units. The Act divided the powers between the Centre and units in terms of three lists-Federal List for Centre, with 59 item), Provincial List for provinces, with 54 items) and the Concurrent List for both, with 36 items).
- ❖ Residuary powers were given to the Viceroy. However, the federation never came into being as the princely states did not join it.
- ❖ It abolished dyarchy in the provinces and introduced 'provincial autonomy' in its place.

- ❖ It provided for the adoption of diarchy at the Centre.
- ❖ It introduced bicameralism in six out of eleven provinces.
- ❖ It further extended the principle of communal representation by providing separate electorates for depressed classes (scheduled castes), women and labour (workers).
- ❖ It abolished the Council of India, established by the Government of India Act of 1858.
- ❖ It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.
- ❖ It provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.
- ❖ It provided for the establishment of a Federal Court, which was set up in 1937.

INDIAN INDEPENDENCE ACT OF 1947 :

- ❖ On February 20, 1947, the 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 ended the British rule in India and declared India as an independent and sovereign state from August 15, 1947.

- ❖ 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.
- ❖ 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.
- ❖ It empowered the Constituent Assemblies the two dominions to frame and adopt constitution for their respective nations and to repeal any act of the British Parliament, including the Independence itself.
- ❖ It granted permission to princely states to join India or Pakistan or remain Independent.
- ❖ It empowered the Constituent Assemblies with the dominions to legislate for their respective territories till the new constitutions were drafted and enforced. No Act of the British Parliament passed after August 15, 1947 was to extend to either of the new dominions unless it was extended thereto by a law of the legislature of the dominion.
- ❖ It abolished the office of the secretary of the state for India and transferred his functions to the secretary of state for Commonwealth Affairs.
- ❖ It dropped title of Emperor of India from royal titles of the king of England.
- ❖ Lord Mountbatten became the first governor-general of the new Dominion India. He swore in Jawaharlal Nehru as the first prime minister of independent India. The Constituent Assembly of India formed in 1946 became the Parliament of the Indian Dominion.

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INTERIM GOVERNMENT (1946)

Sl.No.	Members	Portfolios Held
1.	Jawaharlal Nehru (Head)	External Affairs & Commonwealth Relations
2.	<i>Sardar Vallabhbhai Patel</i>	Home, Information & Broad casting
3.	Dr. Rajendra Prasad	Food & Agriculture
4.	Dr. John Mathai	Industries & Supplies
5.	Jagjivan Ram	Labour
6.	Sardar Baldev Singh	Defence
7.	C.H. Bhabha	Works, Mines & Power
8.	Liaquat Ali Khan	Finance
9.	Abdur Rab Nishtar	Posts & Air
10.	Asaf Ali	Railways & Transport
11.	C. Rajagopalachari	Education & Arts
12.	I.I. Chundrigar	Commerce
13.	Ghaznafar Ali Khan	Health
14.	Joginder Nath Mandal	Law

Note: The members of the interim government were members of the Viceroy's Executive Council. The Viceroy continued to be the head of the Council. But, Jawaharlal Nehru was designated as the Vice-President of the Council.

FIRST CABINET OF FREE INDIA – 1947

Sl.No.	Members	Portfolios Held
1.	Jawaharlal Nehru	External Affairs, Common Wealth relations, Scientific Research
2.	Sardar Patel	Home, Information and Broad casting, states
3.	Rajendra Prasad	Food, Agriculture
4.	Johnmathai	Railways and Transport
5.	Jagjivan Ram	Labour

6.	Sardar Baldev Singh	Defence
7.	CH Bhaba	Commerce
8.	RK. Shunmugachetty	Finance
9.	B.R. Ambedkhar	Law
10.	Raj kumari Amritkaur	Health
11.	Dr. Shyam Prasad Mukherji	Industries and supply
12.	V.N. Gadgil	Work Mines and Power
13.	Rafi Ahmed Kidwar	Communication
14.	Maulana Abul Kalam Azad	Education

MAKING OF THE CONSTITUTION

Constitution is a legally sanctified document of people's faith and aspirations. It was the fundamental law of a country and all other laws and customs of the country in order to be valid must conform to it.

