



ARULMIGU PALANIANDAVR ARTS COLLEGE FOR WOMEN
(Autonomous)

(Re-Accredited with 'B⁺⁺' Grade by NAAC 3rd Cycle)
Run by Arulmigu Dhandayuthapani Swamy Thirukoil, H.R & C.E Dept. Government of Tamil Nadu
A Government Aided College - Affiliated to Mother Teresa Women's University, Kodaikanal
CHINNAKALAYAMPUTHUR(PO), PALANI - 624615



LEARNING RESOURCES

CONSTITUTIONAL HISTORY OF INDIA

PREPARED

BY

PG & RESEARCH DEPARTMENT OF HISTORY

Objective Questions and Answers Descriptive Answers

1. ஒழுங்குபடுத்தும் சட்டம் இயற்றப்பட்ட ஆண்டு என்ன?

1773ஆம் ஆண்டு

2. கம்பெனி ஊழியர்கள் எந்த தேர்தல் தொகுதியை விலைக்கு வாங்கினார்கள்?
நசிந்து போன பரோக்கள்

3. இயக்குனர்கள் குழுவில் உள்ள உறுப்பினர்களின் மொத்த எண்ணிக்கை?

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4. நார்த் பிரிவுவின் மசோதா கொண்டுவரப்பட்ட ஆண்டு மாதம் என்ன?

1773 மே 18ம் தேதி

5. கவர்னர் ஜெனரலின் ஆலோசனை சபை உறுப்பினர்களின் பெயர்களை கூறு?
பிரான்சிஸ், மான்சன், பார்வல், கிளாவரிங்

6. 1784 ஆம் ஆண்டு இயற்றப்பட்ட சட்டத்தின் பெயர் என்ன?

பிட் இந்தியச் சட்டம்

7. கட்டுப்பாட்டு வாரியத்தில் மொத்தம் எத்தனை உறுப்பினர்கள் உள்ளனர்?

ஆறு

8. பிரிவி கவுன்சில் உறுப்பினர்களின் எண்ணிக்கை எவ்வளவு?

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9. ரகசியக் குழுவின் மூன்று உறுப்பினர்கள் எங்கிருந்து தேர்ந்தெடுக்கப்படுவார்கள்?

இயக்குனர் குழுவில் உள்ள 24 உறுப்பினர்களில் இருந்து

10. எந்த சட்டப்படி ஆலோசனைக் குழு உறுப்பினர்களின் நிர்வாக அனுபவம்
குறைந்தது 12 ஆண்டுகள் என நிர்ணயிக்கப்பட்டது?

1793 ஆம் ஆண்டு பட்டயச் சட்டம்

11. அமைதிக்காண் நீதிபதி யாரால் நியமிக்கப்படுவார்?

கவர்னர் ஜெனரல்

12. கிறிஸ்துவ மிஷினரிமார்களுக்கு இந்தியா செல்ல அனுமதி அளித்த சட்டம்?

1813 ஆம் ஆண்டு பட்டயச் சட்டம்

13. மேற்கத்திய கல்வி முறையைப் பரப்புவதற்கு ஒதுக்கப்பட்ட நிதி எவ்வளவு?

1 லட்சம்

14. 1813 ஆம் ஆண்டு பட்டயச் சட்டத்தின் படி சிவில் ஊழியர்களின் பயிற்சி மையம்
எங்கு அமைக்கப்பட்டது?

ஹெயிலிபரி

15. 1813 ஆம் ஆண்டு சட்டப்படி ராணுவ ஊழியர்களுக்கு பயிற்சி மையம் எங்கு

அமைக்கப்பட்டது?

ஆடிஸ்கோம்ப்

16. வில்லியம் கோட்டையின் கவர்னர் ஜெனரல் இந்தியாவின் கவர்னர் ஜெனரல் என அழைக்க காரணமாக இருந்த சட்டம்?

1833 ஆம் ஆண்டு பட்டயச் சட்டம்

17. 1833 ஆம் ஆண்டு பட்டய சட்டம் கொண்டுவரப்பட்ட போது கவர்னர் ஜெனரலாக இருந்தவர்?

வில்லியம் பெண்டிங் பிரபு

18. 1833 ஆம் ஆண்டு சட்டப்படி முதல் சட்ட உறுப்பினராக நியமிக்கப்பட்டவர்?

மெக்காலே பிரபு

19. இயக்குநர் குழுவின் எண்ணிக்கை 24 லிருந்து எத்தனையாக 1853 ஆம் ஆண்டு சட்ட படி குறைக்கப்பட்டது?

18 ஆக குறைக்கப்பட்டது

20. எந்த சட்டப்படி ஆட்சிப் பணிக்கு தேர்வு போட்டியின் மூலம் நியமனம் செய்ய அறிவுறுத்தப்பட்டது?

1853 ஆம் ஆண்டு சட்டம்

21. கவர்னர் ஜெனரல் இங்கிலாந்தின் அரசு பிரதிநிதி என்று எந்த சட்டப்படி அழைக்கப்பட்டார்?

1858 ஆம் ஆண்டு சட்டம்

22. 1858 ஆம் ஆண்டு சட்டப்படி எவை, எவை ஒழிக்கப்பட்டது?

கட்டுப்பாட்டு வாரியம் இயக்குநர்கள் குழு

23. இந்திய கவுன்சில் உறுப்பினர்கள் எண்ணிக்கை எவ்வளவு?

15 பேர்

24. முடிவு செய்யும் வாக்கை இந்தியா அரசு செயலர் எப்பொது பயன்படுத்த வேண்டும்?

சமநிலை வாக்கு ஏற்படும் போது

25. ஆலோசனை சபையில் சட்ட உறுப்பினர்கள் எத்தனை சட்டப்படி நிரந்தரமாக்கப்பட்டார்?

1858 ஆம் ஆண்டு சட்டம்

26. மகாராணியின் பேரறிவிப்பு வெளியிடப்பட்ட ஆண்டு?

1858

27. 1857 ம் வருடம் ஏற்பட்ட எந்த கழகத்திற்கு பிறகு கம்பெனி ஆட்சி நீக்க முடிவு செய்யப்பட்டது?

சிப்பாய் கலகம்

28. மகாராணியாரின் பேரறிக்கை யாரால் தயாரிக்கப்பட்டது?

டெர்பி பிரபு

29. பிரிட்டிஷ் நேரடி ஆட்சியின் கீழ் முதல் இந்திய வைசிராயாக நியமிக்கப்பட்டவர் ?

கானிங் பிரபு

30. மகாராணியாரின் பேரறிக்கை யாருக்கு பொது மன்னிப்பு வழங்கவில்லை?
ஆங்கில குடிமக்களின் கொலையில் நேரடியாகப் சம்பந்தப்பட்டவர்கள்
31. எந்த சட்டப்படி வைசிராயின் நிர்வாகக் குழு உறுப்பினர்களின் எண்ணிக்கை
நான்கிலிருந்து ஐந்தாகக் உயர்த்தப்பட்டது?
1861 ஆம் ஆண்டு கவுன்சில் சட்டம்
32. இலாக்காக்கள் ஒதுக்கீடு செய்யும் முறையை கொண்டு வந்த சட்டம்?
1861 ம் ஆண்டு கவுன்சில் சட்டம்
33. 1861 ஆம் ஆண்டு கவுன்சில் சட்டப்படி மைய சட்டமன்ற உறுப்பினர்களின்
எண்ணிக்கை?
6 உறுப்பினர்களுக்கு குறையாமலும் 12 உறுப்பினர்களுக்கு மேற்படாமலும்
34. மாநிலங்களுக்கு மீண்டும் சட்டம் இயற்றும் அதிகாரத்தைக் கொடுத்த சட்டம்?
1861 ஆம் ஆண்டு கவுன்சில் சட்டம்
35. கவர்னருக்கு எந்த சட்டம் பிறப்பிக்க அதிகாரம் கொடுக்கப்பட்டது?
தற்காலிக அவசரச் சட்டம்
36. அடக்கமுறைக் கொள்கையை கடைபிடித்த வைசிராய்?
லிட்டன் பிரபு
37. தாராளக் கொள்கையைப் பின்பற்றிய வைசிராய்?
ரிப்பன் பிரபு
38. 1892 ஆம் ஆண்டு கவுன்சில் சட்டம் உருவாக்குவதற்கு காரணமான வைசிராய்
டப்ரின் பிரபு
39. 1892 ம் ஆண்டு சட்டப்படி சட்டமன்ற உறுப்பினர்களுக்கு எந்த உரிமையை
வழங்கப்பட்டது?
கேள்வி கேட்கும் உரிமை
41. 1909 ஆம் ஆண்டு சட்டத்தின் பெயர் என்ன?
மிண்டோ மார்லி
42. சட்டமன்றத்திற்கு தேர்தல் மூலம் உறுப்பினர் தேர்ந்தெடுக்கும் முறையை
கொண்டு வந்த சட்டம்?
1909 ஆம் ஆண்டு சட்டம்

43. வங்காளப் பிரிவினை யாரால் எந்த ஆண்டு கொண்டுவரப்பட்டது?

கர்சன் பிரபு 1905

44. 1909ஆம் ஆண்டு சட்டத்தின் போது எந்த கட்சி இங்கிலாந்தில் ஆட்சியில் Standard?

லிபரல் கட்சி

45. 1909 ஆம் ஆண்டு சட்டத்தின் போது இந்திய மந்திரியாக இருந்தவர்?

மார்லி பிரபு

46. 1909ஆம் ஆண்டு சட்டத்தின் போது வைசிராயாக இருந்தவர்?

மிண்டோ பிரபு

47. வகுப்புவாரி பிரதிநிதித்துவ முறையை அமல்படுத்திய சட்டம்?

1909 ஆம் ஆண்டு சட்டம்

48. 1909 ஆம் ஆண்டு சட்டப்படி முதல் இந்திய சட்ட உறுப்பினராக ஆக்கப்பட்டவர்?

சத்தியேந்திர பிரசன்ன சின்ஹா

49. 1919 ஆம் ஆண்டு சட்டத்தின் மறுபெயர்?

மாண்டேகு செம்ஸ் போட்டு

50. எந்த சட்டப்படி இரட்டை ஆட்சி புகுத்தப்பட்டது?

1919 ஆம் ஆண்டு சட்டம்

51. மாண்டேகு பிரபுவின் ஆகஸ்டு பிரகடனம் எந்த ஆண்டு கொண்டுவரப்பட்டது?

1917 ஆகஸ்ட் 20

52. மாண்ட் போர்ட் அறிக்கை எந்த ஆண்டு வெளியிடப்பட்டது?

1918 ஜூலை 8

53. ராஜ்யசபை உறுப்பினர்களின் எண்ணிக்கை எத்தனை?

60

54. சைமன் குழு எந்த ஆண்டு அமைக்கப்பட்டது?

1927

55. நேரு அறிக்கை எந்த ஆண்டு கொண்டுவரப்பட்டது?

1928

56. முஸ்லீம்களின் மாநாட்டை 1928 ல் கூட்டியவர்?

முகமது அலி ஜின்னா

57. முதல் வட்ட மேஜை மாநாடு நடைபெற்ற ஆண்டு?

1930 நவம்பர் 12

58. இரண்டாவது வட்டமேசை மாநாடு நடைபெற்ற ஆண்டு?

1931 செப்டம்பர் 7 முதல் டிசம்பர் 1 வரை

59. மூன்றாவது வட்டமேசை மாநாடு நடைபெற்ற ஆண்டு?

1932 நவம்பர் 17

60. வகுப்பு வாரி பிரதிநிதித்துவம் கொண்டுவரப்பட்ட ஆண்டு ?

1932

61. வெள்ளை அறிக்கை தனது அறிக்கையை சமர்ப்பித்த ஆண்டு?

1934 நவம்பர் 11

62. மாநில சுயாட்சியை கொண்டு வந்த சட்டம்?

1935 ஆம் ஆண்டு சட்டம்

63. 1935 ஆம் ஆண்டு எங்கு இரட்டை ஆட்சியை புகுத்தியது?

மத்திய அரசில்

64. கூட்டாட்சி அதிகார பட்டியலில் உள்ள இனங்கள்?

59

65. மாநில அதிகாரப் பட்டியலில் உள்ள இனங்கள்?

36

66. ஈரங்க சட்டமன்றம் எத்தனை மாநிலங்களில் 1935 ஆம் ஆண்டு சட்டம் ஏற்படுத்தியது?

6 மாநிலங்கள்

67. இந்தியா கவுன்சில் எந்த சட்டப்படி ஒழிக்கப்பட்டது?

1935 ஆம் ஆண்டு சட்டம்

68. 1935 ஆம் ஆண்டு சட்டப்படி பர்மா எங்கிருந்து பிரிக்கப்பட்டது?

இந்தியாவிலிருந்து

69. 1935 ஆம் ஆண்டு சட்டப்படி மாநிலங்களவை உறுப்பினர்களின் எண்ணிக்கை எவ்வளவு பேர்?

260 பேர்

70. 1935 ஆம் ஆண்டு சட்டப்படி கூட்டாட்சி சட்டமன்ற உறுப்பினர்களின் எண்ணிக்கை எவ்வளவு?

375 பேர்

71. 1935 ஆம் ஆண்டு சட்டப்படி சட்டமன்ற மாநில மேல்சபையின் பதவிக்காலம்? நிரந்தரமானது

72. 1935 ஆம் ஆண்டு சட்டப்படி மாநில கீழ் சபையின் பதவிக்காலம்? ஐந்து ஆண்டுகள்

73. மாநில சுயாட்சித் தேர்தலில் எந்த கட்சி வெற்றி பெற்றது? காங்கிரஸ்

74. மாநில சுயாட்சி மாநிலங்களில் எந்த ஆண்டு மலர்ந்தது? 1937 அக்டோபர்

75. 1939 ஆம் ஆண்டு வெள்ளை அறிக்கையை வெளியிட்டவர்? லின்லித்தோ பிரபு

76. ஆகஸ்டு சலுகை எந்த ஆண்டு வெளியிடப்பட்டது? 1940 ஆகஸ்ட் 8

77. கிரிபஸ் தூதுக் குழுவின் திட்டம் எந்த ஆண்டு? 1942

78. அமைச்சரவைத் தூதுக்குழு குழுவின் திட்டம் எந்த ஆண்டு? 1946

79. அமைச்சரவை குழுவின் தலைவர்? பெத்திக் லாரன்ஸ் பிரபு

80. மவுண்ட் பேட்டன் திட்டம்? 1947 ஜூன் 3

81. இந்திய சுதந்திரச் சட்டம் எந்த ஆண்டு கொண்டுவரப்பட்டது? 1947 ஜூலை 4

82. இடைக்கால அரசாங்கம் எந்த ஆண்டு ஏற்பட்டது?

1946 செப்டம்பர் 2

83. இடைக்கால அரசாங்கத்தை ஏற்படுத்தியவர்?

நேரு

84. இந்திய அரசியலமைப்பு எந்த சபையால் உருவாக்கப்பட்டது?

அரசியல் நிர்ணய சபை

85. அரசியல் நிர்ணய சபையின் முதல் கூட்டத்தொடர் எந்த ஆண்டு நடைபெற்றது?

1946 டிசம்பர் 9

86. அரசியல் நிர்ணய சபையின் முதல் கூட்டத்தொடர் யாருடைய தலைமையில் கூடியது?

டாக்டர் சச்சிதானந்த சின்ஹா

87. அரசியல் நிர்ணய சபையின் நிரந்தர தலைவர்?

டாக்டர் அம்பேத்கர்

88. இந்திய அரசியலமைப்புள்ள பிரிவுகள் மற்றும் அட்டவணைகள் எத்தனை?

395 பிரிவுகள் 12 அட்டவணைகள்

89. சோஷலிச, மதசார்பற்ற ஆகிய வார்த்தைகள் எந்த அரசியலமைப்பு திருத்தத்தின்படி எந்த ஆண்டு சேர்க்கப்பட்டது?

42வது திருத்தம் 1976

90. இந்தியா எந்த வகை கூட்டாட்சியை சேர்ந்தது?

அரைகுறை கூட்டாட்சி

91. அடிப்படை உரிமைகள் எத்தனை பிரிவாக பிரிக்கப்பட்டுள்ளது?

6

92. அடிப்படை கடமைகள் மொத்தம் எத்தனை?

10

93. அடிப்படை கடமைகள் எந்த திருத்தத்தின்படி எந்த ஆண்டு அரசியலமைப்பில் சேர்க்கப்பட்டது?

42வது திருத்தம் 1976

94. இந்திய மக்களுக்கு எத்தனை குடியரிமை வழங்கப்பட்டுள்ளது?
ஒற்றைக் குடியரிமை

95. இந்திய நீதிமன்றத்தில் உள்ள ஒரு சிறப்பான அதிகாரம்?
நீதிப்புனராய்வு

96. இந்திய அரசியலமைப்பில் அதிகாரப் பங்கீடு எந்த சட்டத்திலிருந்து எடுக்கப்பட்டது?
1935 ஆம் ஆண்டு வருட இந்திய அரசாங்க சட்டம்

97. வழிகாட்டி நெறிமுறை எந்த நாட்டு அரசியலமைப்பிலிருந்து எடுக்கப்பட்டது?
அயர்லாந்து

98. பாராளுமன்ற முறையும், கேபினட் முறையும், எந்த நாட்டு அரசியல் அமைப்பில் இருந்து எடுக்கப்பட்டது?
இங்கிலாந்து

99. கூட்டாட்சி அமைப்பு எந்த நாட்டு அரசியலமைப்பிலிருந்து எடுக்கப்பட்டது?
கனடா

100. அடிப்படை உரிமையும், நீதித் துறையின் நீதிப்புனராய்வு அதிகாரமும் எந்த நாட்டு அரசியலமைப்பிலிருந்து எடுக்கப்பட்டது?
அமெரிக்கா

இந்திய அரசியலமைப்பு

இந்திய அரசியலமைப்பு என்பது ஒரு நாட்டின் நிர்வாகமானது எந்த அடிப்படைக் கொள்கைகளைச் சார்ந்து அமைந்துள்ளது என்பதை பிரதிபலிக்கும் அடிப்படைச் சட்டமே அரசியலமைப்பு என்பதாகும். இந்திய அரசியலமைப்பு ஒரு நாட்டின் முன்னேற்றத்திற்கு அச்சாணி ஆகும். குறிப்பாக அரசின் நிறுவனக் கட்டமைப்பு பல்வேறு துறைகள் மற்றும் மத்திய, மாநில அரசுகளிடையே அதிகாரத்தை பகிர்ந்தளிக்கும் கட்டமைப்புடன் இந்திய அரசியலமைப்பு சம்மந்தப்பட்டுள்ளது. அரசியலமைப்பு என்ற கொள்கை முதன்முதலில் அமெரிக்க ஐக்கிய நாடுகளில் (U.S.A) தோன்றியது.

இந்திய அரசியலமைப்பின் அவசியம்:

இந்திய அரசியலமைப்பின் அனைத்து மக்களாட்சி நாடுகளும் தங்களை நிர்வகித்துக் கொள்ள ஓர் அரசியலமைப்புச் சட்டத்தை பெற்றுள்ளன. ஒரு நாட்டின் குடிமக்கள் வாழ விரும்பும் வகையில் சில அடிப்படைக் கொள்கைகளை

அரசியலமைப்பு வகுத்து கொடுக்கிறது. நமது சமூகத்தின் அடிப்படை தன்மையை அரசியலமைப்பு நமக்கு தெரிவிக்கிறது.

பொதுவாக ஒரு நாடு பல்வேறு நம்பிக்கைகளைக் கொண்டுள்ள பல்வேறு இன மக்களைக் கொண்டிருக்கும். எனவே அரசியலமைப்பானது அவ்வாறான குடிமக்களின் நம்பிக்கைகளை நிறைவு செய்ய உதவி செய்யும் வகையில் உருவாக்கப்பட்டிருக்கும்.

இந்திய அரசியலமைப்பு உருவாக்கம்:

1946ஆம் ஆண்டு, அமைச்சரவை தூதுக்குழு திட்டத்தின் கீழ் உருவாக்கப்பட்ட, இந்திய அரசியல் நிர்ணய சபையால் இந்திய அரசியலமைப்பு உருவாக்கப்பட்டது. இச்சபையில் 292 மாகாணப் பிரதிநிதிகள், 93 சுதேச அரசுகளின் நியமன உறுப்பினர்கள், பலுச்சிஸ்தானின் சார்பில் ஒருவர் (1) மற்றும் மாகாண முதன்மை ஆணையர்கள் சார்பில் மூவர் (3) என மொத்தம் 389 உறுப்பினர்கள் இருந்தனர். அரசியல் நிர்ணய சபையின் முதல் கூட்டம், 1946ஆம் ஆண்டு டிசம்பர் 9ஆம் நாள் நடைபெற்றது. இச்சபையின் தற்காலிக தலைவராக மூத்த உறுப்பினர் Dr. சச்சிதானந்த சின்கா அவர்கள் தேர்ந்தெடுக்கப்பட்டார். இந்திய அரசியலமைப்பை உருவாக்க கூட்டத்தொடர் நடந்துகொண்டிருக்கும் போதே அவர் இறந்ததைத் தொடர்ந்து, Dr. இராஜேந்திரபிரசாத் இந்திய அரசியலமைப்பு நிர்ணய சபையின் தலைவராகவும், H.C. முகர்ஜி மற்றும் V.T. கிருஷ்ணமாச்சாரி இருவரும் துணைத் தலைவர்களாகவும் தேர்ந்தெடுக்கப்பட்டனர். இக்கூட்டத் தொடர் 11 அமர்வுகளாக 166 நாட்கள் நடைபெற்றது. இக்கூட்டத்தின் போது 2473 திருத்தங்கள் முன்வைக்கப்பட்டன. அவற்றுள் சில ஏற்கப்பட்டன. அரசியல் நிர்ணய சபை பல்வேறு குழுக்களின் மூலம் இந்திய அரசியலமைப்பு சட்டத்தை உருவாக்கும் பணியை மேற்கொண்டது. இந்திய அரசியலமைப்பு சட்ட வரைவுக் குழுத் தலைவர் Dr. B.R. அம்பேத்கர் தலைமையின் கீழ் இந்திய அரசியலமைப்புச் சட்டம் உருவாக்கப்பட்டது. எனவே அவர் “இந்திய அரசியலமைப்பின் தந்தை” என அறியப்படுகிறார்.

இந்திய அரசியலமைப்புச் சட்டம் எழுதப்பட்ட பின்னர், பொதுமக்கள், பத்திரிக்கைகள், மாகாணசட்டமன்றங்களமற்றும் பலரால் விவாதிக்கப்பட்டது. இறுதியாக முகவுரை, 22 பாகங்கள், 395 சட்டப்பிரிவுகள் மற்றும் 8 அட்டவணைகளைக் கொண்ட இந்திய அரசியலமைப்பு, 1949ஆம் ஆண்டு நவம்பர் 26ஆம் நாள் ஏற்றுக்கொள்ளப்பட்டது. 1950ஆம் ஆண்டு ஜனவரி 26ஆம் நாள் இந்திய அரசியலமைப்புச் சட்டம் நடைமுறைக்கு வந்தது. இந்த நாளே ஒவ்வொரு ஆண்டும் இந்திய குடியரசு தினமாகக் கொண்டாடப்படுகிறது.

இந்திய அரசியலமைப்புச் சட்டத்தின் சிறப்பம்சங்கள் :

- உலகிலுள்ள எழுதப்பட்ட, அனைத்து அரசியலமைப்புகளை விடவும் மிகவும் நீளமானது.
- இதன் பெரும்பாலான கருத்துகள் பல்வேறு நாடுகளின் அரசியலமைப்புகளிலிருந்து பெறப்பட்டவை.
- இது நெகிழாத்தன்மை கொண்டதாகவும், நெகிழும் தன்மை கொண்டதாகவும் உள்ளது.
- கூட்டாட்சி முறை அரசாங்கத்தை (மத்திய, மாநில அரசுகள்) ஏற்படுத்துகிறது.
- மத்தியில் மட்டுமல்லாமல் மாநிலங்களிலும் நாடாளுமன்ற முறையைத் தோற்றுவிக்கிறது.
- இந்தியாவைச் சமயச்சார்பற்ற நாடாக்குகிறது. சுதந்திரமான நீதித்துறையை வழங்குகிறது.
- உலகளாவிய வயது வந்தோர் வாக்குரிமையை அறிமுகப்படுத்தியதோடு 18 வயது நிரம்பிய குடிமக்கள் அனைவருக்கும் எந்த வித பாகுபாடுமின்றி வாக்குரிமையை வழங்குகிறது.
- ஒற்றை குடியரிமையை வழங்குகிறது.
- சிறுபான்மையினர், பட்டியல் இனத்தவர், பழங்குடியினர் ஆகியோருக்கு சிறப்பு விதிகள் மூலம் சலுகைகள் வழங்க வகை செய்கிறது....

