

GENERAL STUDIES

INDIAN POLITY

For
UPSC /KPSC-CIVIL SERVICES

SAHARA

#1710, 2nd Floor, Service Road, Behind
Maruthi Mandira, Vijayanagara, Bangalore-
560040.

Mob: 8123482818,
e-mail:info.saharaias@gmail.com

©

SAHARA PUBLICATION

1st Edition-2021

MRP: Rs. 400/-

Published by

SAHARA PUBLICATION

#1710, 2nd Floor, Service Road, Behind Maruthi
Mandira, Vijayanagara, Bangalore-40.

Mob: 8123482818,

e-mail:info.saharaias@gmail.com

INDIAN POLITY

INDEX

UNIT	CHAPTER
	PART – I CONSTITUTIONAL FRAMEWORK
1	HISTORICAL UNDERPININGS AND MAKING OF CONSTITUTION
2	OUTSTANDING FEATURES OF THE CONSTITUTION
3	PREAMBLE
4	UNION & ITS TERRITORY
5	CITIZENSHIP
6	FUNDAMENTAL RIGHTS
7	DIRECTIVE PRINCIPLE OF STATE POLICY
8	FUNDAMENTAL DUTIES
9	AMENDEMENTS OF CONSTITUTION
	PART – II EXECUTIVE CENTRAL
10	PRESIDENT
11	VICE PRESIDENT
12	PRIME MINISTER
13	COUNCIL OF MINISTERS
14	CABINET COMMITTEES
15	ATTORNEY GENERAL
	STATE EXECUTIVE
16	GOVERNOR
17	CHIEF MINISTER
18	COUNCIL OF MINISTER
19	ADVOCATE GENERAL
	PART – III LEGISLATURE
20	PARLIAMENT
21	PARLIAMENT COMMITTEES & FORUMS

22	STATE LEGISLATURE
	PART – IV JUDICIARY
23	SUPREME COURT
24	HIGH COURT
25	SUBORDINATE COURTS
	PART V
26	UNION TERRITORIES
27	SCHEDULE AND TRIBAL AREAS
28	SPECIAL STATUS TO J&K
29	SPECIAL PROVISION TO SOME STATES
	PART – VI LOCAL GOVERNMENT
30	PANCHAYATRAJ
31	MUNCIPALITIES
32	COOPERATIVE SOCIETIES
	PART – VII GOVERNMENT SYSTEM
33	PARLIAMENTARY SYSTEM
34	FEDERAL SYSTEM
35	CENTRE – STATE RELATION
36	INTER STATE RELATION
	PART –VIII CONSTITUTIONAL BODIES
37	ELECTION COMMISSION
38	UPSC & STATE PSC
39	FINANCE COMMISSION
40	COMPTROLLER AND AUDITOR GENERAL OF INDIA
41	SPECIAL OFFICER FOR LINGUISTIC MINORITIES
42	NATIONAL COMMISSIN FOR SCs & STs
	PART – IX NON – CONSTITUTIONAL BODIES

43	NITI AYOOG
44	NHRC & SHRC
45	CENTRAL INFORMATION COMMISSION AND STATE INFORMATION COMMISSION
46	CENTRAL VIGILANCE COMMISSION & CBI
47	LOKPAL & LOKAYUKTHA
	PART – X MISCELLANEOUS
48	OFFICIAL LANGUAGE
49	PUBLIC SERVICE
50	TRIBUNALS
51	RIGHTS AND LIABILITIES OF THE GOVERNMENT
	PART – XI
52	POLITICAL PARTIES
53	VOTING BEHAVIOUR
54	ELECTION
55	ELECTION LAWS AND ELECTION REFORM
56	ANTI – DEFICIENCY LAWS
57	PRESSURE GROUPS
58	NATIONAL INTEGRATION

UNIT – I

Historical Underpinning and Making of Indian Constitution

Historical Background:

I.1600: The British Came to India as traders.

II. 1765: After the British defeated the Mughal emperor Shah Alam at Battle of Buxar In 1764, he granted Diwani rights – rights over revenue and civil justice of Bengal, Bihar and Orissa.

III.1858: Direct responsibility i.e., Crown Rule.

IV.1947: Fall of crown.