- ❖ The constitution of India was framed and adopted by the constituent assembly of India.
- ❖ The task of framing a constitution of a sovereign democratic nation is performed by a representative body of its people. Such a body elected by the people for the purpose of considering and adopting a constitution may be known as constituent assembly.

- ❖ 1938, Jawaharlal Nehru, declared that the constitution of free India must be framed without outside interference.
- ❖ In 1934, Indian National Congress (INC) officially demanded for of the constitution constituent Assembly for making of the constitution.
- ❖ British accepted the demand in 1940, known as 'AUGUST OFFER' 24 March 1946.
- ❖ 1942, Sir Stafford Cripps came to India, with a proposal of, framing the constitution after world war.
- ❖ Cabinet mission was sent to India.
- ❖ 6th May 1946 - Cabinet Mission made a declaration.

CABINET MISSION:

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- It consist of three members:
1. Lord Pethick Lawrence
 2. Sir Stafford Cripps
 3. A.V.Alexander arrived India on March 24, 1946.
- ❖ Elections held in August 1946. The INC won 209 seats, Muslim League 73 seats, Independents 15 seats.
 - ❖ Princely states stay away from the constituent Assembly.
 - ❖ Mahatma Gandhi didn't participate in the assembly.

COMPOSITION OF THE CONSTITUENT ASSEMBLY:

- ❖ The total strength of constituent assembly was to be 389.

Total Strength	– 389
British India	– 296
Princely States	– 93
11 Governors province	– 292
Chief commissioners provinces	– 4

- ❖ Seats are allocated in proportion to their respective population
- ❖ 296 British Indian Representative of each community were elected and that of princely states were nominated.
- ❖ Seats were allocated to three communities - Muslims, Sikhs and general - in proportion to their population. (10 Lakh member per population).
- ❖ Method of proportional representation by means of single transferable vote.

WORKING OF THE CONSTITUENT ASSEMBLY:

- ❖ On December 9, 1946, constituent Assembly held its first meeting with Dr. Sachchidanand Sinha as temporary president. Meeting attended by 211 members.
- ❖ Muslim League boycotted the meeting insisting on a separate state of Pakistan, only 211 members attended.
- ❖ On December 11, 1946, Dr.Rajendra Prasad and H.C.Mukherjee were elected as President and Vice-President of Assembly.
- ❖ Sir B.N.Rau as constitutional Advisor.
- ❖ On 13 December 1946, Jawaharlal Nehru moved the historic 'Objectives Resolution' in the Assembly. It envisage the constitutional structure.

- ❖ After partition of 1947, (due to withdrawal of Muslim League) members reduced to 299. (90 Muslim members).
- ❖ The Objective Resolution was adopted by the constituent assembly on January 22, 1947.

- ❖ Constituent Assembly has two functions,

1. Formulation of constitution - Chaired by Dr.Rajendra Prasad.
2. Law making Body - Chaired by G.V.Mavlankar.

OTHER FUNCTIONS PERFORMED

- ❖ It ratified the India's membership of the Commonwealth in May 1949.
- ❖ It adopted the national flag on July 22 1947
- ❖ It adopted the national anthem on January 24, 1950
- ❖ It elected Dr Rajendra Prasad as the first President of India on January 24, 1950.
- ❖ Total sessions: - Eleven (11)
- 1.December 9 to 23, 1946 - First Session.
 - 2.November 14 to 26, 1949 - Final Session (11th).
- ❖ It took 2 years, 11 months, and 18 days to frame constitution.
- ❖ The draft constitution was considered for 114 days.
- ❖ The Constituent Assembly of India was converted into the Provisional

COMMITTEES OF THE CONSTITUENT ASSEMBLY:

- ❖ Totally 22 committees, out of these 8 were major committees.