இந்திய அரசியலமைப்பு முகவுரை:

முகவுரை' (Preamble) என்ற சொல் அரசியலமைப்பிற்கு அறிமுகம் அல்லது முன்னுரை என்பதைக் குறிக்கிறது. இது அரசியலமைப்பின் அடிப்படைக் கொள்கைகள், நோக்கங்கள் மற்றும் இலட்சியங்களை உள்ளடக்கியது. இது அரசியலமைப்பின் சுருக்கம் அல்லது சாராம்சத்தைக் கொண்டது. இது பெரும் மதிப்புடன் "அரசியலமைப்பின் "திறவுகோல்" என குறிப்பிடப்படுகிறது.

1947ஆம் ஆண்டு ஜனவரி 2ஆம் நாள் இந்திய அரசியல் நிர்ணய சபையால் ஏற்றுக்கொள்ளப்பட்ட ஜவகர்லால் நேருவின் 'குறிக்கோள் தீர்மானத்தின் அடிப்படையில் இந்திய அரசியலமைப்பின் முகவுரை அமைந்துள்ளது. முகவுரையானது 1976ஆம் ஆண்டு 42வது அரசியலமைப்பு சட்ட திருத்தத்தின்படி திருத்தப்பட்டது. அதன்படி, சமதர்மம், சமயச்சார்பின்மை, ஒருமைப்பாடு, என்ற மூன்று புதிய சொற்கள் சேர்க்கப்பட்டன. 'இந்திய மக்களாகிய நாம்' என்ற சொற்களுடன் இந்திய அரசியலமைப்பின் முகவுரை தொடங்குகிறது. இது இந்திய அரசியலமைப்புத்

தனது அதிகாரத்தை மக்களிடமிருந்து பெறப்பட்டதைத் தெளிவுபடுத்துகிறது. இதிலிருந்து, இந்திய மக்களே இந்திய அரசியலமைப்பின் ஆதாரம் என நாம் கூறமுடியும்.

இந்தியா ஒரு இறையாண்மைமிக்க, சமதர்ம, சமயச்சார்பற்ற, ஜனநாயக, குடியரசு என நமது அரசியலமைப்பின் முகவுரை கூறுகிறது. இந்திய குடிமக்கள் அனைவருக்கும் சமூக, பொருளாதார, அரசியல் நீதி என அனைத்திலும் பாதுகாப்பு வழங்குவதே இதன் நோக்கமாகும். இந்திய மக்கள் அனைவருக்கும் சுதந்திரமாகச் சிந்தித்தல், உணர்வுகளை வெளிப்படுத்துதல், நம்பிக்கை, சமய வழிபாடு ஆகியவற்றில் சுதந்திரமாக செயல்பட இந்திய அரசியலமைப்பு உத்திரவாதம் அளிக்கிறது

விக்டோரியா மகாராணியின் பிரகடனம் (1858)

விக்டோரியா மகாராணியின் பிரகடனம் (1858) நவம்பர் 1, 1858 இல் லார்ட் கேனிங் அவர்களால் வெளிப்படையாக அறிவிக்கப்பட்டது. இதன் கீழ் , விக்டோரியா மகாராணி இப்போது இந்தியாவின் நிர்வாகத்தை சமூகமாகவோ அல்லது பொருளாதாரமாகவோ அனைத்து அம்சங்களிலும் புரிந்துகொள்வார் என்று ஒப்புக்கொள்ளப்பட்டது.

1857 ஆம் ஆண்டின் கிளர்ச்சியானது இந்தியாவில் தங்கள் மேலாதிக்கத்தை நிலைநிறுத்த பிரிட்டிஷ் அரசாங்கத்திற்கு ஒரு அதிர்ச்சி அல்லது உந்துதலாக அமைந்தது. பல்வேறு பிரிட்டிஷ் கொள்கைகளுக்கு எதிரான பரவலான அதிருப்தியுடன், இந்திய மக்களுக்கு எந்தப் பயனும் இல்லாத இத்தகைய சாதகமற்ற கொள்கைகளுக்காக ஆங்கிலேயர்கள் மீது மக்கள் வன்முறையில் குற்றம் சாட்டத் தொடங்கினர். நாட்டில் அமைதியான சூழலைப் பேண ஆங்கிலேயர்கள் கிழக்கிந்திய கம்பெனியின் நிரந்தர பிடியை பிரித்தானிய மகுடத்திற்கு மாற்ற முடிவு செய்தனர். விரைவில், விக்டோரியா ராணி டெல்லிக்கு வந்தார், அவரை இந்தியாவின் ராணியாக அறிவிக்க முடிவு செய்யப்பட்டது , அதன் பிறகு இந்தியாவின் அனைத்து தலைவர்கள் , இளவரசர்கள் மற்றும் மக்கள் அவரது அதிகாரத்தின் கீழ் பணியாற்றுவார்கள். விக்டோரியா மகாராணியை இந்தியாவின் ராணியாக அறிவிக்கும் சட்டம் இந்திய அரசு சட்டம் , 1858 என்று பிரபலமாக அறியப்படுகிறது.

விக்டோரியா மகாராணியின் பிரகடனம் (1858)

1857 ஆம் ஆண்டின் கிளர்ச்சியின் பின்விளைவுகள் , கிழக்கிந்திய கம்பெனியின் தொடர்ச்சியான கட்டுப்பாட்டை நாட்டின் மீது பிரிட்டிஷ் அரசிற்கு மாற்றியதில் வெளிப்பட்டது. இதன் விளைவாக , இந்திய அரசு சட்டம் , 1858 நிறைவேற்றப்பட்டது, இது இந்திய நிர்வாகத்தில் குறிப்பிடத்தக்க மாற்றங்களை

ஏற்படுத்தியது. விரைவில், விக்டோரியா மகாராணியை இந்தியாவின் ராணியாக அறிவிக்க முடிவு செய்யப்பட்டது , அன்றிலிருந்து இந்தியாவின் அனைத்து தலைவர்கள், இளவரசர்கள் மற்றும் மக்கள் அவரது அதிகாரத்தின் கீழ் செயல்படுவார்கள்.

ராணியின் பிரகடனத்துடன் , மற்ற குடிமக்களுக்கு வழங்கப்படும் அதே அந்தஸ்தை இந்திய பூர்வீக குடிமக்களுக்கும் வழங்க முடிவு செய்யப்பட்டது. மேலும், பிரகடனம் நாட்டில் நிலவும் இனப் பாகுபாடு போன்ற பல்வேறு சமூகப் பிரச்சினைகளை புறநிலைப்படுத்தியது மற்றும் வளர்ச்சியடையாத இந்தத் தீமைகளை அகற்றுவதில் கவனம் செலுத்தியது. இது தவிர, பிரித்தானிய மகுடம் சமத்துவத்தை உருவாக்கும் என்றும் , சட்டத்தின் பார்வையில் அனைத்து மக்களும் சமம் என்றும் உறுதியளிக்கப்பட்டது. இந்தியர்களுக்கும் பிரிட்டிஷ் உரிமைகள் நீட்டிக்கப்பட்டதன் மூலம், இந்தச் சட்டம் பரவலாக ஏற்றுக்கொள்ளப்பட்டது மற்றும் காந்திஜியால் இந்தியாவின் மாக்னா கார்ட்டாவாகக் கருதப்பட்டது.

டெல்லி தர்பார் மற்றும் ராணியின் பிரகடனம் 1877 ஆம் ஆண்டு விக்டோரியா மகாராணி டெல்லி முடிசூட்டு பூங்காவில் கைசர்-இ-ஹிந்த் என்ற பட்டத்தை கோரினார். டெல்லி தர்பார் என்று பிரபலமாக அழைக்கப்படும் ஒரு பெரிய கூட்டத்தில் நடந்த முக்கிய பேச்சுவார்த்தைகளின் நிகழ்வாக இந்த அறிவிப்பு இருந்தது. இந்தியாவின் முதல் சுதந்திரப் போராக அங்கீகரிக்கப்பட்ட 1857 ஆம் ஆண்டின் கலகத்தின் விளைவாக அதிகாரங்கள் மாற்றப்பட்டது.

மொகலாயர் காலத்தில், தர்பார் அரச குடும்பத்திற்கு முன்னால் ஒரு பெரிய பார்வையாளர்கள் கூடிய இடம் என்று குறிப்பிடப்பட்டது. பொதுவாக, குடியேற்றக்காரரையும், குடியேற்றப்பட்டவரையும் ஒரே இடத்தில் அழைத்து வரும் விழாவாகவே இது உணரப்பட்டது. விக்டோரியா மகாராணியின் பிரகடனத்தில் , டெல்லி தர்பார் அனைத்து மக்களும் பிரிட்டிஷ் இறையாண்மையின் ஆதரவின் கீழ் நின்று கொண்டிருந்தது.

விக்டோரியா மகாராணியின் இந்திய அதிகாரத்தை ஏற்றுக்கொண்டதற்காக அவருக்கு மரியாதை செலுத்த பல முக்கிய மகாராஜாக்கள் , நவாப்கள் மற்றும் பிற முக்கியஸ்தர்கள் கூடியிருப்பது டெல்லி தர்பாரில் காணப்பட்டது. பிரகடனத்தின் நினைவாக, இந்தியாவின் ஒவ்வொரு ஆட்சியாளர்களுக்கும் ஒரு தங்க நினைவுப் பதாகை மற்றும் ஒரு பதக்கம் ராணியிடமிருந்து தனிப்பட்ட பரிசாக வழங்கப்பட்டது. இருப்பினும், இந்த பரிசுகள் இந்தியர்கள் பிரிட்டிஷ் கிரீடத்தால் அடிபணிந்தனர் மற்றும் நீண்ட காலமாக அவர்களின் கட்டுப்பாட்டில் இருந்தனர் என்பதைக் காட்ட ஒரு பரிசாக கருதப்பட்டது.

ராணியின் பிரகடனத்தின் முக்கியத்துவம்

1) மத விவகாரங்களில் நிர்வாகம் தலையிடாது என்று ராணியின் பிரகடனம் உறுதியளித்தது.

2) இந்திய நிர்வாகத்தின் மீது பிரிட்டிஷ் கிரீடம் வைத்திருந்தாலும் , இந்திய மக்களின் பழக்கவழக்கங்கள், பழக்கவழக்கங்கள் மற்றும் பண்டைய சடங்குகளுக்கு உரிய மரியாதை செலுத்தப்பட்டது.

3) மற்ற குடிமக்களான பிரித்தானிய மக்களுக்கு வழங்கப்படும் அதே அந்தஸ்தை இந்தியாவின் பூர்வீக குடிமக்களுக்கும் வழங்க முடிவு செய்யப்பட்டது.

4) இந்த பிரகடனம் நாட்டில் நிலவும் இனப் பாகுபாடு போன்ற பல்வேறு சமூகப் பிரச்சினைகளை புறநிலைப்படுத்தியது மற்றும் வளர்ச்சியடையாத இந்த தீமைகளை அகற்றுவதில் கவனம் செலுத்தியது.

5) இந்தியர்களின் செழுமையை ஆங்கிலேயர்களின் பலம் என்றும் , இந்தியர்களின் மனநிறைவு இந்தியாவில் மன்னரின் அதிகாரத்திற்கு பாதுகாப்பு என்றும் பிரகடனம் வரையறுத்தது.

இந்திய அரசு சட்டம், 1858

இந்திய அரசு சட்டம் , 1858 இந்தியாவில் ராணியின் பிரகடனத்திற்கு இணையான அமைப்பில் நிறைவேற்றப்பட்டது. இதன் கீழ் , இந்தியாவை இனி ஆங்கிலேயர்கள் நேரடியாக அவர்களின் பிரிட்டிஷ் கிரீடத்தின் கீழ் ஆளுவார்கள் என்றும் அனைத்து அதிகாரிகளும் அவர்களின் கைகளில் கிடப்பார்கள் என்றும் கூறப்பட்டது. 1858 ஆம் ஆண்டின் இந்திய அரசாங்கச் சட்டம் சில விதிகளைக் கொண்டிருந்தது.

1) இந்தச் சட்டத்தின் கீழ் , கிழக்கிந்திய கம்பெனியின் ஆட்சி கலைக்கப்பட்டு பிரிட்டிஷ் அரசிடம் ஒப்படைக்கப்பட்டது.

2) கட்டுப்பாட்டு வாரியம் மற்றும் இயக்குநர்கள் நீதிமன்றம் உள்ளிட்ட கண்காணிப்பு இந்தச் சட்டத்தால் கைவிடப்பட்டது.

3) 15 உறுப்பினர்களைக் கொண்ட ஆலோசனைக் குழுவின் கீழ் செயல்படும் பிரிட்டிஷ் எம்.பி.யாக வெளியுறவுத்துறை செயலர் செயல்படுவார்.

4) பிரிட்டனில் உள்ள பிரிட்டிஷ் நிர்வாகத்திற்கும் இந்திய அரசாங்கத்திற்கும் இடையிலான நடுவராகவும் , சேனலாகவும் வெளியுறவுத்துறை செயலர் செயல்படுவார்.

5) பிட்டின் இந்தியச் சட்டத்தால் அறிமுகப்படுத்தப்பட்ட இரட்டை அரசாங்கக் கொள்கை, 1858 ஆம் ஆண்டு இந்திய அரசாங்கச் சட்டத்தால் நீக்கப்பட்டது.

முடிவில், தேசத்தில் அமைதி மற்றும் செழுமைக்கான அமைப்பைப் பாதுகாக்க, கிழக்கிந்திய கம்பெனியின் தொடர்ச்சியான பிடியை பிரிட்டிஷ் மகுடத்திற்குப் பதிலாக பிரித்தானியர்கள் முடிவு செய்தனர். இந்த அறிவிப்பு கிழக்கிந்திய கம்பெனி மற்றும் இளவரசர்களுடனான ஒப்பந்தங்களில் குறிப்பிடத்தக்க தாக்கங்களை ஏற்படுத்தியது. இந்த பிரகடனம் மதம் மற்றும் நீதியின் வழிகாட்டும் கொள்கைகளால் வழிநடத்தப்பட்டது மற்றும் இந்த முக்கியமான தலைப்புகளுக்கு மத்தியில் இந்திய சமூகத்தில் எந்த தலையீடும் இருக்காது. மேலும், பிரகடனம் நாட்டில் நிலவும் இனப் பாகுபாடு போன்ற பல்வேறு சமூகப் பிரச்சினைகளை புறநிலைப்படுத்தியது மற்றும் வளர்ச்சியடையாத இந்தத் தீமைகளை அகற்றுவதில் கவனம் செலுத்தியது.

மாண்டேகு -செல்ம்ஸ்ஃபோர்ட் சீர்திருத்தங்கள் அல்லது சுருக்கமாக மாண்ட்-ஃபோர்டு சீர்திருத்தங்கள் என்று அழைக்கப்படும், பிரிட்டிஷ் இந்தியாவில் படிப்படியாக சுய-ஆட்சி நிறுவனங்களை அறிமுகப்படுத்த காலனித்துவ அரசாங்கத்தால் அறிமுகப்படுத்தப்பட்டது. சீர்திருத்தங்கள் 1917 முதல் 1922 வரை இந்தியாவின் வெளியுறவுத்துறை செயலாளராக இருந்த எட்வின் மாண்டேகு மற்றும் 1916 மற்றும் 1921 க்கு இடையில் இந்தியாவின் வைஸ்ராய் லார்ட் செல்ம்ஸ்ஃபோர்ட் ஆகியோரிடமிருந்து தங்கள் பெயரைப் பெற்றன. சீர்திருத்தங்கள் 1918 இல் தயாரிக்கப்பட்ட மாண்டேகு-செல்ம்ஸ்போர்ட் அறிக்கையில் கோடிட்டுக் காட்டப்பட்டு உருவாக்கப்பட்டன. இந்திய அரசு சட்டம் 1919 இன் அடிப்படை. இவை அரசியலமைப்பு சீர்திருத்தங்களுடன் தொடர்புடையவை. இந்திய தேசியவாதிகள் சீர்திருத்தங்கள் போதுமான அளவு செல்லவில்லை என்று கருதப்பட்டது, அதே நேரத்தில் பிரிட்டிஷ் பழமைவாதிகள் அவற்றை விமர்சித்தனர். இந்தச் சட்டத்தின் முக்கிய அம்சங்கள்:

1916 இல்துருக்கியர்களால் குட்கைப்பற்றப்பட்டதைத் தொடர்ந்து ஆஸ்டன் சேம்பர்லைன் ராஜினாமா செய்த பின்னர் எட்வின் மாண்டேகு ஜூன் 1917 இல் இந்தியாவின் வெளியுறவுத்துறை செயலாளராக ஆனார். இறுதி சுயராஜ்யத்தை நோக்கமாகக் கொண்டு, இந்தியாவில் இலவச நிறுவனங்களின் படிப்படியான வளர்ச்சியை நோக்கி உழைக்க வேண்டும் என்ற தனது எண்ணம் குறித்த முன்மொழியப்பட்ட அறிக்கையை அவர் பிரிட்டிஷ் அமைச்சரவையின் முன் வைத்தார். லார்ட் கர்சன் இது சுயராஜ்யத்தை நோக்கிச் செயல்படுவதில் மாண்டேகுவுக்கு அதிக முக்கியத்துவம் கொடுத்ததாகக் கருதினார், மேலும்

நிர்வாகத்தின் ஒவ்வொரு கிளையிலும் இந்தியர்களின் கூட்டமைப்பை அதிகரிப்பதற்கும், பொறுப்பான அரசாங்கத்தை முற்போக்கான உணர்தலைக் கருத்தில் கொண்டு சுய-அரசு நிறுவனங்களின் படிப்படியான வளர்ச்சிக்கும் அவர் பணியாற்ற வேண்டும் என்று பரிந்துரைத்தார். பிரிட்டிஷ் சாம்ராஜ்யத்தின் ஒருங்கிணைந்த பகுதியாக இந்தியா. மாண்டேகுவின் அசல் அறிக்கைக்குப் பதிலாக கர்சனின் திருத்தத்துடன் இணைக்கப்பட்ட அறிக்கைக்கு அமைச்சரவை ஒப்புதல் அளித்தது.

சீர்திருத்தங்கள்

1917 இன் பிற்பகுதியில் , இந்தியாவில் வரையறுக்கப்பட்ட சுயராஜ்யத்தை அறிமுகப்படுத்துவது மற்றும் சிறுபான்மை சமூகங்களின் பாதுகாப்பு உரிமைகள் பற்றி விவாதிக்க மொண்டேகு , இந்தியாவின் வைஸ்ராய் லார்ட் செல்ம்ஸ். போர்ட் மற்றும் இந்திய சமூகத்தின் தலைவர்களை சந்திக்க இந்தியா சென்றார். அவர் பூபேந்திர நாத் போஸ் , லார்ட் டொனோக்மோர் , வில்லியம் டியூக் மற்றும் சார்லஸ் ராபர்ட்ஸ் ஆகியோருடன் ஒரு அறிக்கையை வரைந்தார் . இந்த அறிக்கை 1918 மே 24 மற்றும் ஜூன் 7 அன்று அமைச்சரவை முன் சென்றது மற்றும் 1919 ஆம் ஆண்டின் இந்திய அரசாங்கச் சட்டத்தில் உள்ளடக்கப்பட்டது . இந்த சீர்திருத்தங்கள் அந்த நேரத்தில் ஆங்கிலேயர்கள் செய்ய தயாராக இருந்த அதிகபட்ச சலுகைகளை பிரதிநிதித்துவப்படுத்தியது. வாக்குரிமை நீட்டிக்கப்பட்டது , மேலும் மத்திய மற்றும் மாகாண சட்ட சபைகளுக்கு அதிக அதிகாரம் வழங்கப்பட்டது , ஆனால் வைஸ்ராய் லண்டனுக்கு மட்டுமே பொறுப்பாக இருந்தார்.

மாகாண சட்ட சபைகள் கணிசமான பெரும்பான்மையான தேர்ந்தெடுக்கப்பட்ட உறுப்பினர்களைக் கொண்டிருப்பதால் , மாகாண மட்டத்தில் மாற்றங்கள் மிகவும் குறிப்பிடத்தக்கவை. "டைர்ச்சி" எனப்படும் அமைப்பில்மாநிலத்தின் 'ஒதுக்கீடு' மற்றும் 'ஒதுக்கப்படாத' அதிகாரங்களுக்கு இடையே ஏதேனும் முரண்பாடு ஏற்பட்டால் (முந்தையது நிதி , காவல்துறை, வருவாய், புத்தகங்கள் வெளியீடு போன்றவை. பிந்தையது சுகாதாரம் , சுகாதாரம், உள்ளூர்-சுய அரசு போன்றவை) கவர்னர் தனது இறுதி முடிவை தெரிவித்தார். 1921 இல், "டைராச்சி" நிறுவப்பட்டது வங்காளம் , மெட்ராஸ் , பம்பாய் , ஐக்கிய மாகாணங்கள் , மத்திய மாகாணங்கள் , பஞ்சாப் , பீகார் மற்றும் ஒரிசா மற்றும் அசாம் ; 1932 இல் இது வடமேற்கு எல்லைப்புற மாகாணத்திற்கு நீட்டிக்கப்பட்டது . 1921 ஆம் ஆண்டில் , கிராமப்புறங்களில் தேர்ந்தெடுக்கப்பட்ட உள்ளூராட்சி மன்றங்கள் அமைக்கப்பட்டபோது அறிக்கையால் பரிந்துரைக்கப்பட்ட மற்றொரு மாற்றம் மேற்கொள்ளப்பட்டது.

பல இந்தியர்கள் முதல் உலகப் போரில் ஆங்கிலேயர்களுடன் சண்டையிட்டனர் , மேலும் அவர்கள் அதிக சலுகைகளை எதிர்பார்த்தனர். ^[7] இந்திய தேசிய

காங்கிரஸும் முஸ்லீம் லீக்கும் சமீபத்தில் சுயராஜ்யத்தை கோரி ஒன்றிணைந்தன. 1919 சீர்திருத்தங்கள் இந்தியாவில் அரசியல் கோரிக்கைகளை பூர்த்தி செய்யவில்லை. ஆங்கிலேயர்கள் எதிர்ப்பை அடக்கினர் , பத்திரிகைகள் மற்றும் இயக்கத்தின் மீதான கட்டுப்பாடுகள் 1919 இல் அறிமுகப்படுத்தப்பட்ட ரவுலட் சட்டங்கள் மூலம் மீண்டும் இயற்றப்பட்டன. இந்த நடவடிக்கைகள் இந்திய உறுப்பினர்களின் ஏகோபித்த எதிர்ப்புடன் சட்டமியற்றும் சபையின் ஊடாகத் திணிக்கப்பட்டன. இதற்கு எதிர்ப்பு தெரிவித்து ஜின்னா உட்பட பல கவுன்சில் உறுப்பினர்கள் ராஜினாமா செய்தனர். இந்த நடவடிக்கைகள் பிரித்தானியப் போர் முயற்சிக்கு மக்கள் அளித்த வலுவான ஆதரவின் துரோகமாக இந்தியா முழுவதும் பரவலாகக் காணப்பட்டன.