V. With Independence came the need of a Constitution. MN Roy suggested for a constituent Assembly in 1934.

This historical background can be studied under two broad heads:

□ The Company Rule (1773 – 1858) and □ The Crown Rule (1858 – 1947).

- 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 1765, the Company, which till now had purely trading functions obtained the 'diwani' (i.e., rights over revenue and civil justice) of Bengal, Bihar and Orissa.
- This started its career as a territorial power. In 1858, in the wake of the 'sepoy mutiny', the British Crown assumed direct responsibility for the governance of India.
- This rule continued until India was granted independence on August 15, 1947.

With Independence came the need of a Constitution. As suggested by M N Roy (a pioneer of communist movement in India) in 1934, a Constituent Assembly was formed for this purpose in 1946 and on January 26, 1950, the Constitution came into being. However, various features of the Indian Constitution and polity have their roots in the British rule. There are certain events in the British rule that laid down the legal framework for the organization and functioning of government and administration in British India. These events have greatly influenced our constitution and polity. They are explained here in a chronological order:

The Company Rule (1773–1858)

The company rule is the rule of East India Company which involved few acts which are as follows:

- a) Regulating Act of 1773: A landmark act in Indian History which has constitutional importance as it laid the foundations of central administration in India, direct access of the East India Company in India and recognized the political and administrative

Functions of the Company. It was the first step taken by the British Government to Control and regulate the affairs of the East India Company in India.

The features of the act are:

- It designated the Governor of Bengal as the Governor-General of Bengal and created an Executive Council of four members to assist him. The first such Governor – General was Lord Warren Hastings.
- Governors of Bombay and Madras were made subordinate to governor- general of Bengal.
- Establishment of Supreme Court at Calcutta in 1774 comprising one chief justice and three other judges.
- It prohibited the servants of the Company from engaging in any private trade or accepting presents or bribes from the 'natives'.
- It strengthened the control of the British Government over the Company by requiring the Court of Directors (governing body of the Company) to report on its revenue, civil, and military affairs in India.

- b) Pitt's India Act of 1784: In order to rectify defects of 1773 act, the then prime minister of England William Pitt introduced this act in 1784. This act gained importance because for the first time, the company's territories were called the British possessions and also the British Government was given supreme control over company's affairs and its administration in India.

Its features are:

- Distinguished commercial and political affairs of the company.
- Evolution of double government
- Introduction of "Board of Control" for political affairs of the company while "Court of directors" was in charge of commercial affairs.
- Empowering the board of control to supervise and direct all operations of civil and military revenues of the British possessions.

- c) Charter Act of 1813: It was a result of demand to end company's monopoly over trade in India. Its features are-

- Company's monopoly over trade with India ended, but the company retained the trade with China and the trade in tea.
- The Company was to retain the possession of territories and the revenue for 20 years more, without prejudice to sovereignty of the crown. Thus, constitutional position of British territories in India was defined explicitly for the first time.
- Power of Board of Control was further enlarged.
- A sum of One Lakh was to be set aside for education.

d) Charter Act of 1833: This Act was the final step towards centralization in British India.

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. Thus, the act created, for the first time, a Government of India having authority over the entire territorial area possessed by the British in India. Lord William Bentinck was the first governor-general of India.
- It deprived the governor of Bombay and Madras of their legislative powers. The Governor-General of India was given exclusive legislative powers for the entire British India. The laws made under the previous acts were called as Regulations while laws made under this act were called as Acts.
- It ended the activities of the East India Company as a commercial body, which became a purely administrative body. It provided that the company's territories in India were held by it 'in trust for His Majesty, His heirs and successors'.
- The Charter Act of 1833 attempted to introduce a system of open competition for selection of civil servants, and stated that the Indians should not be debarred from holding any place, office and employment under the Company. However, this provision was negated after opposition from the Court of Directors.

e) Charter Act of 1853

This was the last of the series of Charter Acts passed by the British Parliament between 1793 and 1853. It was a significant constitutional landmark.

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 new members called legislative councillors to the council. In other words, it established a separate Governor-General's legislative council which came to be known as the Indian (Central) Legislative Council.

This legislative wing of the council functioned as a mini-Parliament, adopting the same procedures as the British Parliament. Thus, legislation, for the first time, was treated as a special function of the government, requiring special machinery and special process.