S.No.	Committee	Chairman
1.	Union Power Committee	Jawaharlal Nehru
2.	Union Constitution Committee	Jawaharlal Nehru
3.	States Committee	Jawaharlal Nehru
4.	Rules of Procedure Committee	Dr. Rajendra Prasad
5.	Steering Committee	Dr. Rajendra Prasad

6.	Provincial Constitution Committee	Sardar Patel
7.	Advisory Committee on Fundamental Rights and Minorities	Sardar Patel
8.	Drafting Committee	Dr.B.R.Ambedkar
9.	Negotiating Committee	Jawaharlal Nehru
10.	Business Committee	K.M.Munshi

MINOR COMMITTEES

S.No.	Committee	Chairman
1.	Order of Business	KM. Munshi
2.	House Committee	B. Pattabhi Sitaramayya
3.	Ad-hoc Committee on National Flag	Rajendra Prasad
4.	Special Committee to examine Draft Constitution	Alladi Krishnaswamy Ayyar
5.	Credentials Committee	Alladi Krishnaswamy Ayyar
6.	Finance and staff Committee	A.N.Sinha
7.	Hindi Translation Committee	
8.	Urdu Translation Committee	
9.	Press Gallery Committee	
10.	Adhoc Committee on Scheduled Castes	

6. N.Madhava Rau (Replaced B.L.Mitter - due to ill health)

DRAFTING COMMITTEE:

(Dr.B.R.Ambedkar - Head)

7. T.T.Krishnamachari

❖ Set up on August 29, 1947.

(Replaced D P Khaitan, died

❖ Task of preparing draft of the New Constitution

in 1948).

❖ Members:

1. Dr.B.R.Ambedkar (Chairman)
2. N.Gopalaswamy Ayyangar
3. Alladi Krishswamy Ayyar
4. Dr.K.M.Munshi
5. Syed Mohammed Saadullah

❖ Constitution was adopted on November 26, 1949, and received signatures from 284 out of 299 members.

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ENACTMENT OF THE CONSTITUTION :	SALIENT FEATURES OF INDIAN CONSTITUTION:
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- ❖ The constitution as adopted contained a Preamble, 395 articles, 8 schedule.
- ❖ Dr.B.R.Ambedkar, Law Minister is recognised as “Father of the Constitution of India” and ‘Chief Architect of the Constitution of India’.

ENFORCEMENT:

- ❖ Some parts effect from November 26, 1949 like citizenship, elections, provisional parliament, temporary and Transitional provision - immediate effect.
- ❖ Major part of constitutional came into force on January 26, 1950.
- ❖ 26th January 1950, Date of Commencement of the Constitution.
- ❖ Mahatma Gandhi and Mohammad Ali Jinnah were not members of the Constituent Assembly.

1. Preamble
2. Lengthiest written constitution
3. Drawn from various sources
4. Blend of Rigidity and flexibility
5. Federal system with unitary bias
6. A Secular state
7. Parliamentary form of government
8. Fundamental rights
9. Directive Principles of state policy
10. Fundamental duties
11. Synthesis of Parliamentary Sovereignty and Judicial Supremacy
12. Integrated and Independent Judiciary
13. Universal Adult Franchise
14. Single Citizenship
15. Independent Bodies
16. Emergency provisions
17. Three-Tier Government

Provisions of the constitution and their source

Major part of the our constitution has taken from Government of India act , 1935

SL.No.	Sources	Features Borrowed
1.	<ul style="list-style-type: none"> Government of India Act – 1935 	Federal Scheme office of Governor Judiciary, Public service Commission Emergency provisions administrative Details
2.	<ul style="list-style-type: none"> Independence of Judiciary Judicial Review President as the Executive Head President as Supreme Commander of the Armed Forces The Vice-President as the ex-officio Chairman of the Council of States Fundamental Rights Preamble Removal of Supreme Court and High Court Judges 	USA Constitution
3.	<ul style="list-style-type: none"> Law making procedures Rule of Law System of single citizenship Parliamentary system with ministerial responsibility 	UK Constitution
4.	<ul style="list-style-type: none"> Federation with ministerial responsibility Distribution of powers between the Union and the States and placing residuary powers with the Centre Appointment of state governors by the 	Canadian Constitution

	centre	
5.	Directive Principles of state policy, Method of Election of the President Nomination of members to the Rajya Sabha by the President	Irish Constitution
6.	Emergency and its effect on Fundamental Rights	Weimar Constitution of Germany
7.	Concurrent List, Provision regarding trade, commerce and intercourse and joint sitting of the two houses of parliament	Australian Constitution
8.	Constitutional Amendments	South African Constitution
9.	Fundamental Duties and the ideal of Justice (social, Economic and political) in the Preamble	Russian Constitution
10.	Republic, Liberty, Equality, Fraternity	French Constitution
11.	Procedure established by Law	Japanese Constitution