ரவுலட் சட்டங்களுக்கு எதிராக காந்தி பஞ்சாபில் கடுமையான எதிர்ப்புடன் நாடு தழுவிய போராட்டத்தைத் தொடங்கினார் . ஏப்ரல் 1919 இல் அமிர்தசரஸில் நிலைமை மோசமடைந்தது , ஒரு இறுக்கமான சதுக்கத்தில் ஆர்ப்பாட்டக்காரர்கள் மீது துப்பாக்கிச் சூடு நடத்த ஜெனரல் டயர் தனது படைகளுக்கு உத்தரவிட்டார் , இதன் விளைவாக குறைந்தது 379 பொதுமக்கள் கொல்லப்பட்டனர். மாண்டேகு அமிர்தசரஸில் நடந்த நிகழ்வுகள் குறித்து லார்ட் ஹண்டர் மூலம் விசாரணைக்கு உத்தரவிட்டார். ^[8] துருப்புக்களுக்கு தலைமை தாங்கிய ஜெனரல் டயர் பதவி நீக்கம் செய்யப்பட வேண்டும் என்று ஹண்டர் விசாரணை பரிந்துரைத்தது , இது டயர் பதவி நீக்கம் செய்ய வழிவகுத்தது. பல பிரிட்டிஷ் குடிமக்கள் டயரை ஆதரித்தனர் , அவர் ஹண்டர் விசாரணையில் இருந்து நியாயமற்ற முறையில் நடத்தப்பட்டதாக அவர்கள் கருதினர். கன்சர்வேடிவ் *மார்னிங் போஸ்ட்* செய்தித்தாள் ஜெனரல் டயருக்காக £26,000 சந்தாவைச் சேகரித்தது மற்றும் சர் எட்வர்ட் கார்சன் மொண்டேகு மீது ஒரு தணிக்கைத் தீர்மானத்தை முன்வைத்தார் , அது கிட்டத்தட்ட வெற்றிகரமாக இருந்தது. வின்ஸ்டன் சர்ச்சில் தனது தற்காப்புக்கான வலுவான உரையின் காரணமாக மாண்டேகு பெரும்பாலும் காப்பாற்றப்பட்டார் .

அமிர்தசரஸ் படுகொலை, தயக்கமற்ற ஒத்துழைப்பின் ஆரம்ப பதிலுக்கு முற்றுப்புள்ளி வைத்து இந்திய தேசியவாத உணர்வை மேலும் தூண்டியது. ^[9] அடிமட்ட அளவில் , பல இளம் இந்தியர்கள் இந்திய சுதந்திரத்தை நோக்கி வேகமாக முன்னேற விரும்பினர் மற்றும் பிரிட்டன் நிர்வாகத்தில் தங்கள் முன்னாள் பதவிகளுக்கு திரும்பியதால் முன்னேற்றம் இல்லாததால் ஏமாற்றமடைந்தனர். செப்டம்பர் 1920 இல் நடந்த இந்திய தேசிய காங்கிரஸின் வருடாந்திர அமர்வில் , பிரதிநிதிகள் காந்தியின் சுயராஜ்யம் அல்லது சுயராஜ்யத்தின் முன்மொழிவை ஆதரித்தனர் - முன்னுரிமை பிரிட்டிஷ் சாம்ராஜ்யத்திற்குள் அல்லது தேவைப்பட்டால் அதற்கு வெளியே. 1921 இல் மொண்டேகு-செல்ம்ஸ். போர்ட் சீர்திருத்தங்களின் கீழ் நடைபெற்ற முதல் தேர்தல்களில்

காங்கிரஸ் வேட்பாளர்களை நிறுத்தவில்லை என்பதற்காக பிரிட்டிஷ் ஆட்சியுடன் ஒத்துழையாமை கொள்கையின் மூலம் இந்த முன்மொழிவு செயல்படுத்தப்பட்டது. சட்டம் வழிவகுத்தது:

இருப்பினும், மாகாண மட்டத்தில் அறிமுகப்படுத்தப்பட்ட சுயாட்சியின் அளவு முக்கியமான வரம்புகளுக்கு உட்பட்டது: மாகாண ஆளுநர்கள் முக்கியமான இருப்பு அதிகாரங்களைத் தக்க வைத்துக் கொண்டனர், மேலும் பிரிட்டிஷ் அதிகாரிகளும் பொறுப்பான அரசாங்கத்தை இடைநிறுத்துவதற்கான உரிமையைத் தக்க வைத்துக் கொண்டனர். சமஸ்தானங்களின் ஆட்சியாளர்களின் எதிர்ப்பின் காரணமாக, இந்திய கூட்டமைப்பை நிறுவுவதற்கான சட்டத்தின் பகுதிகள் ஒருபோதும் செயல்பாட்டுக்கு வரவில்லை. சட்டத்தின் மீதமுள்ள பகுதிகள் 1937 இல் நடைமுறைக்கு வந்தன, சட்டத்தின் கீழ் முதல் தேர்தல்களும் நடத்தப்பட்டன. இந்தச் சட்டத்தின் அம்சங்கள் பின்வருமாறு ; 1-இது மாகாணங்கள் மற்றும் சமஸ்தானங்களை அலகுகளாகக் கொண்ட ஒரு அகில இந்திய கூட்டமைப்பை நிறுவுவதற்கு வழங்கியது. இந்த சட்டம் மத்திய மற்றும் அலகுகளுக்கு இடையே உள்ள அதிகாரங்களை மூன்று பட்டியல்களின் அடிப்படையில் பிரித்தது: கூட்டாட்சி பட்டியல், மாகாண பட்டியல் மற்றும் ஒரே நேரத்தில் பட்டியல்.

19 ஆம் நூற்றாண்டின் பிற்பகுதியிலிருந்து இந்தியர்கள் தங்கள் நாட்டின் அரசாங்கத்தில் அதிக பங்கைக் கோருகின்றனர். முதல் உலகப் போரின் போது பிரிட்டிஷ் போர் முயற்சியில் இந்திய பங்களிப்பு என்பது பிரிட்டிஷ் அரசியல் ஸ்தாபனத்தில் இருந்த மிகவும் பழமைவாத கூறுகள் கூட அரசியலமைப்பு மாற்றத்தின் அவசியத்தை உணர்ந்தது, இதன் விளைவாக இந்திய அரசு சட்டம் 1919 உருவாக்கப்பட்டது.. அந்தச் சட்டம் மாகாண "டைராச்சி" எனப்படும் புதிய அரசாங்க முறையை அறிமுகப்படுத்தியது, அதாவது, அரசாங்கத்தின் சில பகுதிகள் (கல்வி போன்றவை) மாகாண சட்டமன்றத்திற்கு பொறுப்பான அமைச்சர்களின் கைகளில் ஒப்படைக்கப்பட்டன, மற்றவை (பொது ஒழுங்கு மற்றும் நிதி போன்றவை) பிரித்தானியரால் நியமிக்கப்பட்ட மாகாண ஆளுநருக்குப் பொறுப்பான அதிகாரிகளின் கைகளில் தக்கவைக்கப்பட்டது. இந்தச் சட்டம் இந்தியர்களின் அரசாங்கத்தில் அதிகப் பங்கு வகிக்க வேண்டும் என்ற கோரிக்கையின் பிரதிபலிப்பாக இருந்தபோதிலும், அது இந்தியாவிற்கு நடைமுறையில் (நிச்சயமாக அங்குள்ள பிரிட்டிஷ் நலன்களுக்காக) அந்தப் பங்கு என்னவாக இருக்கும் என்ற பிரிட்டிஷ் அச்சத்தின் பிரதிபலிப்பாகவும் இருந்தது. டையார்ச்சியுடனான சோதனை திருப்தியற்றதாக நிரூபிக்கப்பட்டது. இந்திய அரசியல்வாதிகளுக்கு ஒரு குறிப்பிட்ட ஏமாற்றம் என்னவென்றால், அவர்கள் பெயரளவிலான கட்டுப்பாட்டைப் பெற்ற பகுதிகளுக்கு கூட, "பர்ஸ் சரங்கள்" இன்னும் பிரிட்டிஷ் அதிகாரிகளின் கைகளில் இருந்தன.

1919 ஆம் ஆண்டு சட்டத்தில் இருந்து பத்து ஆண்டுகளுக்குப் பிறகு இந்தியாவின் அரசியலமைப்பு ஏற்பாடுகள் பற்றிய மறுஆய்வு நடத்தப்படும் என்பது நோக்கமாக இருந்தது. இந்த நிகழ்வில் , சைமன் கமிஷனால் மறுஆய்வு முன்சூட்டியே நடத்தப்பட்டது , அதன் அறிக்கை டைரிக்கியை அகற்றுவதையும், மாகாணங்களில் மிகப் பெரிய அளவிலான பொறுப்புள்ள அரசாங்கத்தை அறிமுகப்படுத்துவதையும் முன்மொழிந்தது . இந்த முன்மொழிவு பிரிட்டனில் சர்ச்சைக்குரியதாக இருந்தது , 1919 சட்டத்தின் முன்னுரையில் உள்ள வாக்குறுதியளிக்கப்பட்ட சுய-அரசு அமைப்பை நோக்கிய விருப்பம் , அளவு மற்றும் முன்னேற்றத்தின் வேகம் ஆகியவற்றில் பிரிட்டிஷ் மற்றும் இந்திய கருத்துக்களுக்கு இடையே வேகமாக விரிவடையும் இடைவெளியை நிரூபிக்கிறது.

சைமன் கமிஷன் இந்தியாவில் சாட்சியங்களை எடுத்திருந்தாலும் , அது அங்கு எதிர்ப்பைச் சந்தித்தது , அதன் முடிவுகளை காங்கிரஸ் (மிகப்பெரிய அரசியல் கட்சி) ஏற்கவில்லை . புதிய அரசியலமைப்பு கட்டமைப்பை உருவாக்குவதில் இந்தியர்களை முழுமையாக ஈடுபடுத்தும் முயற்சியில் , வட்டமேசை மாநாடுகளின் தொடர்பின்னர் 1930 களின் முற்பகுதியில் நடத்தப்பட்டது , சில நேரங்களில் இந்தியாவின் முக்கிய அரசியல் கட்சிகளின் பிரதிநிதிகள் மற்றும் சமஸ்தானங்களின் பிரதிநிதிகள் கலந்து கொண்டனர். பிரிட்டிஷ் இந்தியாவின் மாகாணங்கள் மற்றும் அதை ஒப்புக்கொள்ளத் தயாராக இருந்த சமஸ்தானங்களை உள்ளடக்கிய ஒரு கூட்டாட்சி அமைப்பு அறிமுகப்படுத்தப்பட வேண்டும் என்று கொள்கை அடிப்படையில் உடன்பாடு எட்டப்பட்டது. எவ்வாறாயினும், நடைமுறையில் கூட்டமைப்பு எவ்வாறு செயல்படும் என்பது பற்றிய முக்கியமான விவரங்களில் உடன்பாடு ஏற்படுவதைத் தடுப்பதில் காங்கிரஸுக்கும் முஸ்லிம் பிரதிநிதிகளுக்கும் இடையிலான பிளவு ஒரு முக்கிய காரணியாக நிரூபிக்கப்பட்டது.

லண்டனில் புதிய கன்சர்வேடிவ் -ஆதிக்கம் பெற்ற தேசிய அரசாங்கம் அதன் சொந்த முன்மொழிவுகளை (வெள்ளைத்தாள் , மார்ச் 1933) வரைவதில் தொடர முடிவு செய்தது .^[1] வின்ஸ்டன் சர்ச்சில் மற்றும் பிற பின்வரிசை கன்சர்வேடிவ்களின் பல எதிர்ப்புகளுக்கு மத்தியில் , லார்ட் லின்லித்கோ தலைமையிலான ஒரு கூட்டு நாடாளுமன்றத் தேர்வுக் குழு , ஏப்ரல் 1933 மற்றும் நவம்பர் 1934 க்கு இடையில் ஒன்றரை ஆண்டுகளுக்கு வெள்ளை அறிக்கை முன்மொழிவுகளை மதிப்பாய்வு செய்தது . கன்சர்வேடிவ் தலைவர் ஸ்டான்லி பால்ட்வின் ஆற்றிய உரைக்குப் பிறகு, டிசம்பரில் கூட்டுத் தேர்வுக் குழு அறிக்கைக்கு ஹவுஸ் ஆஃப் காமன்ஸ் ஒப்புதல் அளித்தது . , மசோதாவின் எதிர்ப்பாளர்களின் கொள்கை ரீதியான நிலைப்பாட்டை தாம் மதிப்பதாகவும் , தனது சொந்தக் கட்சியில் உள்ள உணர்வுகள்

நிரந்தரமாக மன உளைச்சலுக்கு ஆளாவதை தான் விரும்பவில்லை என்றும் குறிப்பிட்டார்.

வெள்ளை அறிக்கையின் அடிப்படையில் , இந்திய அரசு மசோதா உருவாக்கப்பட்டது. இது 473 உட்பிரிவுகள் மற்றும் 16 அட்டவணைகளைக் கொண்ட மிக நீளமானது , மேலும் விவாதங்களின் அறிக்கைகள் ஹன்சார்ட்டின் 4,000 பக்கங்களை எடுத்தன . கமிட்டி நிலையிலும் பின்னர் , பிடிவாதக்காரர்களை சமாதானப்படுத்த, "பாதுகாப்புகள்" பலப்படுத்தப்பட்டன , மேலும் மத்திய சட்டமன்றத்திற்கு (மத்திய சட்டமன்றத்தின் கீழ்சபை) மறைமுகத் தேர்தல்கள் மீண்டும் நடத்தப்பட்டன. இந்த மசோதாவின் மூன்றாம் வாசிப்பை எதிர்கட்சியான தொழிலாளர் கட்சி எதிர்த்தது , ஏனெனில் அதில் இந்தியாவுக்கான டொமினியன் அந்தஸ்து குறித்த குறிப்பிட்ட வாக்குறுதி எதுவும் இல்லை. இது ராயல் அசென்ட் பெற்று 2 ஆகஸ்ட் 1935 அன்று சட்டமாக நிறைவேற்றப்பட்டது : இந்த செயல்முறையின் விளைவாக , இந்திய அரசாங்கச் சட்டம் 1935, இந்தியக் கோரிக்கைகளை நிறைவேற்றும் நோக்கில் சில வழிகளில் செல்ல உத்தேசித்திருந்தாலும், மசோதாவின் விவரம் மற்றும் அதன் உள்ளடக்கங்களை உருவாக்குவதில் இந்திய ஈடுபாடு இல்லாமை ஆகிய இரண்டும் இந்தச் சட்டம் மந்தமான பதிலைச் சந்தித்தது. இந்தியாவில் சிறந்த , பிரிட்டனில் ஒரு குறிப்பிடத்தக்க உறுப்பு இன்னும் தீவிர நிரூபிக்கும் போது.

அம்சங்கள் பிரிட்டிஷ் நாடாளுமன்றச் சட்டங்கள் முன்னுரையைக் கொண்டிருப்பது வழக்கத்திற்கு மாறானதாக இருந்தபோதிலும் , இந்திய அரசுச் சட்டம் 1935 இலிருந்து ஒன்று இல்லாதது 1919 சட்டத்துடன் கடுமையாக முரண்படுகிறது, அந்தச் சட்டத்தின் பரந்த தத்துவம் இந்திய அரசியல் வளர்ச்சிக்கான நோக்கங்களை அமைக்கிறது. அந்தச் சட்டத்தின் முன்னுரை மேற்கோள் காட்டப்பட்டு , அதை மையமாக வைத்து , 20 ஆகஸ்ட் 1917 அன்று காமன்ஸ் சபையில் இந்திய வெளியுறவுச் செயலர் எட்வின் மாண்டேகுவின் அறிக்கையை மையமாகக் கொண்டது , இது "முற்போக்கான நோக்கத்துடன் சுய-ஆட்சி நிறுவனங்களின் படிப்படியான வளர்ச்சிக்கு உறுதியளிக்கிறது. பிரிட்டிஷ் சாம்ராஜ்யத்தின் ஒருங்கிணைந்த பகுதியாக

இந்தியாவில் பொறுப்பான அரசாங்கத்தை உணர்தல் "

டொமினியன்களுடன் (ஆஸ்திரேலியா , கனடா , நியூ ஃபவுண்ட்லாந்து , ஐரிஷ் ஃப்ரீ ஸ்டேட் , நியூசிலாந்து மற்றும் தென்னாப்பிரிக்கா ஒன்றியம்) அரசியலமைப்புச் சமத்துவத்தை அடைவதில் பிரிட்டிஷ் இந்தியாவை மையமாகக் கொண்டு இந்தியக் கோரிக்கைகள் இப்போது பிரிட்டிஷ் சாம்ராஜ்யத்திற்குள் முழுமையான சுயாட்சியைக் குறிக்கும். பிரிட்டிஷ் அரசியல் வட்டாரங்களில் உள்ள ஒரு முக்கிய

அங்கத்தினர், இந்தியர்கள் தங்கள் நாட்டை இந்த அடிப்படையில் நடத்தும் திறன் கொண்டவர்கள் என்று சந்தேகிக்கின்றனர் , மேலும் டொமினியன் அந்தஸ்து என்பது, ஒரு நீண்ட காலப் படிப்படியான அரசியலமைப்பு வளர்ச்சிக்குப் பிறகு , போதுமான "பாதுகாப்புகளுடன்" இலக்காகக் கொள்ளலாம்.

இந்திய மற்றும் பிரித்தானியக் கருத்துக்களுக்கு இடையேயும் அதற்குள்ளும் ஏற்பட்ட இந்த பதற்றம் 1935 சட்டத்தின் விகாரமான சமரசத்திற்கு வழிவகுத்தது. ஆச்சரியப்படத்தக்க வகையில் , இது ஆங்கிலேயர்களிடமிருந்து இன்னும் கலவையான செய்திகளாக இந்தியாவில் காணப்பட்டது , இது ஒரு மந்தமான அணுகுமுறையை பரிந்துரைக்கிறது மற்றும் மோசமான நிலையில் இந்திய ஆசைகளை திருப்திப்படுத்துவதற்கான "குறைந்தபட்ச தேவையான" அணுகுமுறையை பரிந்துரைக்கிறது.

'உரிமை மசோதா' இல்லை

அக்கால காமன்வெல்த் அரசியலமைப்புச் சட்டத்துடன் பொதுவாக , சட்டம் நிறுவுவதை நோக்கமாகக் கொண்ட புதிய அமைப்பில் "உரிமைகள் மசோதா" சேர்க்கப்படவில்லை. எவ்வாறாயினும், முன்மொழியப்பட்ட இந்தியாவின் கூட்டமைப்பு விஷயத்தில் , அத்தகைய உரிமைகளின் தொகுப்பை இணைப்பதில் மேலும் சிக்கல் இருந்தது , ஏனெனில் புதிய நிறுவனம் பெயரளவில் இறையாண்மை கொண்ட (பொதுவாக எதேச்சதிகார) சுதேச அரசுகளை உள்ளடக்கியிருக்கும் .

நேரு அறிக்கையின் வரைவு அரசியலமைப்பு உரிமைகள் மசோதாவை உள்ளடக்கியதால் , சிலரால் வேறுபட்ட அணுகுமுறை கருதப்பட்டது. அதிகப்படியான "பாதுகாப்புகள்" 1947 இல் இந்தியாவின் பிரிவினையின் போது , ஒப்பீட்டளவில் சில திருத்தங்களுடன் , சட்டம் இந்தியா மற்றும் பாகிஸ்தானின் செயல்படும் இடைக்கால அரசியலமைப்பாக மாறியது. இந்தச் சட்டம் மிகவும் விரிவானது மட்டுமின்றி , பிரிட்டிஷ் அரசின் பொறுப்புகள் மற்றும் நலன்களைப் பேண வேண்டியதன் அவசியத்தைக் காணும் போதெல்லாம் பிரிட்டிஷ் அரசாங்கம் தலையிடும் வகையில் வடிவமைக்கப்பட்ட பல "பாதுகாப்புகளையும்" உள்ளடக்கியது. இதை அடைவதற்காக , இந்திய அரசாங்கத்தின் நிறுவனங்களில் படிப்படியாக அதிகரித்து வரும் இந்தியமயமாக்கலை எதிர்கொள்ளும் வகையில் , சட்டம் பிரித்தானியரால் நியமிக்கப்பட்ட வைஸ்ராய் மற்றும் மாகாண ஆளுநர்களின் கைகளில் பாதுகாப்புகளின் பயன்பாடு மற்றும் உண்மையான நிர்வாகத்திற்கான முடிவை ஒருமுகப்படுத்தியது . இந்திய மாநில செயலாளரின் கட்டுப்பாட்டிற்கு உட்பட்டது .

'கவர்னர் ஜெனரல் தனது விருப்பப்படி அல்லது அவரது தனிப்பட்ட தீர்ப்பின்படி செயல்பட வேண்டிய மகத்தான அதிகாரங்கள் மற்றும்

பொறுப்புகளைக் கருத்தில் கொண்டு , அவர் (வைஸ்ராய்) ஒரு வகையான சூப்பர்மேன் என்று எதிர்பார்க்கப்படுகிறது. அவர் சாமர்த்தியம் , தைரியம் மற்றும் திறன் ஆகியவற்றைக் கொண்டிருக்க வேண்டும் மற்றும் கடின உழைப்புக்கான எல்லையற்ற திறனைக் கொண்டிருக்க வேண்டும். "இந்த மசோதாவில் பல பாதுகாப்புகளை நாங்கள் வைத்துள்ளோம்" , என்று சர் ராபர்ட் ஹாரன் கூறினார்... "ஆனால் அந்த பாதுகாப்புகள் அனைத்தும் ஒரு தனி நபரைப் பற்றியது , அதுதான் வைஸ்ராய். அவர்தான் ஒட்டுமொத்த அமைப்பின் லின்சுபின்... வைஸ்ராய் தோல்வியுற்றால், எதுவும் இல்லை. நீங்கள் அமைத்த கணினியை சேமிக்க முடியும்". இந்த பேச்சு , எப்போதாவது ஒரு தொழிற்கட்சி அரசாங்கத்தால் வைஸ்ராய் நியமிக்கப்படலாம் என்ற எதிர்பார்ப்பால் திகிலடைந்த கடினமான டோரிகளின் பார்வையை பிரதிபலித்தது.

கூட்டாட்சி பகுதி

சட்டத்தின் மாகாணப் பகுதியைப் போலன்றி , பாதி மாநிலங்கள் கூட்டாட்சிக்கு ஒப்புக்கொண்டால் மட்டுமே கூட்டாட்சிப் பகுதி நடைமுறைக்கு வரும். இந்த உடன்பாடு ஒருபோதும் எட்டப்படவில்லை , மேலும் இரண்டாம் உலகப் போர் வெடித்த பிறகு கூட்டமைப்பின் ஸ்தாபனம் காலவரையின்றி ஒத்திவைக்கப்பட்டது . இந்திய சுதந்திரச் சட்டம் 1947 இன் படி , இந்தியாவின் டொமினியன் மற்றும் பாகிஸ்தானின் டொமினியன் தொடர்பாக தனித்தனியாக மாற்றியமைக்கப்பட்ட வடிவத்தில் மட்டுமே சட்டத்தின் கூட்டாட்சி பகுதி நடைமுறைக்கு வந்தது .

விதிமுறைகள்

இந்தச் சட்டம் மையத்தில் இரட்டையர் ஆட்சியை வழங்குகிறது. பிரிட்டிஷ் அரசாங்கம், இந்தியாவின் கவர்னர் ஜெனரல் (இந்தியாவின் வைஸ்ராய்) மூலம், இந்தியாவின் மாநிலச் செயலாளரின் நபராக , இந்தியாவின் நிதிக் கடமைகள், பாதுகாப்பு, வெளியுறவு மற்றும் பிரிட்டிஷ் இந்திய இராணுவத்தை தொடர்ந்து கட்டுப்படுத்தும். இந்திய ரிசர்வ் வங்கிக்கான முக்கிய நியமனங்கள்(மாற்று விகிதங்கள்) மற்றும் ரயில்வே வாரியம் மற்றும் சட்டம் கவர்னர் ஜெனரலின் ஒப்புதல் இல்லாமல் மத்திய சட்டமன்றத்தில் நிதி மசோதாவை வைக்க முடியாது என்று நிபந்தனை விதித்தது. பிரிட்டிஷ் பொறுப்புகள் மற்றும் வெளிநாட்டுக் கடமைகளுக்கான நிதியுதவி (எ.கா. கடன் திருப்பிச் செலுத்துதல் , ஓய்வூதியம்), கூட்டாட்சி செலவினங்களில் குறைந்தபட்சம் 80 சதவீதம், வாக்களிக்க முடியாததாக இருக்கும் மற்றும் (உதாரணமாக) சமூகத்திற்கான எந்தவொரு கோரிக்கையும் பரிசீலிக்கப்படுவதற்கு முன்பு மேலே எடுத்துக்கொள்ளப்படும். அல்லது பொருளாதார வளர்ச்சி திட்டங்கள். வைஸ்ராய், இந்திய மாநிலச் செயலாளரின் மேற்பார்வையின் கீழ் , கோட்பாட்டளவில், அவரை

எதேச்சதிகாரமாக ஆட்சி செய்ய அனுமதிக்கக்கூடிய , மேலெழுந்து மற்றும் சான்றளிக்கும் அதிகாரங்கள் வழங்கப்பட்டன.

நோக்கங்கள்

சட்டத்தின் கூட்டாட்சி பகுதி கன்சர்வேடிவ் கட்சியின் நோக்கங்களை சந்திக்க வடிவமைக்கப்பட்டுள்ளது. மிக நீண்ட காலமாக , கன்சர்வேடிவ் தலைமை இந்தச் சட்டம் பெயரளவிலான ஆதிக்க நிலையை இந்தியாவுக்கு இட்டுச் செல்லும் என்று எதிர்பார்த்தது , கண்ணோட்டத்தில் பழமைவாதமானது , இந்து இளவரசர்கள் மற்றும் வலதுசாரி இந்துக்களின் கூட்டணியால் ஆதிக்கம் செலுத்தப்பட்டு வழிகாட்டுதல் மற்றும் பாதுகாப்பின் கீழ் தன்னை நிலைநிறுத்திக் கொள்ளும். ஐக்கிய இராச்சியத்தின். நடுத்தர காலத்தில் , சட்டம் எதிர்பார்க்கப்பட்டது (முக்கியத்துவத்தின் தோராயமான வரிசையில்):

" மிதவாத தேசியவாத இந்து மற்றும் முஸ்லீம் ஆதரவைப் பெறுவதற்கு மையத்தில் அது போதுமானதாக இருந்தது. உண்மையில், பிரிட்டிஷ் இந்தியாவில் உள்ள அனைத்து குறிப்பிடத்தக்க குழுக்களும் முன்மொழியப்பட்ட கூட்டமைப்பை நிராகரித்து கண்டனம் செய்யும் அளவுக்கு மிகக் குறைவாகவே வழங்கப்பட்டது. உண்மையில் கணிசமான அடிப்படையைக் கொண்டிருந்த பிரிட்டிஷ் நோக்கங்களின் மீதான நம்பிக்கையின்மை ஒரு முக்கிய பங்களிப்பாகும். இந்த முக்கியமான பகுதியில் சட்டம் இரவின் சோதனையில் தோல்வியடைந்தது: 'நான் நம்பவில்லை... இந்தியக் கண்ணோட்டத்தில் கடையின் ஜன்னலை மரியாதைக்குரியதாகக் காட்டுவது போன்ற ஒரு வடிவில் சிக்கலை முன்வைப்பது சாத்தியமில்லை , உண்மையில் உங்கள் கைகளை மிகவும் உறுதியாக வைத்திருக்கும் போது அவர்கள் கவலைப்படுவது இதுதான். பரந்த வாக்காளர்கள் காங்கிரஸுக்கு எதிராகத் திரும்புவார்கள் . உண்மையில், 1937 தேர்தல்கள் இந்து வாக்காளர்கள் மத்தியில் காங்கிரசுக்கு அமோக ஆதரவைக் காட்டியது.

- இந்திய அரசியல்வாதிகளுக்கு மாகாண மட்டத்தில் பெரும் அதிகாரத்தை வழங்குவதன் மூலம் , அவர்களுக்கு மத்தியில் பொறுப்பை மறுத்து , ஒரே தேசியக் கட்சியான காங்கிரஸானது , மாகாணசபைகளின் தொடர்ச்சியாக சிதைந்துவிடும் என்று நம்பப்பட்டது . உண்மையில், காங்கிரஸின் உயர் கட்டளையானது மாகாண அமைச்சுகளைக் கட்டுப்படுத்தவும் , 1939 இல் அவர்களது ராஜினாமாவை கட்டாயப்படுத்தவும் முடிந்தது. இந்தச் சட்டம் காங்கிரஸின் வலிமையையும் ஒற்றுமையையும் காட்டியது மற்றும் அநேகமாக அதை வலுப்படுத்தியது. காங்கிரஸானது சில சமயங்களில் போட்டியிடும் நலன்கள் மற்றும் குழுக்களில் அதன் ஆதரவைக்

கொண்டிருக்கவில்லை என்பதை இது குறிக்கவில்லை. மாறாக, 1939 ஆம் ஆண்டு காங்கிரஸ் மாகாண அமைச்சுக்கள் வலுக்கட்டாயமாக ராஜினாமா செய்தாலும், நிராகரிக்கப்பட்டாலும், பிரிட்டிஷ் ராஜ் போலல்லாமல் , இந்தக் குழுக்களில் பெரும்பாலானவற்றின் ஒத்துழைப்பையும் ஆதரவையும் தக்கவைத்துக்கொள்ள காங்கிரஸின் திறனை அங்கீகரிக்கிறது. கிரிப்ஸ் ஆஃபர் 1942 இல், இதற்கு எதிர்மறையான கொள்கை தேவைப்பட்டது , இது நீண்ட காலத்திற்கு , ஒன்றுபட்ட மற்றும் ஜனநாயகம் கொண்ட சுதந்திர இந்தியாவுக்கான வாய்ப்புகளுக்கு தீங்கு விளைவிக்கும்.

பிரிட்டிஷ் அரசாங்கம் லின்லித்கோ பிரபுவை புதிய வைஸ்ராயாக அனுப்பியது . லின்லித்கோ புத்திசாலி , மிகவும் கடின உழைப்பாளி , நேர்மையானவர், தீவிரமானவர் மற்றும் சட்டத்தின் மூலம் வெற்றி பெற வேண்டும் என்பதில் உறுதியாக இருந்தார். இருப்பினும், அவர் கற்பனை செய்யாதவராகவும் , துணிச்சலானவராகவும், சட்டப்பூர்வமானவராகவும் இருந்தார் , மேலும் அவரது நெருங்கிய வட்டத்திற்கு வெளியே உள்ளவர்களுடன் "விதிமுறைகளைப் பெறுவது" மிகவும் கடினமாக இருந்தது.

1937 இல், மாகாணசபைத் தேர்தல்கள் நடைபெற்ற பின்னர் , மாகாண சுயாட்சி தொடங்கியது. அப்போதிருந்து 1939 இல் போர் அறிவிக்கப்படும் வரை, லின்லித்கோ, கூட்டமைப்பைத் தொடங்குவதற்கு போதுமான இளவரசர்களைப் பெற அயராது முயன்றார். இதில், அவர் உள்நாட்டில் இருந்து பலவீனமான ஆதரவை மட்டுமே பெற்றார், இறுதியில், இளவரசர்கள் கூட்டமைப்பை *மொத்தமாக* நிராகரித்தனர் . செப்டம்பர் 1939 இல், லின்லித்கோ இந்தியா ஜெர்மனியுடன் போரிடுவதாக அறிவித்தார். லின்லித்கோவின் நடத்தை அரசியலமைப்பு ரீதியாக சரியானது என்றாலும், வைஸ்ராய் அத்தகைய முக்கியமான முடிவை எடுப்பதற்கு முன் இந்திய மக்களால் தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகளை கலந்தாலோசிக்கவில்லை என்பது இந்தியக் கருத்துக்களுக்குப் புண்படுத்துவதாக இருந்தது. இது காங்கிரஸ் மாகாண அமைச்சர்கள் நேரடியாக ராஜினாமா செய்ய வழிவகுத்தது. 1939 முதல், லின்லித்கோ போர் முயற்சியை ஆதரிப்பதில் கவனம் செலுத்தினார்.



Regulating Act 1773

The **Regulating Act 1773** (formally, the **East India Company Act 1772**) was an Act of the Parliament of Great Britain intended to overhaul the management of the East India Company's rule in India.^[1] The Act did not prove to be a long-term solution to concerns over the company's affairs; Pitt's India Act was therefore subsequently enacted in 1784 as a more radical reform. It marked the first step towards parliamentary control over the company and centralized administration in India.

Background

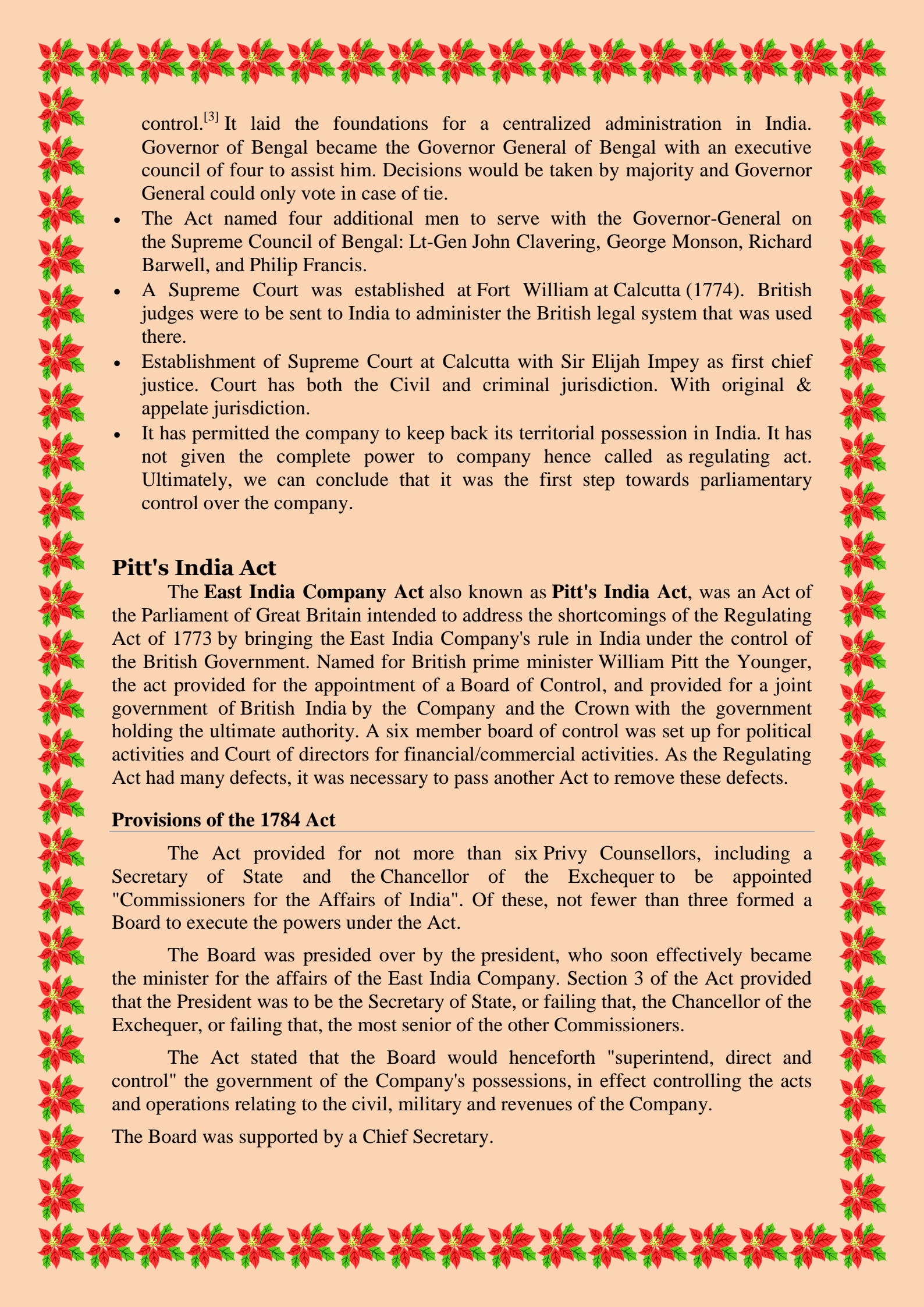
By 1773, the East India Company was in dire financial straits. The company was important to the British Empire because it was a monopoly trading company in India and in the east and many influential people were shareholders. The Company paid £40,000 (the present-day (2015) equivalent is £46.1 million) annually to the government to maintain the monopoly but had been unable to meet its commitments since 1768 because of the loss of tea sales to America. About 85% of all the tea in America was smuggled Dutch tea. The East India Company owed money to both the Bank of England and the government: it had 15 million lbs (6.8 million kg) of tea rotting in British warehouses and more en route from India. The Regulating Act 1773, was complemented by the Tea Act 1773, which had a principal objective that was to reduce the massive amount of tea held by the financially troubled British East India Company in its London warehouses and to help the financially struggling company survive.

Lord North decided to overhaul the management of the India Company with the Regulating Act. This was the first step to the eventual government control of India. The Act set up a system whereby it supervised (regulated) the work of the East India Company.

The company had taken over large areas of India for trading purposes and had an army to protect its interests. Company men were not trained to govern so North's government began moves towards government control since India was of national importance. Shareholders in the Company opposed the Act. The East India Company was still a powerful lobbying group in Parliament in spite of its financial problems.

Provisions of the Regulating Act

- The Act limited Company dividends to 6% until it repaid a £1.5m loan (passed by an accompanying act, 13 Geo. 3 c. 64) and restricted the Court of Directors to four-year terms.
- First step taken by the British government to regulate and control the company's affairs in India.
- It prohibited the servants of company from engaging in any private trade or accepting presents or bribes from the "natives".
- The Act elevated Governor of Bengal, Warren Hastings to Governor-General of Bengal and subsumed the presidencies of Madras and Bombay under Bengal's



control.^[3] It laid the foundations for a centralized administration in India. Governor of Bengal became the Governor General of Bengal with an executive council of four to assist him. Decisions would be taken by majority and Governor General could only vote in case of tie.

- The Act named four additional men to serve with the Governor-General on the Supreme Council of Bengal: Lt-Gen John Clavering, George Monson, Richard Barwell, and Philip Francis.
- A Supreme Court was established at Fort William at Calcutta (1774). British judges were to be sent to India to administer the British legal system that was used there.
- Establishment of Supreme Court at Calcutta with Sir Elijah Impey as first chief justice. Court has both the Civil and criminal jurisdiction. With original & appellate jurisdiction.
- It has permitted the company to keep back its territorial possession in India. It has not given the complete power to company hence called as regulating act. Ultimately, we can conclude that it was the first step towards parliamentary control over the company.

Pitt's India Act

The **East India Company Act** also known as **Pitt's India Act**, was an Act of the Parliament of Great Britain intended to address the shortcomings of the Regulating Act of 1773 by bringing the East India Company's rule in India under the control of the British Government. Named for British prime minister William Pitt the Younger, the act provided for the appointment of a Board of Control, and provided for a joint government of British India by the Company and the Crown with the government holding the ultimate authority. A six member board of control was set up for political activities and Court of directors for financial/commercial activities. As the Regulating Act had many defects, it was necessary to pass another Act to remove these defects.

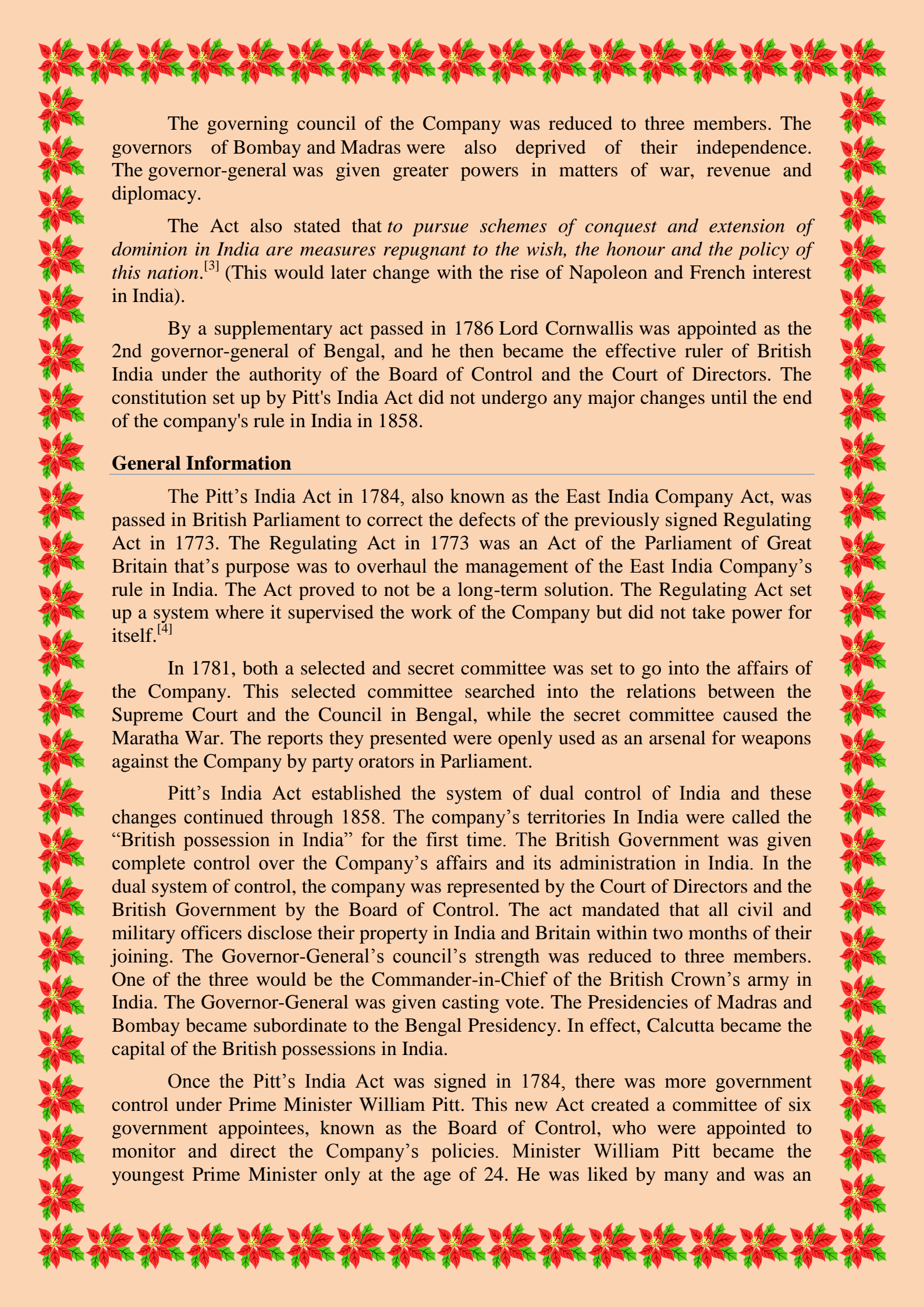
Provisions of the 1784 Act

The Act provided for not more than six Privy Counsellors, including a Secretary of State and the Chancellor of the Exchequer to be appointed "Commissioners for the Affairs of India". Of these, not fewer than three formed a Board to execute the powers under the Act.

The Board was presided over by the president, who soon effectively became the minister for the affairs of the East India Company. Section 3 of the Act provided that the President was to be the Secretary of State, or failing that, the Chancellor of the Exchequer, or failing that, the most senior of the other Commissioners.

The Act stated that the Board would henceforth "superintend, direct and control" the government of the Company's possessions, in effect controlling the acts and operations relating to the civil, military and revenues of the Company.

The Board was supported by a Chief Secretary.



The governing council of the Company was reduced to three members. The governors of Bombay and Madras were also deprived of their independence. The governor-general was given greater powers in matters of war, revenue and diplomacy.

The Act also stated that *to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour and the policy of this nation.*^[3] (This would later change with the rise of Napoleon and French interest in India).

By a supplementary act passed in 1786 Lord Cornwallis was appointed as the 2nd governor-general of Bengal, and he then became the effective ruler of British India under the authority of the Board of Control and the Court of Directors. The constitution set up by Pitt's India Act did not undergo any major changes until the end of the company's rule in India in 1858.

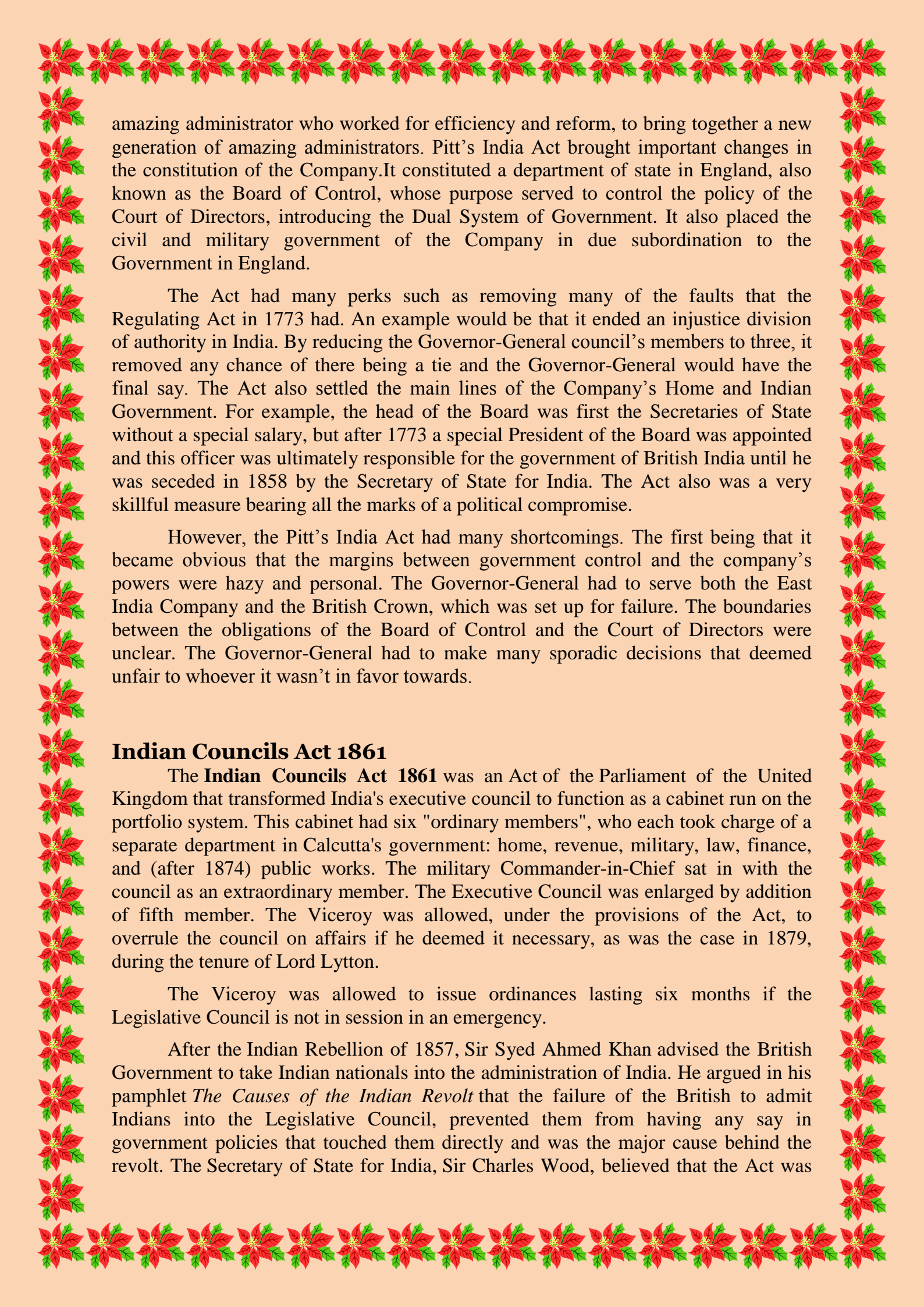
General Information

The Pitt's India Act in 1784, also known as the East India Company Act, was passed in British Parliament to correct the defects of the previously signed Regulating Act in 1773. The Regulating Act in 1773 was an Act of the Parliament of Great Britain that's purpose was to overhaul the management of the East India Company's rule in India. The Act proved to not be a long-term solution. The Regulating Act set up a system where it supervised the work of the Company but did not take power for itself.^[4]

In 1781, both a selected and secret committee was set to go into the affairs of the Company. This selected committee searched into the relations between the Supreme Court and the Council in Bengal, while the secret committee caused the Maratha War. The reports they presented were openly used as an arsenal for weapons against the Company by party orators in Parliament.

Pitt's India Act established the system of dual control of India and these changes continued through 1858. The company's territories in India were called the "British possession in India" for the first time. The British Government was given complete control over the Company's affairs and its administration in India. In the dual system of control, the company was represented by the Court of Directors and the British Government by the Board of Control. The act mandated that all civil and military officers disclose their property in India and Britain within two months of their joining. The Governor-General's council's strength was reduced to three members. One of the three would be the Commander-in-Chief of the British Crown's army in India. The Governor-General was given casting vote. The Presidencies of Madras and Bombay became subordinate to the Bengal Presidency. In effect, Calcutta became the capital of the British possessions in India.

Once the Pitt's India Act was signed in 1784, there was more government control under Prime Minister William Pitt. This new Act created a committee of six government appointees, known as the Board of Control, who were appointed to monitor and direct the Company's policies. Minister William Pitt became the youngest Prime Minister only at the age of 24. He was liked by many and was an



amazing administrator who worked for efficiency and reform, to bring together a new generation of amazing administrators. Pitt's India Act brought important changes in the constitution of the Company. It constituted a department of state in England, also known as the Board of Control, whose purpose served to control the policy of the Court of Directors, introducing the Dual System of Government. It also placed the civil and military government of the Company in due subordination to the Government in England.

The Act had many perks such as removing many of the faults that the Regulating Act in 1773 had. An example would be that it ended an injustice division of authority in India. By reducing the Governor-General council's members to three, it removed any chance of there being a tie and the Governor-General would have the final say. The Act also settled the main lines of the Company's Home and Indian Government. For example, the head of the Board was first the Secretaries of State without a special salary, but after 1773 a special President of the Board was appointed and this officer was ultimately responsible for the government of British India until he was succeeded in 1858 by the Secretary of State for India. The Act also was a very skillful measure bearing all the marks of a political compromise.

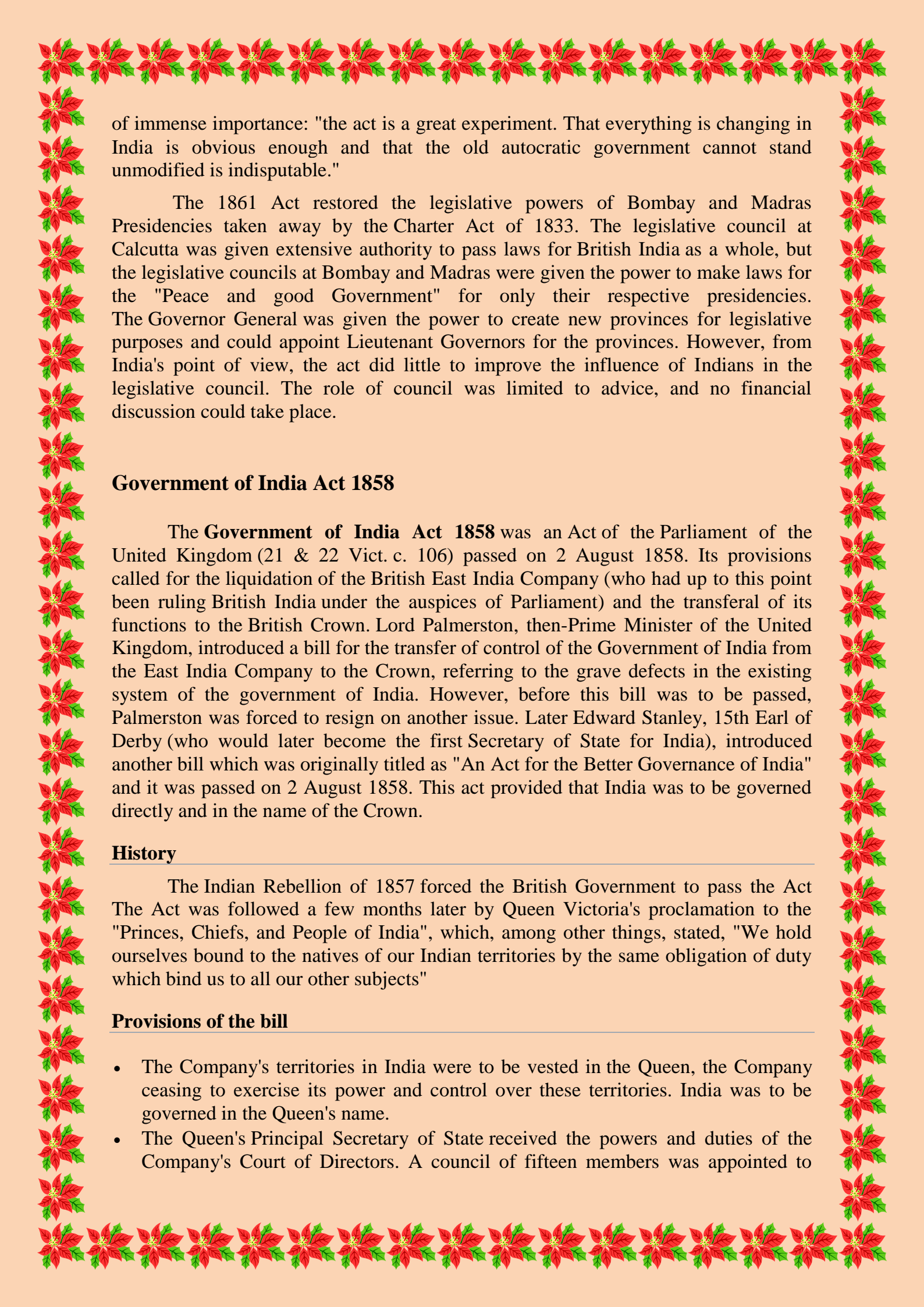
However, the Pitt's India Act had many shortcomings. The first being that it became obvious that the margins between government control and the company's powers were hazy and personal. The Governor-General had to serve both the East India Company and the British Crown, which was set up for failure. The boundaries between the obligations of the Board of Control and the Court of Directors were unclear. The Governor-General had to make many sporadic decisions that deemed unfair to whoever it wasn't in favor towards.

Indian Councils Act 1861

The **Indian Councils Act 1861** was an Act of the Parliament of the United Kingdom that transformed India's executive council to function as a cabinet run on the portfolio system. This cabinet had six "ordinary members", who each took charge of a separate department in Calcutta's government: home, revenue, military, law, finance, and (after 1874) public works. The military Commander-in-Chief sat in with the council as an extraordinary member. The Executive Council was enlarged by addition of fifth member. The Viceroy was allowed, under the provisions of the Act, to overrule the council on affairs if he deemed it necessary, as was the case in 1879, during the tenure of Lord Lytton.

The Viceroy was allowed to issue ordinances lasting six months if the Legislative Council is not in session in an emergency.

After the Indian Rebellion of 1857, Sir Syed Ahmed Khan advised the British Government to take Indian nationals into the administration of India. He argued in his pamphlet *The Causes of the Indian Revolt* that the failure of the British to admit Indians into the Legislative Council, prevented them from having any say in government policies that touched them directly and was the major cause behind the revolt. The Secretary of State for India, Sir Charles Wood, believed that the Act was



of immense importance: "the act is a great experiment. That everything is changing in India is obvious enough and that the old autocratic government cannot stand unmodified is indisputable."

The 1861 Act restored the legislative powers of Bombay and Madras Presidencies taken away by the Charter Act of 1833. The legislative council at Calcutta was given extensive authority to pass laws for British India as a whole, but the legislative councils at Bombay and Madras were given the power to make laws for the "Peace and good Government" for only their respective presidencies. The Governor General was given the power to create new provinces for legislative purposes and could appoint Lieutenant Governors for the provinces. However, from India's point of view, the act did little to improve the influence of Indians in the legislative council. The role of council was limited to advice, and no financial discussion could take place.

Government of India Act 1858

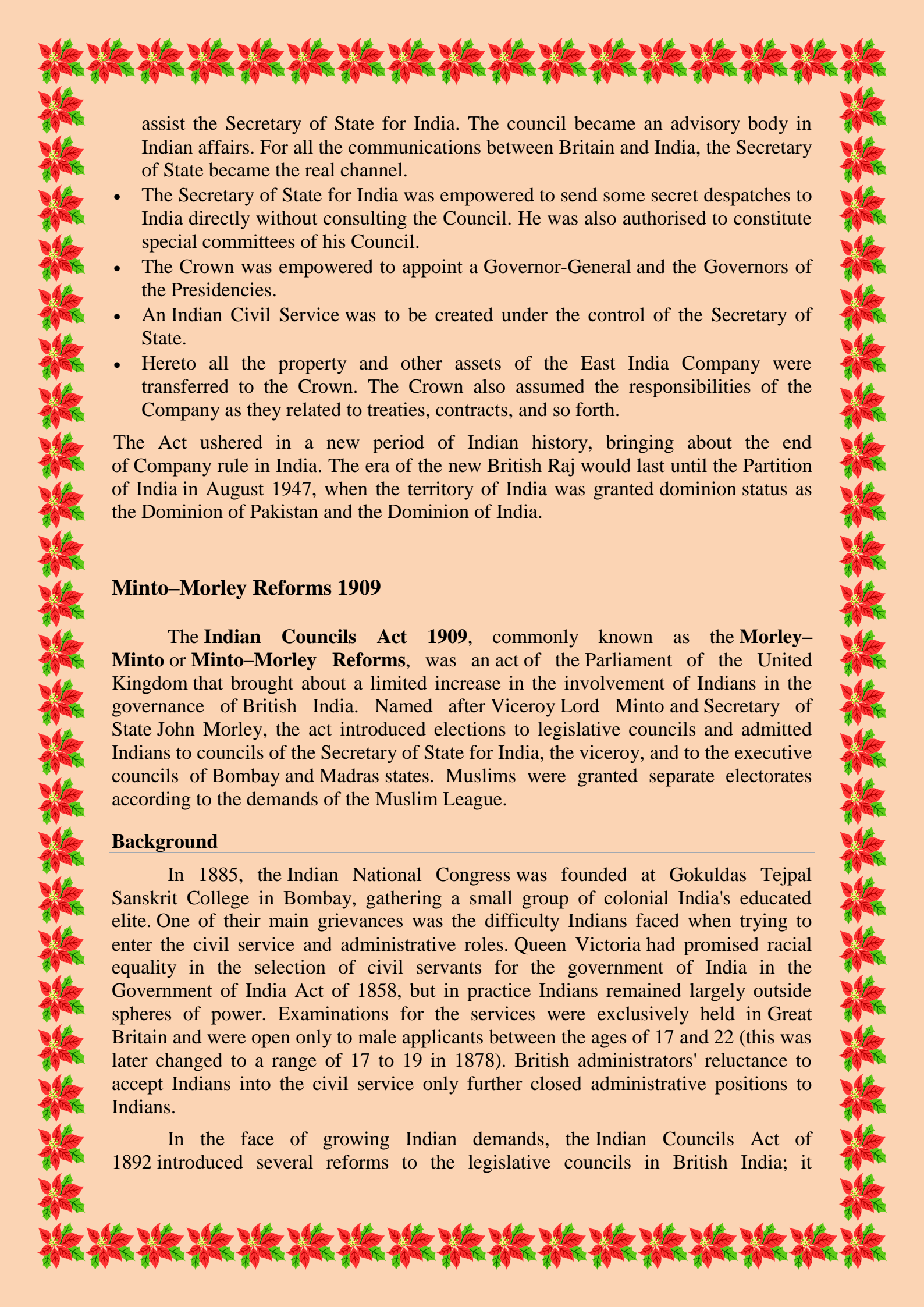
The **Government of India Act 1858** was an Act of the Parliament of the United Kingdom (21 & 22 Vict. c. 106) passed on 2 August 1858. Its provisions called for the liquidation of the British East India Company (who had up to this point been ruling British India under the auspices of Parliament) and the transfer of its functions to the British Crown. Lord Palmerston, then-Prime Minister of the United Kingdom, introduced a bill for the transfer of control of the Government of India from the East India Company to the Crown, referring to the grave defects in the existing system of the government of India. However, before this bill was to be passed, Palmerston was forced to resign on another issue. Later Edward Stanley, 15th Earl of Derby (who would later become the first Secretary of State for India), introduced another bill which was originally titled as "An Act for the Better Governance of India" and it was passed on 2 August 1858. This act provided that India was to be governed directly and in the name of the Crown.

History

The Indian Rebellion of 1857 forced the British Government to pass the Act. The Act was followed a few months later by Queen Victoria's proclamation to the "Princes, Chiefs, and People of India", which, among other things, stated, "We hold ourselves bound to the natives of our Indian territories by the same obligation of duty which bind us to all our other subjects"

Provisions of the bill

- The Company's territories in India were to be vested in the Queen, the Company ceasing to exercise its power and control over these territories. India was to be governed in the Queen's name.
- The Queen's Principal Secretary of State received the powers and duties of the Company's Court of Directors. A council of fifteen members was appointed to



assist the Secretary of State for India. The council became an advisory body in Indian affairs. For all the communications between Britain and India, the Secretary of State became the real channel.

- The Secretary of State for India was empowered to send some secret despatches to India directly without consulting the Council. He was also authorised to constitute special committees of his Council.
- The Crown was empowered to appoint a Governor-General and the Governors of the Presidencies.
- An Indian Civil Service was to be created under the control of the Secretary of State.
- Hereto all the property and other assets of the East India Company were transferred to the Crown. The Crown also assumed the responsibilities of the Company as they related to treaties, contracts, and so forth.

The Act ushered in a new period of Indian history, bringing about the end of Company rule in India. The era of the new British Raj would last until the Partition of India in August 1947, when the territory of India was granted dominion status as the Dominion of Pakistan and the Dominion of India.


Minto–Morley Reforms 1909

The **Indian Councils Act 1909**, commonly known as the **Morley–Minto** or **Minto–Morley Reforms**, was an act of the Parliament of the United Kingdom that brought about a limited increase in the involvement of Indians in the governance of British India. Named after Viceroy Lord Minto and Secretary of State John Morley, the act introduced elections to legislative councils and admitted Indians to councils of the Secretary of State for India, the viceroy, and to the executive councils of Bombay and Madras states. Muslims were granted separate electorates according to the demands of the Muslim League.

Background

In 1885, the Indian National Congress was founded at Gokuldas Tejpal Sanskrit College in Bombay, gathering a small group of colonial India's educated elite. One of their main grievances was the difficulty Indians faced when trying to enter the civil service and administrative roles. Queen Victoria had promised racial equality in the selection of civil servants for the government of India in the Government of India Act of 1858, but in practice Indians remained largely outside spheres of power. Examinations for the services were exclusively held in Great Britain and were open only to male applicants between the ages of 17 and 22 (this was later changed to a range of 17 to 19 in 1878). British administrators' reluctance to accept Indians into the civil service only further closed administrative positions to Indians.

In the face of growing Indian demands, the Indian Councils Act of 1892 introduced several reforms to the legislative councils in British India; it



expanded the number of members in the central and provincial councils, and permitted universities and other bodies in India to recommend and elect representatives. However, the government continued to approve many bills despite strong Indian opposition; additionally, it did not give members control over the budget, as they were only allowed to debate it, not vote on it. Unhappy with such minor concessions, many Indian National Congress members blamed the lack of progress on the Congress's moderate strategy and agitated for a more assertive strategy against the British.

After the Liberal Party's victory in the 1906 general election, liberal philosopher John Morley became the Secretary of State for India; Morley strove to implement the equality of opportunity promised in 1892, but also wished to 'rally the moderates' against a rising wave of radical nationalists and political terrorism. In May and June 1906, Morley and the moderate Congress leader Gokhale discussed the Congress's demands for reforming the Secretary of State's Council, the executive councils of the viceroy and governors, and the legislative councils. On July 1906, during a speech on the Indian Budget in the House of Commons, Morley announced that he would consider proposals on reform. This spurred leaders of the Muslim League to send the Simla Deputation to advocate for Muslim interests.

Advocation of separate Muslim electorates


On October 1, 1906, Minto received the deputation from the newly founded Muslim League, which comprised numerous Muslims from all Indian provinces except for the Northwest Frontier. The Muslim League was founded to prevent the rise of an emergence of a Hindu dominated political system, and made a number of demands to Minto. They argued that the special interests of Muslims must be maintained, and pushed for the separate election of Muslims to the provincial councils and requiring the election of a sufficient number of Muslims to the Imperial Legislative Council to avoid reducing Muslims to an insignificant minority. Minto encouraged the foundation of the League as a rival organization to the Indian National Congress, and promised to the deputation that they would give consideration to Muslim demands.

Like the Muslim League, British administrators also sought to prevent the rise of an Indian majority in the legislature, and persuaded Minto of the danger of Muslim discontent to British rule and that the League's demands were representative of most Indian Muslims' wishes.

Morley expressed a desire for reconciliation between territorial representation and Muslim demands, but with the support of Herbert Risley, the Home Secretary, separate Muslim electorates were successfully implemented in the final plan. This sympathy to the Muslim League led to the false suspicion that the 1906 deputation had been invited by the viceroy, rather than simply received.

Morley–Minto Reforms

The Act itself conferred some political reforms. Both central and provincial legislative councils were increased in size and had their memberships expanded. Local bodies



would elect an electoral college, which in turn would elect the members of provincial legislatures, who in turn would elect members of the central legislature. Under the Act, Muslim members were to be elected by only Muslim voters, dividing the electorate.

Previously, provincial councils had a majority of their members appointed from civil service officials, referred to as an "Official Majority"; with the passage of the act, this system was lifted. However, an official majority was retained on the Central Legislative Council.

The elected Indians were allowed to table resolutions, debate budgetary matters, and ask supplementary questions, which they were previously prevented from doing so. Nevertheless, they were not permitted to discuss foreign policy or relations with the princely states were. The British executive also retained an absolute veto over all legislation.

Reaction and legacy


After the passage of the Act, Morley appointed two Indian members to his council Whitehall, and also persuaded the viceroy Lord Minto to appoint the first Indian member to the viceroy's Executive Council, Satyendra P. Sinha. Though the Act did increase Indian participation in the legislative councils, the Act did nothing to address the Indian National Congress's demands for colonial self-government. The introduction of separate electorates for Muslims was viewed by the Congress as an imperial attempt at control through an elective policy of divide-and-rule. The First World War substantially changed Indian expectations for representation, with India providing substantial support for the British war effort in men, material, and money. India's sacrifice led to stronger demands, which would result in Indian Secretary Edwin Montagu announcing further constitutional reforms towards responsible government in 1917,^[11] eventually leading to the Montagu–Chelmsford Reforms and the Government of India Act 1919.

Constitutional Development of India

Constitutional Development of India is a detailed analysis of how the Constitution of India has evolved from the past to the current. This article helps one to briefly understand the Development of Indian Constitution starting from Regulating Act of 1773 till the time when the Constitution of India came into effect in 1950.

The origin and growth of the Indian Constitution have its roots in Indian history during the British period. From 1773 onwards, various Acts were passed by the British Government for the governance of India. None of them, however, satisfied Indian aspirations mainly because they were imposed by the alien rulers.

The period of historical British Constitutional experiments in India can be divided into two phases:

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1. **Phase 1-** Constitutional experiment during the rule of the East India Company (1773-1857)
 2. **Phase 2 –** Constitutional experiments under the British Crown (1857-1947)

Constitutional Development – East India Company Rule (1773 – 1857)

From 1757 to 1857, 5 major laws were created to regulate the functioning of British East India Company and to help them rule over India. The details of these 5 Acts are mentioned below.

Regulating Act of 1773


The process of Centralization in India was initiated through the Regulating Act of 1773.

1. This is the first Act passed by the British Parliament to control and regulate the affairs of the East India Company in India.
2. As per this Act, the Governor of Bengal was made the Governor-General.
3. Warren Hastings was the first Governor-General of India.
4. This Act made Governors of Bombay and Madras subordinate to the Governor of Bengal.
5. The Governor-General was given the power to make rules and regulations.
6. The Governor-General was assisted by a Council of 4 members.
7. The number of Directors in the Company was fixed at 4.
8. The Governor-General had to follow the orders of the Directors of the Company.
9. Revenue of the company should be reported by The Court of Directors, who were the governing body of the company
10. A Supreme Court was established at Calcutta in 1774, as per the provisions of Regulating Act 1773.
11. The Supreme Court had a Chief Justice and 3 Assistant Judges.

Pitts India Act of 1784

In the Constitutional history of India, this Act brought in many significant changes.

1. As per this Act of 1784, the territories of East India Company was called as the “British Possessions in India”
2. As per this Act, a joint Government of British India run by the Crown and Company was established. The government had the ultimate power and authority.

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3. A Court of Directors was formed for Commercial Operations and 6 member Board of Control were appointed for Political affairs as per provisions of Pitts India Act 1784.
 4. Governor General's Council was reduced from 4 members to 3 members.
 5. Governors Councils were established in Bombay and Madras.

Charter Act of 1813

1. It brought an end to the monopoly of East India Company, over trade with India.
2. Trade with India was opened for all British Citizens with the exception of Tea Trade.

Learn more about the Charter Act of 1813 in the given link.

Charter Act of 1833

1. Governor-General of Bengal became the Governor-General of India.
2. Lord William Bentick was the 1st Governor-General of India.
3. East India Company ended as a mere administrative body, it was no longer a commercial body.
4. The Governor-General was given full control over revenue, civil and military.
5. Charter Act of 1833 was the final step in the Process of Centralization in India, a process that began with the Regulating Act of 1773.

Charter Act of 1853

1. Civil Service Examination was introduced. It was a competitive examination for recruitment into the civil services.
2. Executive and Legislative functions of the Governor-General were separated.
3. This Act provided for the addition of 6 new members to the Legislative Council, 4 members were appointed by Provisional Governments of Bengal, Bombay, Madras and Agra.
4. As per provisions of Charter Act of 1853 Governor General's Legislative Council came to be known as the Central Legislative Council.
5. The Central Legislative Council started functioning as a Mini-Parliament. It adopted the same procedures of the British Parliament.

Constitutional Development – Rule under the British Crown (1857-1947)

This begins the 2nd phase of the Constitutional development under the British Crown.



Government of India Act of 1858

1. Government of India Act of 1858 passed by British Parliament, brought an end to the rule of East India Company. The powers were transferred to the British Crown.
2. The Secretary of State for India was given the powers and duties of the former Court of Directors. He Controlled the Indian Administration through the Viceroy of India.
3. The Secretary of State for India was assisted by the Council of India. This Council had 15 members. The Council was an advisory body.
4. Governor-General of India was made the Viceroy of India.
5. Lord Canning was the 1st Viceroy of India.

Indian Council Act of 1861

1. Indians were nominated as non-official members for the 1st time in the Legislative Council of Viceroy.
2. Legislative Councils were established in Provinces and Centre.
3. Legislative powers of the Provinces of Bombay and Madras were restored.
4. Legislative Councils were started in the Provinces of Punjab, North-Western Frontier Province (NWFP), Bengal.

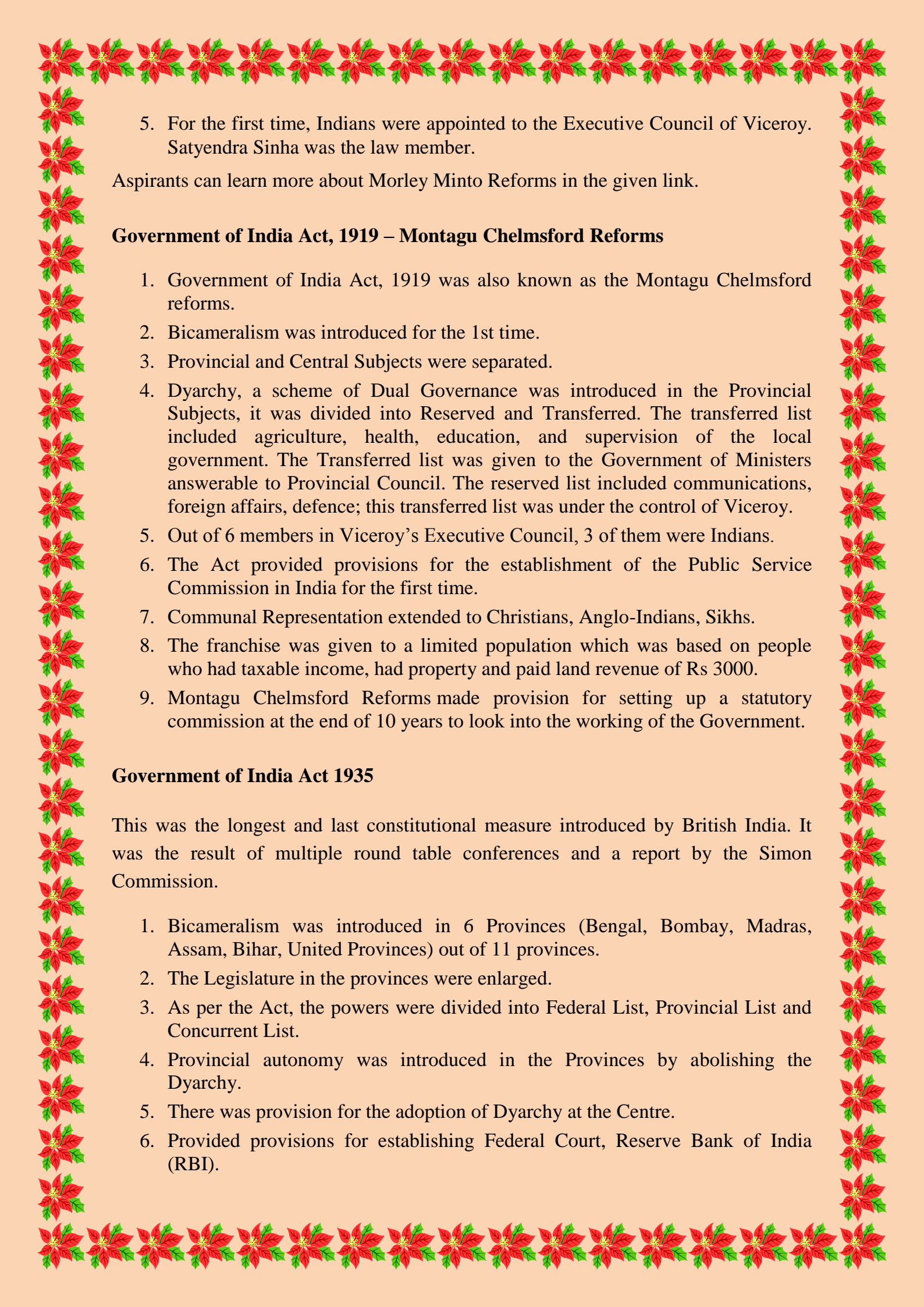
For more information on the Indian Council Act of 1861, visit the given link.

Indian Council Act of 1892

1. The size of the Legislative Council was increased.
2. The Legislative Council was given more power, they had the power to deliberate on the Budget and could pose questions to the Executive.
3. Indirect elections were introduced for the 1st time.
4. The Principal of Representation was introduced as per provisions given in the Indian Council Act of 1892.

Indian Councils Act, 1909 – Morley Minto Reforms

1. Indian Councils Act of 1909 is commonly known as Morley Minto Reforms.
2. For the 1st time, Direct elections were introduced for the Legislative Councils.
3. The Central Legislative Council was renamed as the Imperial Legislative Council.
4. The Communal representation system was introduced by giving separate electorate. It was a system where seats were reserved only for Muslims and only Muslims would be polled.

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5. For the first time, Indians were appointed to the Executive Council of Viceroy. Satyendra Sinha was the law member.

Aspirants can learn more about Morley Minto Reforms in the given link.

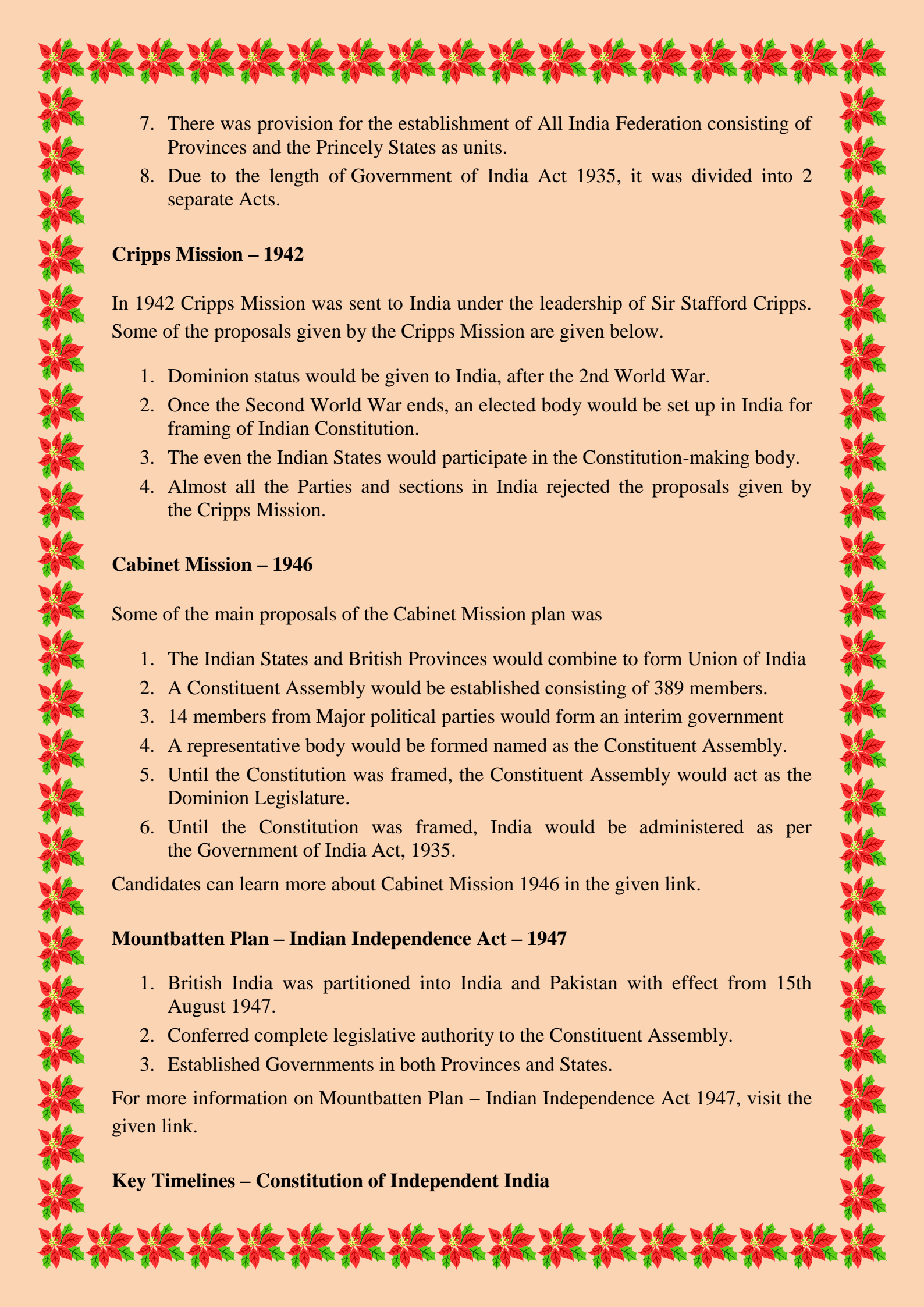
Government of India Act, 1919 – Montagu Chelmsford Reforms

1. Government of India Act, 1919 was also known as the Montagu Chelmsford reforms.
2. Bicameralism was introduced for the 1st time.
3. Provincial and Central Subjects were separated.
4. Dyarchy, a scheme of Dual Governance was introduced in the Provincial Subjects, it was divided into Reserved and Transferred. The transferred list included agriculture, health, education, and supervision of the local government. The Transferred list was given to the Government of Ministers answerable to Provincial Council. The reserved list included communications, foreign affairs, defence; this transferred list was under the control of Viceroy.
5. Out of 6 members in Viceroy's Executive Council, 3 of them were Indians.
6. The Act provided provisions for the establishment of the Public Service Commission in India for the first time.
7. Communal Representation extended to Christians, Anglo-Indians, Sikhs.
8. The franchise was given to a limited population which was based on people who had taxable income, had property and paid land revenue of Rs 3000.
9. Montagu Chelmsford Reforms made provision for setting up a statutory commission at the end of 10 years to look into the working of the Government.

Government of India Act 1935

This was the longest and last constitutional measure introduced by British India. It was the result of multiple round table conferences and a report by the Simon Commission.

1. Bicameralism was introduced in 6 Provinces (Bengal, Bombay, Madras, Assam, Bihar, United Provinces) out of 11 provinces.
2. The Legislature in the provinces were enlarged.
3. As per the Act, the powers were divided into Federal List, Provincial List and Concurrent List.
4. Provincial autonomy was introduced in the Provinces by abolishing the Dyarchy.
5. There was provision for the adoption of Dyarchy at the Centre.
6. Provided provisions for establishing Federal Court, Reserve Bank of India (RBI).

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7. There was provision for the establishment of All India Federation consisting of Provinces and the Princely States as units.
 8. Due to the length of Government of India Act 1935, it was divided into 2 separate Acts.

Cripps Mission – 1942

In 1942 Cripps Mission was sent to India under the leadership of Sir Stafford Cripps. Some of the proposals given by the Cripps Mission are given below.

1. Dominion status would be given to India, after the 2nd World War.
2. Once the Second World War ends, an elected body would be set up in India for framing of Indian Constitution.
3. The even the Indian States would participate in the Constitution-making body.
4. Almost all the Parties and sections in India rejected the proposals given by the Cripps Mission.

Cabinet Mission – 1946

Some of the main proposals of the Cabinet Mission plan was

1. The Indian States and British Provinces would combine to form Union of India
2. A Constituent Assembly would be established consisting of 389 members.
3. 14 members from Major political parties would form an interim government
4. A representative body would be formed named as the Constituent Assembly.
5. Until the Constitution was framed, the Constituent Assembly would act as the Dominion Legislature.
6. Until the Constitution was framed, India would be administered as per the Government of India Act, 1935.

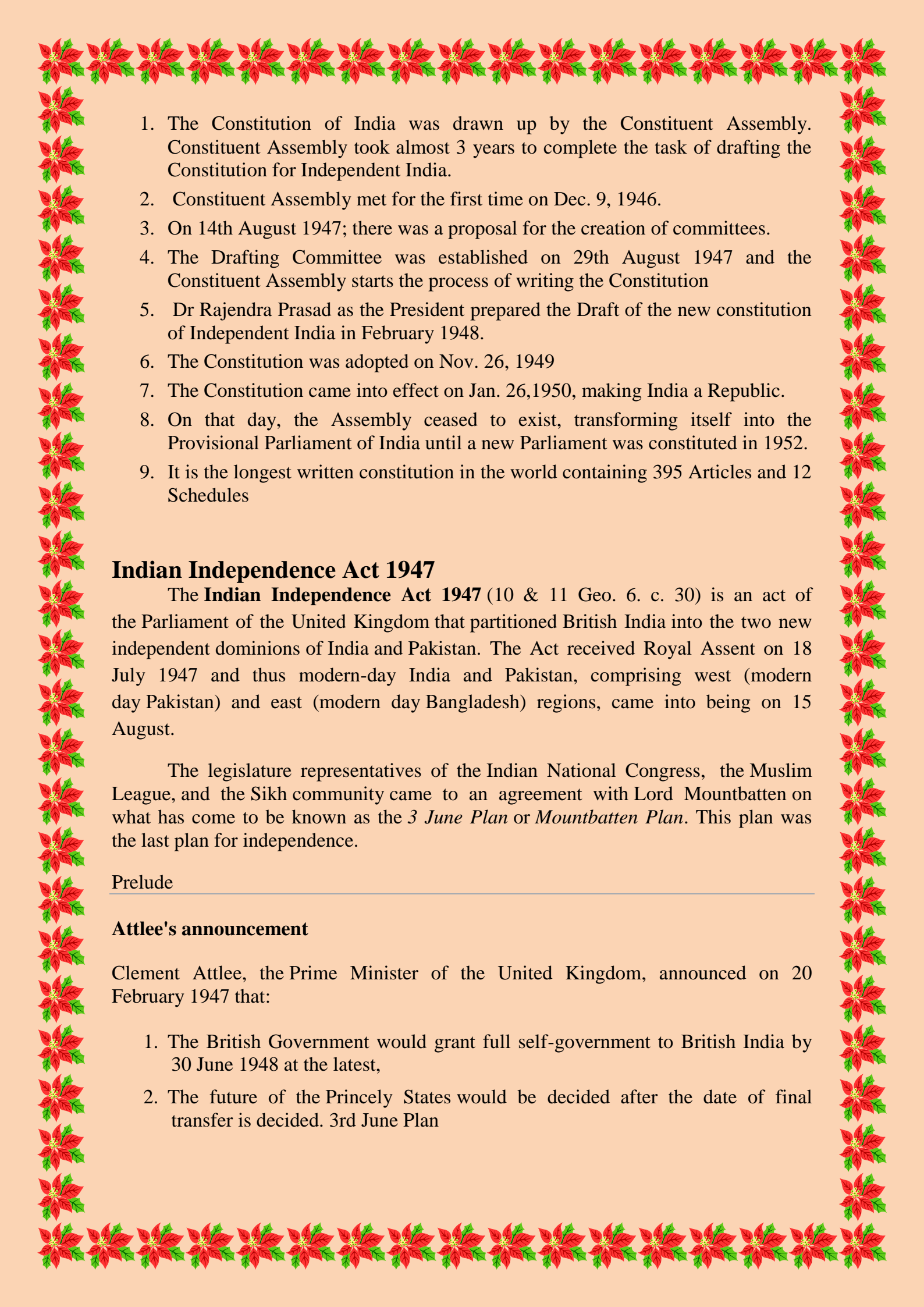
Candidates can learn more about Cabinet Mission 1946 in the given link.

Mountbatten Plan – Indian Independence Act – 1947

1. British India was partitioned into India and Pakistan with effect from 15th August 1947.
2. Conferred complete legislative authority to the Constituent Assembly.
3. Established Governments in both Provinces and States.

For more information on Mountbatten Plan – Indian Independence Act 1947, visit the given link.

Key Timelines – Constitution of Independent India

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1. The Constitution of India was drawn up by the Constituent Assembly. Constituent Assembly took almost 3 years to complete the task of drafting the Constitution for Independent India.
 2. Constituent Assembly met for the first time on Dec. 9, 1946.
 3. On 14th August 1947; there was a proposal for the creation of committees.
 4. The Drafting Committee was established on 29th August 1947 and the Constituent Assembly starts the process of writing the Constitution
 5. Dr Rajendra Prasad as the President prepared the Draft of the new constitution of Independent India in February 1948.
 6. The Constitution was adopted on Nov. 26, 1949
 7. The Constitution came into effect on Jan. 26, 1950, making India a Republic.
 8. On that day, the Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952.
 9. It is the longest written constitution in the world containing 395 Articles and 12 Schedules

Indian Independence Act 1947

The **Indian Independence Act 1947** (10 & 11 Geo. 6. c. 30) is an act of the Parliament of the United Kingdom that partitioned British India into the two new independent dominions of India and Pakistan. The Act received Royal Assent on 18 July 1947 and thus modern-day India and Pakistan, comprising west (modern day Pakistan) and east (modern day Bangladesh) regions, came into being on 15 August.

The legislature representatives of the Indian National Congress, the Muslim League, and the Sikh community came to an agreement with Lord Mountbatten on what has come to be known as the *3 June Plan* or *Mountbatten Plan*. This plan was the last plan for independence.

Prelude

Attlee's announcement

Clement Attlee, the Prime Minister of the United Kingdom, announced on 20 February 1947 that:

1. The British Government would grant full self-government to British India by 30 June 1948 at the latest,
2. The future of the Princely States would be decided after the date of final transfer is decided. 3rd June Plan

3. The 3rd June 1947 Plan was also known as the Mountbatten Plan. The British government proposed a plan, announced on 3 June 1947, that included these principles:

1. Principle of the partition of British India was accepted by the British Government
2. Successor governments would be given dominion status
3. Autonomy and sovereignty to both countries
4. Can make their own constitution
5. Princely States were given the right to join either India or Pakistan (Princely states had no option to remain independent)
6. , based on two major factors: Geographical contiguity and the people's wishes.

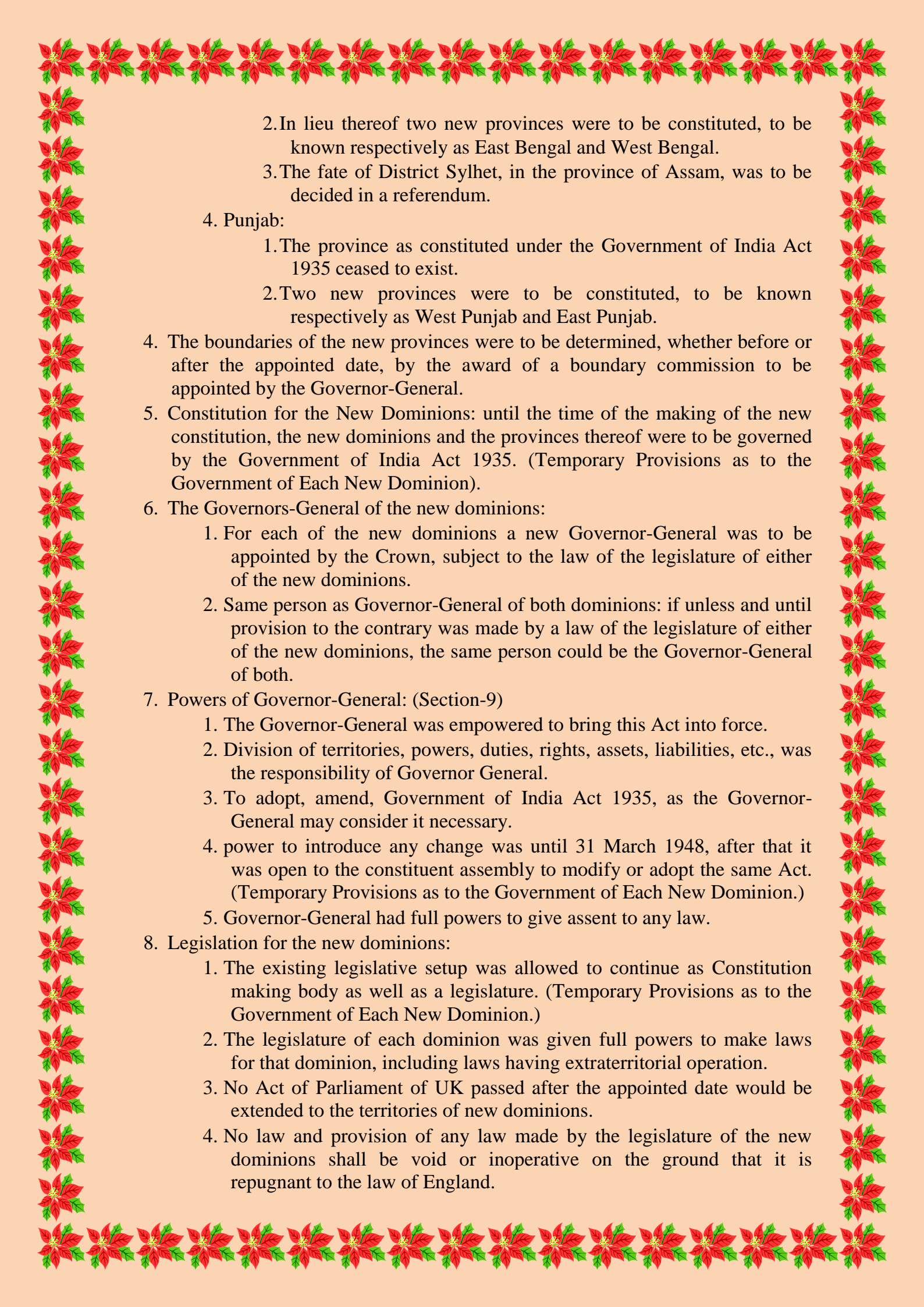
Provisions

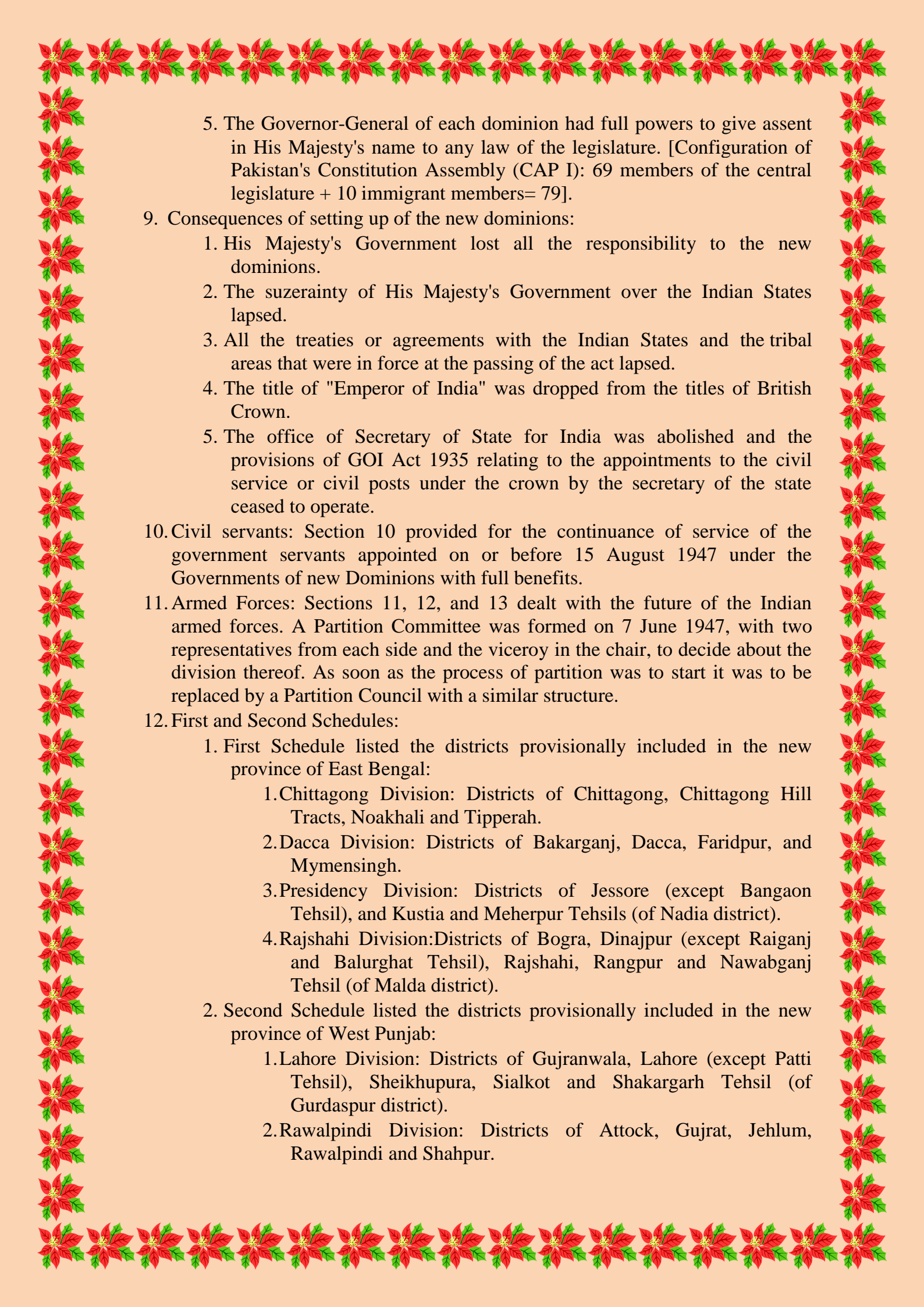
- Division of British India into the two new dominions – the Dominion of India and the Dominion of Pakistan – with effect from 15 August 1947;
- Partition of the provinces of Bengal and Punjab between the two new countries;
- Establishment of the office of Governor-General in each of the two new countries, as representatives of the Crown;
- Conferral of complete legislative authority upon the respective Constituent Assemblies of the two new countries;
- Termination of British suzerainty over the princely states, with effect from 15 August 1947. These states could decide to join either India or Pakistan; Abolition of the use of the title "Emperor of India" by the British monarch (this was subsequently executed by King George VI by royal proclamation on 22 June 1948);

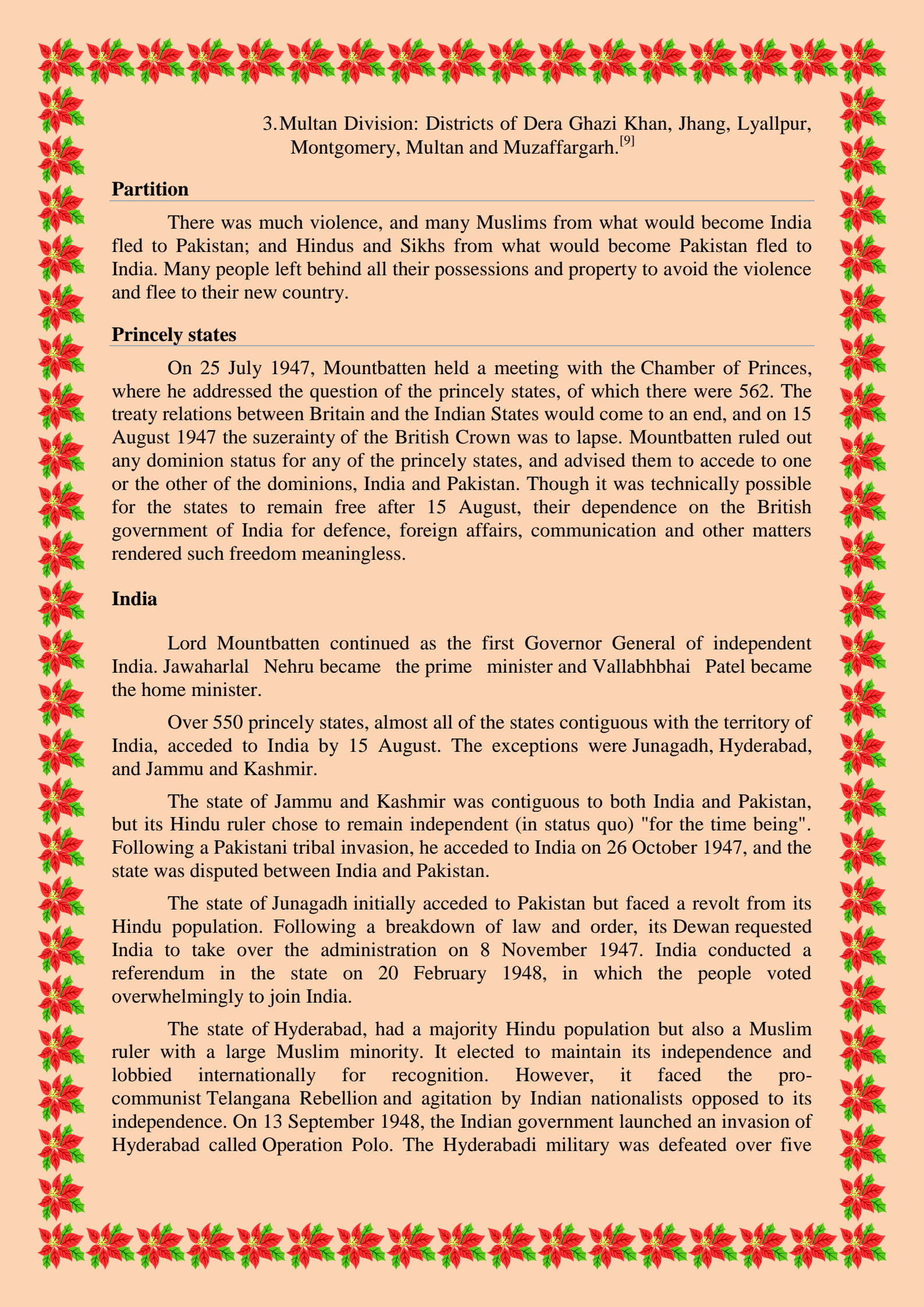
The Act also made provision for the division of joint property, etc. between the two new countries, including in particular the division of the armed forces.

Salient features

1. Two new dominion states: Two new dominions were to emerge from the Indian empire: India and Pakistan.
2. Appointed Date: 15 August 1947 was declared as the appointed date for the partition.
3. Territories:
 1. Pakistan: East Bengal, West Punjab, Sindh, and Chief Commissioner's Province of Baluchistan.
 2. The fate of the North-West Frontier Province (now Khyber Pakhtunkhwa) was subject to the result of a referendum.
 3. Bengal & Assam:
 1. The province of Bengal as constituted under the Government of India Act 1935 ceased to exist.

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2. In lieu thereof two new provinces were to be constituted, to be known respectively as East Bengal and West Bengal.
 3. The fate of District Sylhet, in the province of Assam, was to be decided in a referendum.
 4. Punjab:
 1. The province as constituted under the Government of India Act 1935 ceased to exist.
 2. Two new provinces were to be constituted, to be known respectively as West Punjab and East Punjab.
 4. The boundaries of the new provinces were to be determined, whether before or after the appointed date, by the award of a boundary commission to be appointed by the Governor-General.
 5. Constitution for the New Dominions: until the time of the making of the new constitution, the new dominions and the provinces thereof were to be governed by the Government of India Act 1935. (Temporary Provisions as to the Government of Each New Dominion).
 6. The Governors-General of the new dominions:
 1. For each of the new dominions a new Governor-General was to be appointed by the Crown, subject to the law of the legislature of either of the new dominions.
 2. Same person as Governor-General of both dominions: if unless and until provision to the contrary was made by a law of the legislature of either of the new dominions, the same person could be the Governor-General of both.
 7. Powers of Governor-General: (Section-9)
 1. The Governor-General was empowered to bring this Act into force.
 2. Division of territories, powers, duties, rights, assets, liabilities, etc., was the responsibility of Governor General.
 3. To adopt, amend, Government of India Act 1935, as the Governor-General may consider it necessary.
 4. power to introduce any change was until 31 March 1948, after that it was open to the constituent assembly to modify or adopt the same Act. (Temporary Provisions as to the Government of Each New Dominion.)
 5. Governor-General had full powers to give assent to any law.
 8. Legislation for the new dominions:
 1. The existing legislative setup was allowed to continue as Constitution making body as well as a legislature. (Temporary Provisions as to the Government of Each New Dominion.)
 2. The legislature of each dominion was given full powers to make laws for that dominion, including laws having extraterritorial operation.
 3. No Act of Parliament of UK passed after the appointed date would be extended to the territories of new dominions.
 4. No law and provision of any law made by the legislature of the new dominions shall be void or inoperative on the ground that it is repugnant to the law of England.

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5. The Governor-General of each dominion had full powers to give assent in His Majesty's name to any law of the legislature. [Configuration of Pakistan's Constitution Assembly (CAP I): 69 members of the central legislature + 10 immigrant members= 79].
9. Consequences of setting up of the new dominions:
1. His Majesty's Government lost all the responsibility to the new dominions.
 2. The suzerainty of His Majesty's Government over the Indian States lapsed.
 3. All the treaties or agreements with the Indian States and the tribal areas that were in force at the passing of the act lapsed.
 4. The title of "Emperor of India" was dropped from the titles of British Crown.
 5. The office of Secretary of State for India was abolished and the provisions of GOI Act 1935 relating to the appointments to the civil service or civil posts under the crown by the secretary of the state ceased to operate.
10. Civil servants: Section 10 provided for the continuance of service of the government servants appointed on or before 15 August 1947 under the Governments of new Dominions with full benefits.
11. Armed Forces: Sections 11, 12, and 13 dealt with the future of the Indian armed forces. A Partition Committee was formed on 7 June 1947, with two representatives from each side and the viceroy in the chair, to decide about the division thereof. As soon as the process of partition was to start it was to be replaced by a Partition Council with a similar structure.
12. First and Second Schedules:
1. First Schedule listed the districts provisionally included in the new province of East Bengal:
 1. Chittagong Division: Districts of Chittagong, Chittagong Hill Tracts, Noakhali and Tipperah.
 2. Dacca Division: Districts of Bakarganj, Dacca, Faridpur, and Mymensingh.
 3. Presidency Division: Districts of Jessore (except Bangaon Tehsil), and Kustia and Meherpur Tehsils (of Nadia district).
 4. Rajshahi Division: Districts of Bogra, Dinajpur (except Raiganj and Balurghat Tehsil), Rajshahi, Rangpur and Nawabganj Tehsil (of Malda district).
 2. Second Schedule listed the districts provisionally included in the new province of West Punjab:
 1. Lahore Division: Districts of Gujranwala, Lahore (except Patti Tehsil), Sheikhpura, Sialkot and Shakargarh Tehsil (of Gurdaspur district).
 2. Rawalpindi Division: Districts of Attock, Gujrat, Jehlum, Rawalpindi and Shahpur.



3. Multan Division: Districts of Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan and Muzaffargarh.^[9]

Partition

There was much violence, and many Muslims from what would become India fled to Pakistan; and Hindus and Sikhs from what would become Pakistan fled to India. Many people left behind all their possessions and property to avoid the violence and flee to their new country.

Princely states

On 25 July 1947, Mountbatten held a meeting with the Chamber of Princes, where he addressed the question of the princely states, of which there were 562. The treaty relations between Britain and the Indian States would come to an end, and on 15 August 1947 the suzerainty of the British Crown was to lapse. Mountbatten ruled out any dominion status for any of the princely states, and advised them to accede to one or the other of the dominions, India and Pakistan. Though it was technically possible for the states to remain free after 15 August, their dependence on the British government of India for defence, foreign affairs, communication and other matters rendered such freedom meaningless.

India


Lord Mountbatten continued as the first Governor General of independent India. Jawaharlal Nehru became the prime minister and Vallabhbhai Patel became the home minister.

Over 550 princely states, almost all of the states contiguous with the territory of India, acceded to India by 15 August. The exceptions were Junagadh, Hyderabad, and Jammu and Kashmir.

The state of Jammu and Kashmir was contiguous to both India and Pakistan, but its Hindu ruler chose to remain independent (in status quo) "for the time being". Following a Pakistani tribal invasion, he acceded to India on 26 October 1947, and the state was disputed between India and Pakistan.

The state of Junagadh initially acceded to Pakistan but faced a revolt from its Hindu population. Following a breakdown of law and order, its Dewan requested India to take over the administration on 8 November 1947. India conducted a referendum in the state on 20 February 1948, in which the people voted overwhelmingly to join India.

The state of Hyderabad, had a majority Hindu population but also a Muslim ruler with a large Muslim minority. It elected to maintain its independence and lobbied internationally for recognition. However, it faced the pro-communist Telangana Rebellion and agitation by Indian nationalists opposed to its independence. On 13 September 1948, the Indian government launched an invasion of Hyderabad called Operation Polo. The Hyderabad military was defeated over five



days of fighting. With his state about to be over run, the Nizam of Hyderabad signed the Instrument of Accession, joining India.

Pakistan

Muhammad Ali Jinnah became the Governor-General of Pakistan, and Liaquat Ali Khan became the Prime Minister of Pakistan.

Between October 1947 and March 1948 the rulers of several Muslim-majority states signed instruments of accession to join Pakistan. These included Amb, Bahawalpur, Chitral, Dir, Kalat, Khairpur, Kharan, Las Bela, Makran, and Swat.^{[14][15]} The Khanate of Kalat initially elected to resume its independence, until 27 March 1948 when its ruler was coerced into acceding to Pakistan.

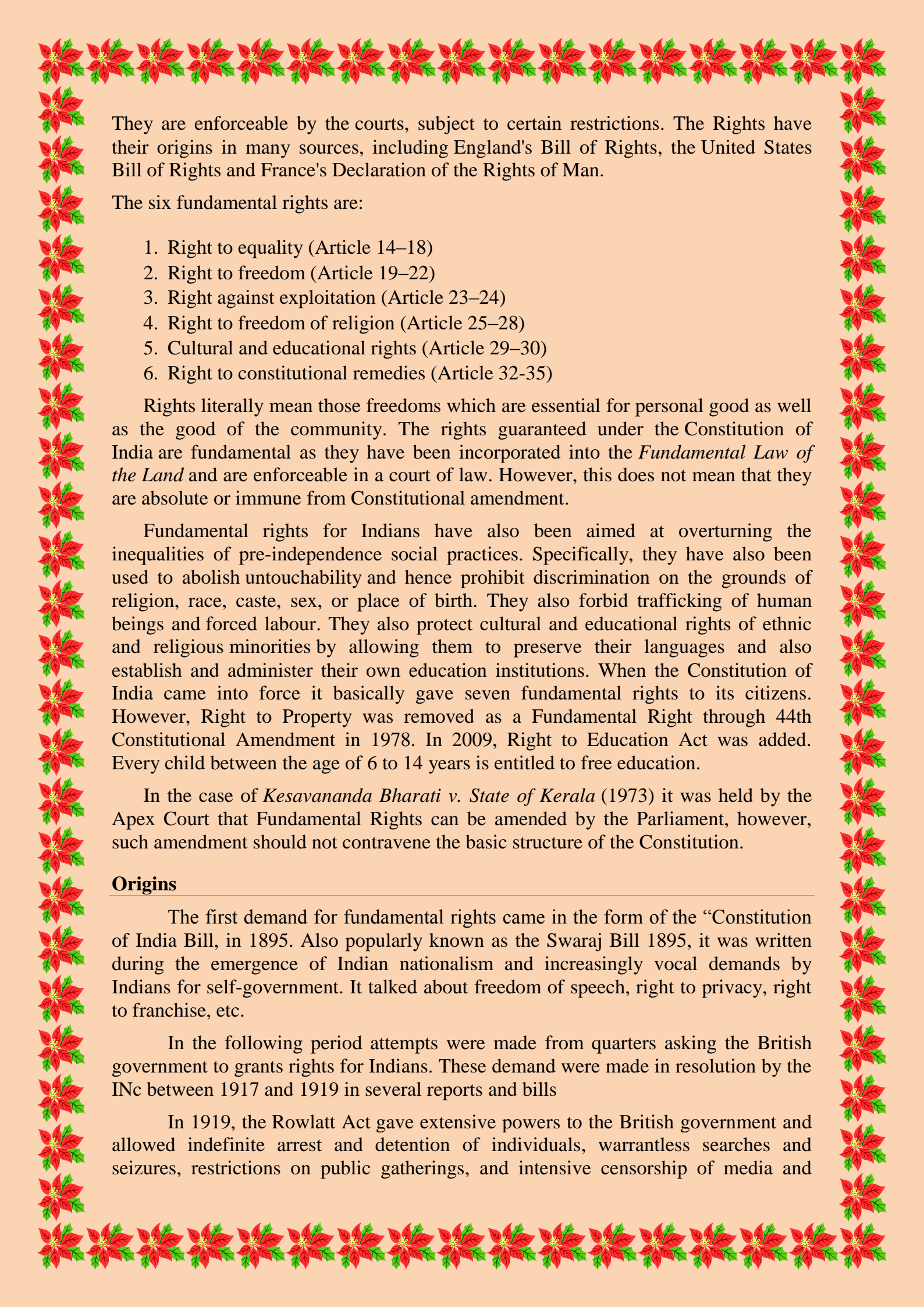
Repeal

The Indian Independence Act was subsequently repealed in Article 395 of the Constitution of India and in Article 221 of the Constitution of Pakistan of 1956,^[16] both constitutions being intended to bring about greater independence for the new states. Although under British law, the new constitutions did not have the legal authority to repeal the Act, the repeal was intended to establish them as independent legal systems based only on home-grown legislation. The Act has not been repealed in the United Kingdom, where it still has an effect, although some sections of it have been repealed.

Fundamental rights in India

The **Fundamental Rights in India** enshrined in part III (Article 12-35) of the Constitution of India guarantee civil liberties such that all Indians can lead their lives in peace and harmony as citizens of India. These rights are known as "fundamental" as they are the most essential for all-round development i.e., material, intellectual, moral and spiritual and protected by fundamental law of the land i.e. constitution. If the rights provided by Constitution especially the Fundamental rights are violated the Supreme Court and the High Courts can issue writs under Articles 32 and 226 of the Constitution, respectively, directing the State Machinery for enforcement of the fundamental rights.

These include individual rights common to most liberal democracies, such as equality before law, freedom of speech and expression, freedom of association and peaceful assembly, freedom to practice religion and the right to constitutional remedies for the protection of civil rights by means of writs such as habeas corpus. Violations of these rights result in punishments as prescribed in the Indian Penal Code, subject to discretion of the judiciary. The Fundamental Rights are defined as basic human freedoms where every Indian citizen has the right to enjoy for a proper and harmonious development of personality and life. These rights apply universally to all citizens of India, irrespective of their race, place of birth, religion, caste or gender.



They are enforceable by the courts, subject to certain restrictions. The Rights have their origins in many sources, including England's Bill of Rights, the United States Bill of Rights and France's Declaration of the Rights of Man.

The six fundamental rights are:

1. Right to equality (Article 14–18)
2. Right to freedom (Article 19–22)
3. Right against exploitation (Article 23–24)
4. Right to freedom of religion (Article 25–28)
5. Cultural and educational rights (Article 29–30)
6. Right to constitutional remedies (Article 32-35)

Rights literally mean those freedoms which are essential for personal good as well as the good of the community. The rights guaranteed under the Constitution of India are fundamental as they have been incorporated into the *Fundamental Law of the Land* and are enforceable in a court of law. However, this does not mean that they are absolute or immune from Constitutional amendment.

Fundamental rights for Indians have also been aimed at overturning the inequalities of pre-independence social practices. Specifically, they have also been used to abolish untouchability and hence prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth. They also forbid trafficking of human beings and forced labour. They also protect cultural and educational rights of ethnic and religious minorities by allowing them to preserve their languages and also establish and administer their own education institutions. When the Constitution of India came into force it basically gave seven fundamental rights to its citizens. However, Right to Property was removed as a Fundamental Right through 44th Constitutional Amendment in 1978. In 2009, Right to Education Act was added. Every child between the age of 6 to 14 years is entitled to free education.

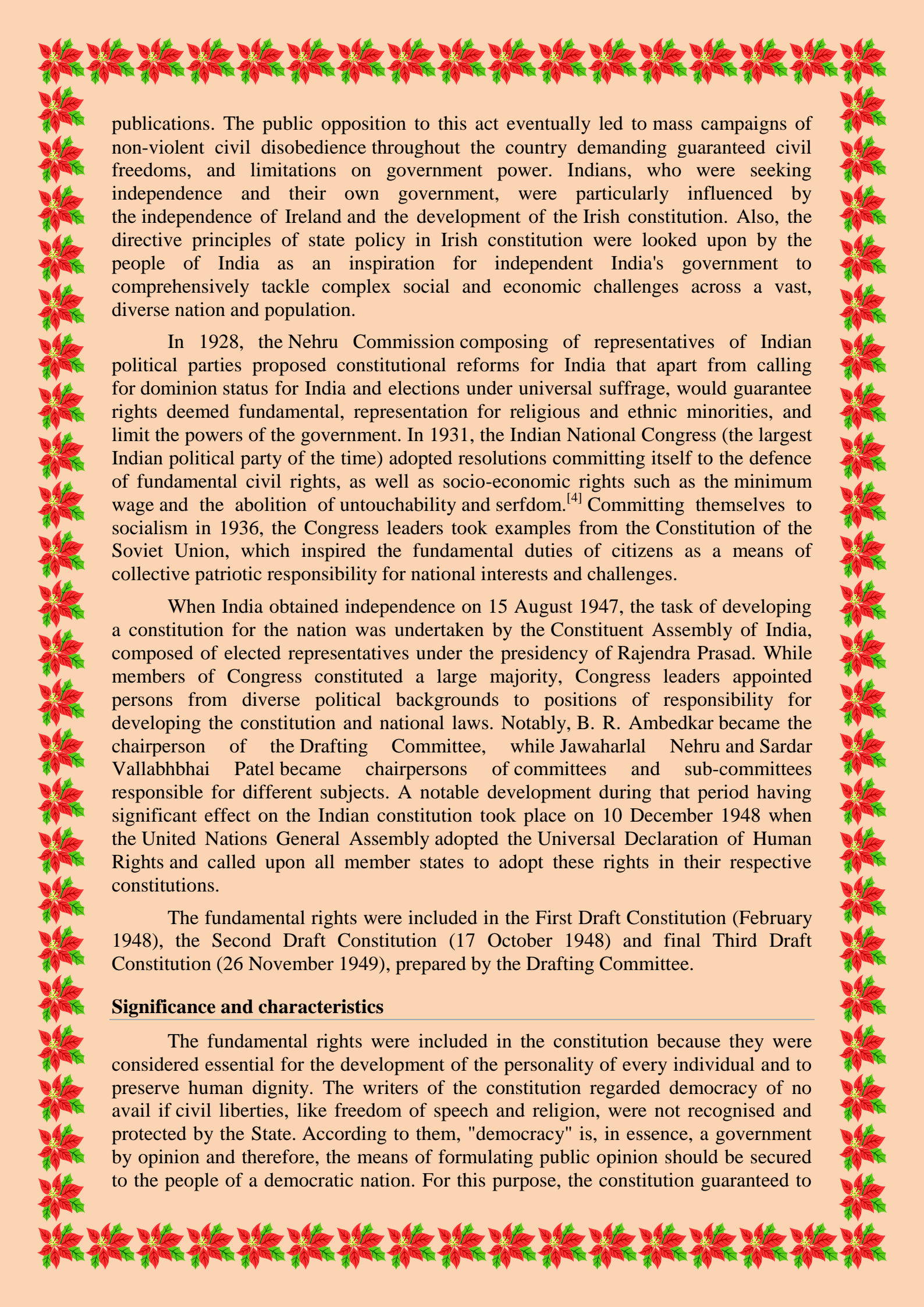
In the case of *Kesavananda Bharati v. State of Kerala* (1973) it was held by the Apex Court that Fundamental Rights can be amended by the Parliament, however, such amendment should not contravene the basic structure of the Constitution.

Origins

The first demand for fundamental rights came in the form of the “Constitution of India Bill, in 1895. Also popularly known as the Swaraj Bill 1895, it was written during the emergence of Indian nationalism and increasingly vocal demands by Indians for self-government. It talked about freedom of speech, right to privacy, right to franchise, etc.

In the following period attempts were made from quarters asking the British government to grant rights for Indians. These demands were made in resolution by the INC between 1917 and 1919 in several reports and bills

In 1919, the Rowlatt Act gave extensive powers to the British government and allowed indefinite arrest and detention of individuals, warrantless searches and seizures, restrictions on public gatherings, and intensive censorship of media and



publications. The public opposition to this act eventually led to mass campaigns of non-violent civil disobedience throughout the country demanding guaranteed civil freedoms, and limitations on government power. Indians, who were seeking independence and their own government, were particularly influenced by the independence of Ireland and the development of the Irish constitution. Also, the directive principles of state policy in Irish constitution were looked upon by the people of India as an inspiration for independent India's government to comprehensively tackle complex social and economic challenges across a vast, diverse nation and population.


In 1928, the Nehru Commission composing of representatives of Indian political parties proposed constitutional reforms for India that apart from calling for dominion status for India and elections under universal suffrage, would guarantee rights deemed fundamental, representation for religious and ethnic minorities, and limit the powers of the government. In 1931, the Indian National Congress (the largest Indian political party of the time) adopted resolutions committing itself to the defence of fundamental civil rights, as well as socio-economic rights such as the minimum wage and the abolition of untouchability and serfdom.^[4] Committing themselves to socialism in 1936, the Congress leaders took examples from the Constitution of the Soviet Union, which inspired the fundamental duties of citizens as a means of collective patriotic responsibility for national interests and challenges.

When India obtained independence on 15 August 1947, the task of developing a constitution for the nation was undertaken by the Constituent Assembly of India, composed of elected representatives under the presidency of Rajendra Prasad. While members of Congress constituted a large majority, Congress leaders appointed persons from diverse political backgrounds to positions of responsibility for developing the constitution and national laws. Notably, B. R. Ambedkar became the chairperson of the Drafting Committee, while Jawaharlal Nehru and Sardar Vallabhbhai Patel became chairpersons of committees and sub-committees responsible for different subjects. A notable development during that period having significant effect on the Indian constitution took place on 10 December 1948 when the United Nations General Assembly adopted the Universal Declaration of Human Rights and called upon all member states to adopt these rights in their respective constitutions.

The fundamental rights were included in the First Draft Constitution (February 1948), the Second Draft Constitution (17 October 1948) and final Third Draft Constitution (26 November 1949), prepared by the Drafting Committee.

Significance and characteristics

The fundamental rights were included in the constitution because they were considered essential for the development of the personality of every individual and to preserve human dignity. The writers of the constitution regarded democracy of no avail if civil liberties, like freedom of speech and religion, were not recognised and protected by the State. According to them, "democracy" is, in essence, a government by opinion and therefore, the means of formulating public opinion should be secured to the people of a democratic nation. For this purpose, the constitution guaranteed to



all the citizens of India the freedom of speech and expression and various other freedoms in the form of the fundamental rights.

All people, irrespective of race, religion, caste or gender, have been given the right to petition the Supreme Court or the High Courts for the enforcement of their fundamental rights. It is not necessary that the aggrieved party has to be the one to do so. Poverty-stricken people may not have the means to do so and therefore, in the public interest, anyone can commence litigation in the court on their behalf. This is known as "public interest litigation". In some cases, High Court judges have acted *suo moto* on their own on the basis of newspaper reports.

These fundamental rights help not only in protection but also the prevention of gross violations of human rights. They emphasise on the fundamental unity of India by guaranteeing to all citizens the access and use of the same facilities, irrespective of background. Some fundamental rights apply for persons of any nationality whereas others are available only to the citizens of India. The right to life and personal liberty is available to all people and so is the right to freedom of religion. On the other hand, freedoms of speech and expression, and freedom to reside and settle in any part of the country are reserved for citizens alone, including non-resident Indian citizens. The right to equality in matters of public employment cannot be conferred to overseas citizens of India.

Fundamental rights primarily protect individuals from any arbitrary state actions, but some rights are enforceable against individuals. For instance, the Constitution abolishes untouchability and also prohibits *begar*. These provisions act as a check both on state action as well as the action of private individuals. However, these rights are not absolute or uncontrolled and are subject to reasonable restrictions as necessary for the protection of general welfare. They can also be selectively curtailed. The Supreme Court has ruled that all provisions of the Constitution, including fundamental rights, can be amended, but that Parliament cannot alter the basic structure of the constitution. Since the fundamental rights can be altered only by a constitutional amendment, their inclusion is a check not only on the executive branch but also on the Parliament and state legislatures.

A state of national emergency has an adverse effect on these rights. Under such a state, the rights conferred by Article 19 (freedoms of speech, assembly and movement, etc.) remain suspended. Hence, in such a situation, the legislature may make laws that go against the rights given in Article 19. The President may by order suspend the right to move the court for the enforcement of other rights as well.

Right to Equality

The Right to Equality is one of the chief guarantees of the Constitution. It is embodied in Articles 14–18, which collectively encompass the general principles of equality before law and non-discrimination and Articles 17–18 which collectively encompass further the philosophy of social equality.



Article 14

Article 14 guarantees equality before law as well as equal protection of the law to all people within the territory of India. This includes the equal subjection of all persons to the authority of law, as well as equal treatment of persons in similar circumstances. The latter permits the State to classify persons for legitimate purposes, provided there is a reasonable basis for the same, meaning that the classification is required to be non-arbitrary, based on a method of intelligible differentiation among those sought to be classified, as well as have a rational relation to the object sought to be achieved by the classification.

Article 15

Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, place of birth, and also gender or any of them. This right can be enforced against the State as well as private individuals, with regard to free access to places of public entertainment or places of public resort maintained partly or wholly out of State funds. However, the State is not precluded from making special provisions for women and children or any socially and educationally backward classes of citizens, including the Scheduled Castes and Scheduled Tribes. This exception has been provided since the classes of people mentioned are considered deprived and in need of special protection.

Article 16

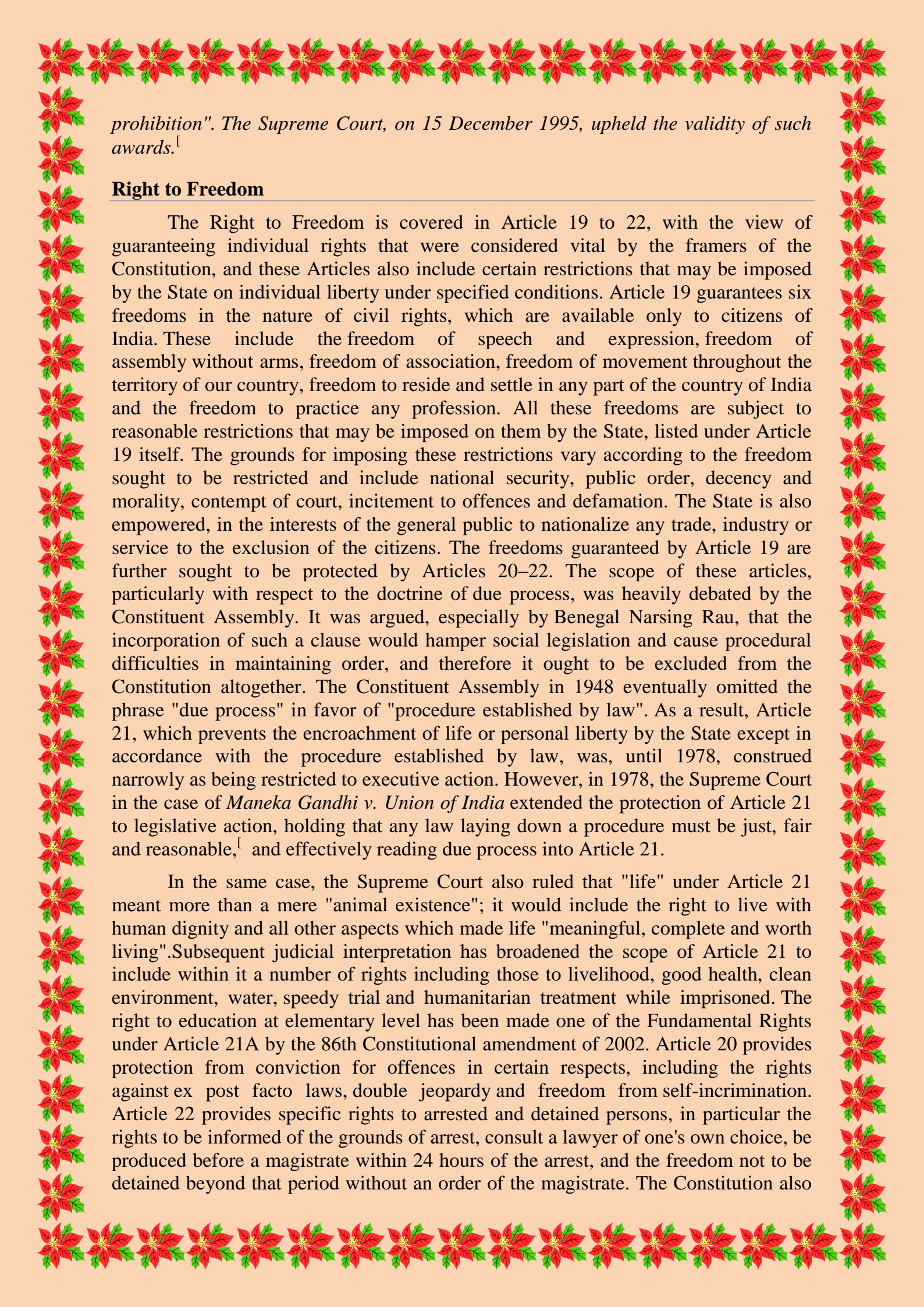
Article 16 guarantees equality of opportunity in matters of public employment and prevents the State from discriminating against anyone in matters of employment on the grounds only of religion, race, caste, sex, descent, place of birth, place of residence or income. It creates exceptions for the implementation of measures of affirmative action for the benefit of any backward class of citizens in order to ensure adequate representation in public service, as well as reservation of an office of any religious institution for a person professing that particular religion.

Article 17

Article 17 abolishes the practice of untouchability in any form, making it an offense punishable by law. The Protection of Civil Rights Act, 1955 was enacted by Parliament to further this objective.^[15]

Article 18

Article 18 prohibits the State from conferring any titles other than military or academic distinctions, and the citizens of India cannot accept titles from a foreign state. Thus, Indian aristocratic titles and title of nobility conferred by the British have been abolished. However, military and academic distinctions can be conferred on the citizens of India. The awards of *Bharat Ratna* and *Padma Vibhushan* can be used by the recipient as a title and do not, accordingly, come within the constitutional

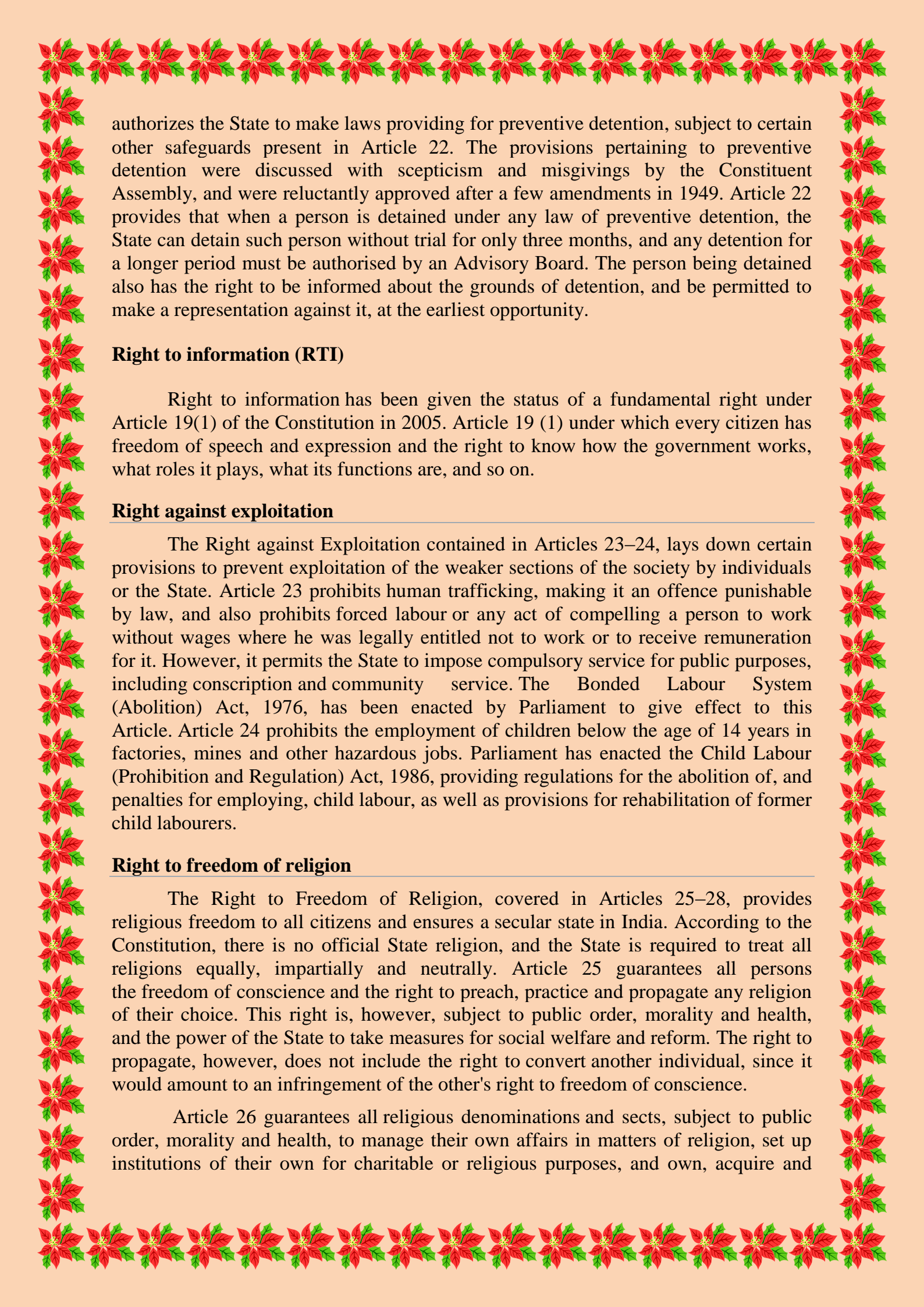


prohibition". The Supreme Court, on 15 December 1995, upheld the validity of such awards.¹

Right to Freedom

The Right to Freedom is covered in Article 19 to 22, with the view of guaranteeing individual rights that were considered vital by the framers of the Constitution, and these Articles also include certain restrictions that may be imposed by the State on individual liberty under specified conditions. Article 19 guarantees six freedoms in the nature of civil rights, which are available only to citizens of India. These include the freedom of speech and expression, freedom of assembly without arms, freedom of association, freedom of movement throughout the territory of our country, freedom to reside and settle in any part of the country of India and the freedom to practice any profession. All these freedoms are subject to reasonable restrictions that may be imposed on them by the State, listed under Article 19 itself. The grounds for imposing these restrictions vary according to the freedom sought to be restricted and include national security, public order, decency and morality, contempt of court, incitement to offences and defamation. The State is also empowered, in the interests of the general public to nationalize any trade, industry or service to the exclusion of the citizens. The freedoms guaranteed by Article 19 are further sought to be protected by Articles 20–22. The scope of these articles, particularly with respect to the doctrine of due process, was heavily debated by the Constituent Assembly. It was argued, especially by Benegal Narsing Rau, that the incorporation of such a clause would hamper social legislation and cause procedural difficulties in maintaining order, and therefore it ought to be excluded from the Constitution altogether. The Constituent Assembly in 1948 eventually omitted the phrase "due process" in favor of "procedure established by law". As a result, Article 21, which prevents the encroachment of life or personal liberty by the State except in accordance with the procedure established by law, was, until 1978, construed narrowly as being restricted to executive action. However, in 1978, the Supreme Court in the case of *Maneka Gandhi v. Union of India* extended the protection of Article 21 to legislative action, holding that any law laying down a procedure must be just, fair and reasonable,¹ and effectively reading due process into Article 21.

In the same case, the Supreme Court also ruled that "life" under Article 21 meant more than a mere "animal existence"; it would include the right to live with human dignity and all other aspects which made life "meaningful, complete and worth living". Subsequent judicial interpretation has broadened the scope of Article 21 to include within it a number of rights including those to livelihood, good health, clean environment, water, speedy trial and humanitarian treatment while imprisoned. The right to education at elementary level has been made one of the Fundamental Rights under Article 21A by the 86th Constitutional amendment of 2002. Article 20 provides protection from conviction for offences in certain respects, including the rights against ex post facto laws, double jeopardy and freedom from self-incrimination. Article 22 provides specific rights to arrested and detained persons, in particular the rights to be informed of the grounds of arrest, consult a lawyer of one's own choice, be produced before a magistrate within 24 hours of the arrest, and the freedom not to be detained beyond that period without an order of the magistrate. The Constitution also



authorizes the State to make laws providing for preventive detention, subject to certain other safeguards present in Article 22. The provisions pertaining to preventive detention were discussed with scepticism and misgivings by the Constituent Assembly, and were reluctantly approved after a few amendments in 1949. Article 22 provides that when a person is detained under any law of preventive detention, the State can detain such person without trial for only three months, and any detention for a longer period must be authorised by an Advisory Board. The person being detained also has the right to be informed about the grounds of detention, and be permitted to make a representation against it, at the earliest opportunity.

Right to information (RTI)

Right to information has been given the status of a fundamental right under Article 19(1) of the Constitution in 2005. Article 19 (1) under which every citizen has freedom of speech and expression and the right to know how the government works, what roles it plays, what its functions are, and so on.


Right against exploitation

The Right against Exploitation contained in Articles 23–24, lays down certain provisions to prevent exploitation of the weaker sections of the society by individuals or the State. Article 23 prohibits human trafficking, making it an offence punishable by law, and also prohibits forced labour or any act of compelling a person to work without wages where he was legally entitled not to work or to receive remuneration for it. However, it permits the State to impose compulsory service for public purposes, including conscription and community service. The Bonded Labour System (Abolition) Act, 1976, has been enacted by Parliament to give effect to this Article. Article 24 prohibits the employment of children below the age of 14 years in factories, mines and other hazardous jobs. Parliament has enacted the Child Labour (Prohibition and Regulation) Act, 1986, providing regulations for the abolition of, and penalties for employing, child labour, as well as provisions for rehabilitation of former child labourers.

Right to freedom of religion

The Right to Freedom of Religion, covered in Articles 25–28, provides religious freedom to all citizens and ensures a secular state in India. According to the Constitution, there is no official State religion, and the State is required to treat all religions equally, impartially and neutrally. Article 25 guarantees all persons the freedom of conscience and the right to preach, practice and propagate any religion of their choice. This right is, however, subject to public order, morality and health, and the power of the State to take measures for social welfare and reform. The right to propagate, however, does not include the right to convert another individual, since it would amount to an infringement of the other's right to freedom of conscience.

Article 26 guarantees all religious denominations and sects, subject to public order, morality and health, to manage their own affairs in matters of religion, set up institutions of their own for charitable or religious purposes, and own, acquire and




manage a property in accordance with law. These provisions do not derogate from the State's power to acquire property belonging to a religious denomination.^[52] The State is also empowered to regulate any economic, political or other secular activity associated with religious practice. Article 27 guarantees that no one can be compelled to pay taxes for the promotion of any particular religion or religious institution.

Article 28 prohibits religious instruction in a wholly or partially state-funded educational institution, and educational institutions receiving aid from the State cannot compel any of their members to receive religious instruction or attend religious worship without their (or their guardian's) consent.

Right to life

The Constitution guarantees the right to life and personal liberty, which in turn cites specific provisions in which these rights are applied and enforced:

- Protection with respect to a conviction for offences is guaranteed under the right to life and personal liberty. According to Article 20, no one can be awarded punishment which is more than what the law of the land prescribes at the time of commission of the crime. This legal axiom is based on the principle that no criminal law can be made retrospective, that is, for an act to become an offence, the essential condition is that it should have been an offence legally at the time of committing it. Moreover, no person accused of any offence shall be compelled to be a witness against himself. Compulsion in this article refers to what in law is called duress (injury, beating or unlawful imprisonment to make a person do something that he may not want to do). This article is known as a safeguard against self-incrimination. The other principle enshrined in this article is known as the principle of double jeopardy, that is, no person can be convicted twice for the same offence, which has been derived from Anglo-Saxon law. This principle was first established in the Magna Carta.
- Protection of life and personal liberty is also stated under the right to life and personal liberty. Article 21 declares that no citizen can be denied his life and liberty except by due process of law. This means that a person's life and personal liberty can be disputed only if that person has committed a crime. However, the right to life does not include the right to die and hence, suicide or any attempt thereof, is deemed an offence (attempted suicide being interpreted as a crime has seen many debates. The Supreme Court of India gave a landmark ruling in 1994. The court repealed section 309 of the Indian penal code, under which people attempting suicide could face prosecution and prison terms of up to one year). In 1996, another Supreme Court ruling nullified the earlier one. But with the passage of the Mental Healthcare Bill 2017, attempted suicide has been decriminalised. Personal liberty" includes all the freedoms which are not included in Article 19 (that is, the six freedoms). The right to travel abroad is also covered under "personal liberty" in Article 21
- In 2002, through the 86th Amendment Act, Article 21A was incorporated. It made the right to primary education part of the right to freedom, stating that the state would provide free and compulsory education to children from six to fourteen



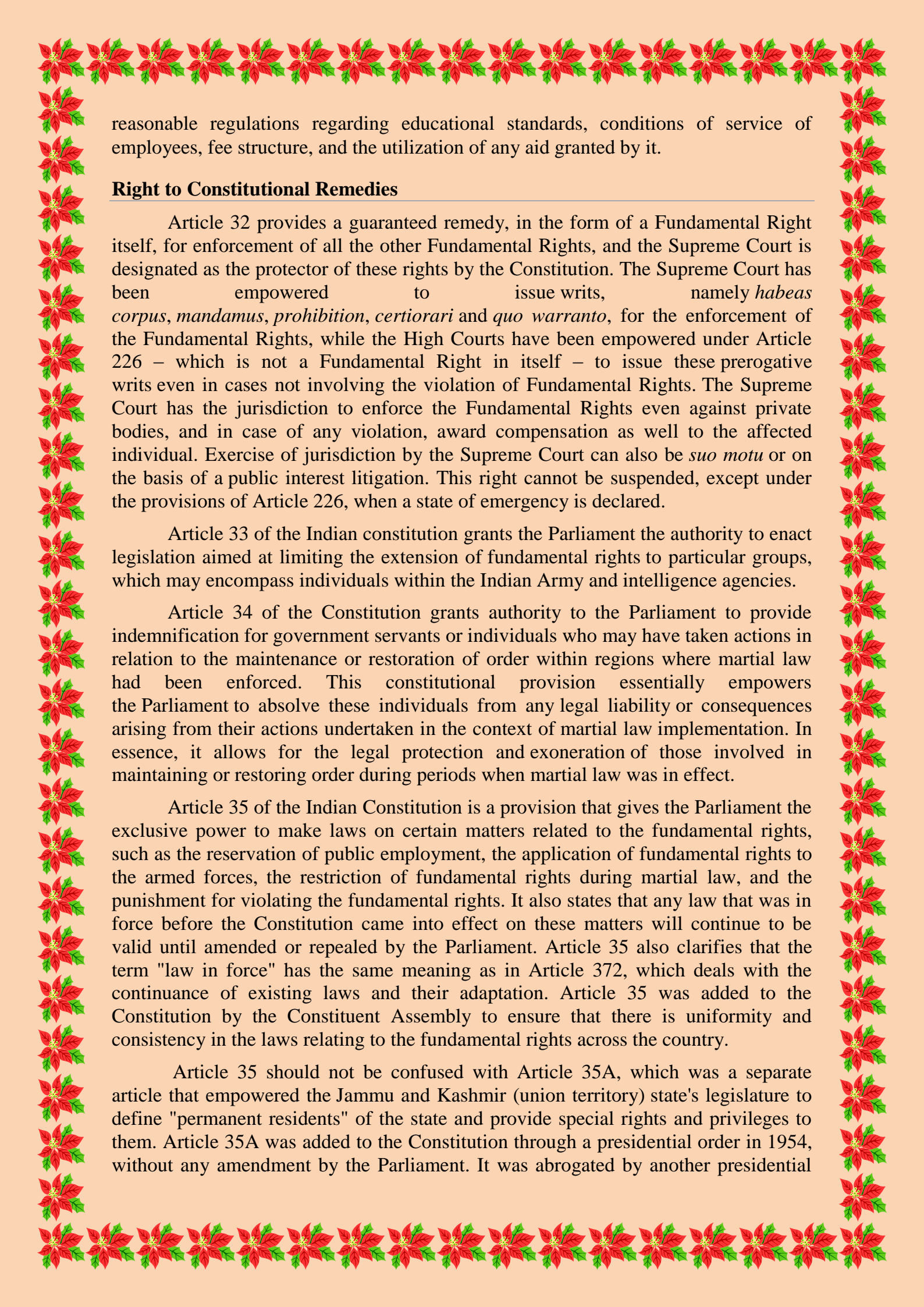
years of age.¹ Six years after an amendment was made in the Indian Constitution, the Union Cabinet cleared the Right to Education Bill in 2008. Rights of a person arrested under ordinary circumstances is laid down in the right to life and personal liberty. No one can be arrested without being told the grounds for his arrest. If arrested, the person has the right to defend himself through a lawyer of his choice. Also, an arrested citizen has to be brought before the nearest magistrate within 24 hours. The rights of a person arrested under ordinary circumstances are not available to an enemy alien. They are also not available to persons under any law providing for preventive detention. Under preventive detention, the government can imprison a person for a maximum of three months. It means that if the government feels that a person being at liberty can be a threat to the law and order or to the unity and integrity of the nation, it can detain or arrest that person to prevent him/her from doing this possible harm. After three months, such a case is to be brought before an advisory board for review, unless specific legislation(s) by Parliament regarding preventive detention do(es) not necessitate scrutiny by such an advisory board.

Cultural and educational rights

The Cultural and Educational rights, given in Articles 29 and 30, are measures to protect the rights of cultural, linguistic, and religious minorities, by enabling them to conserve their heritage and protecting them against discrimination

Article 29 grants any section of citizens having a distinct language, script, or culture of its own, the right to conserve and develop the same, and thus safeguards the rights of minorities by preventing the State from imposing any external culture on them. It also prohibits discrimination against any citizen for admission into any educational institutions maintained or aided by the State, on the grounds only of religion, race, caste, language or any of them. However, this is subject to reservation of a reasonable number of seats by the State for socially and educationally backward classes, as well as reservation of up to, 50 percent of seats in any educational institution run by a minority community for citizens belonging to that community.

Article 30 confers upon all religious and linguistic minorities the right to set up and administer educational institutions of their choice in order to preserve and develop their own culture, and prohibits the State, while granting aid, from discriminating against any institution on the basis of the fact that it is administered by a religious or cultural minority. The term "minority", while not defined in the Constitution, has been interpreted by the Supreme Court to mean any community which numerically forms less than 50% of the population of the state in which it seeks to avail the right under Article 30. In order to claim the right, it is essential that the educational institution must have been established as well as administered by a religious or linguistic minority. Further, the right under Article 30 can be availed of even if the educational institution established does not confine itself to the teaching of the religion or language of the minority concerned, or a majority of students in that institution do not belong to such a minority.¹ This right is subject to the power of the State to impose



reasonable regulations regarding educational standards, conditions of service of employees, fee structure, and the utilization of any aid granted by it.

Right to Constitutional Remedies

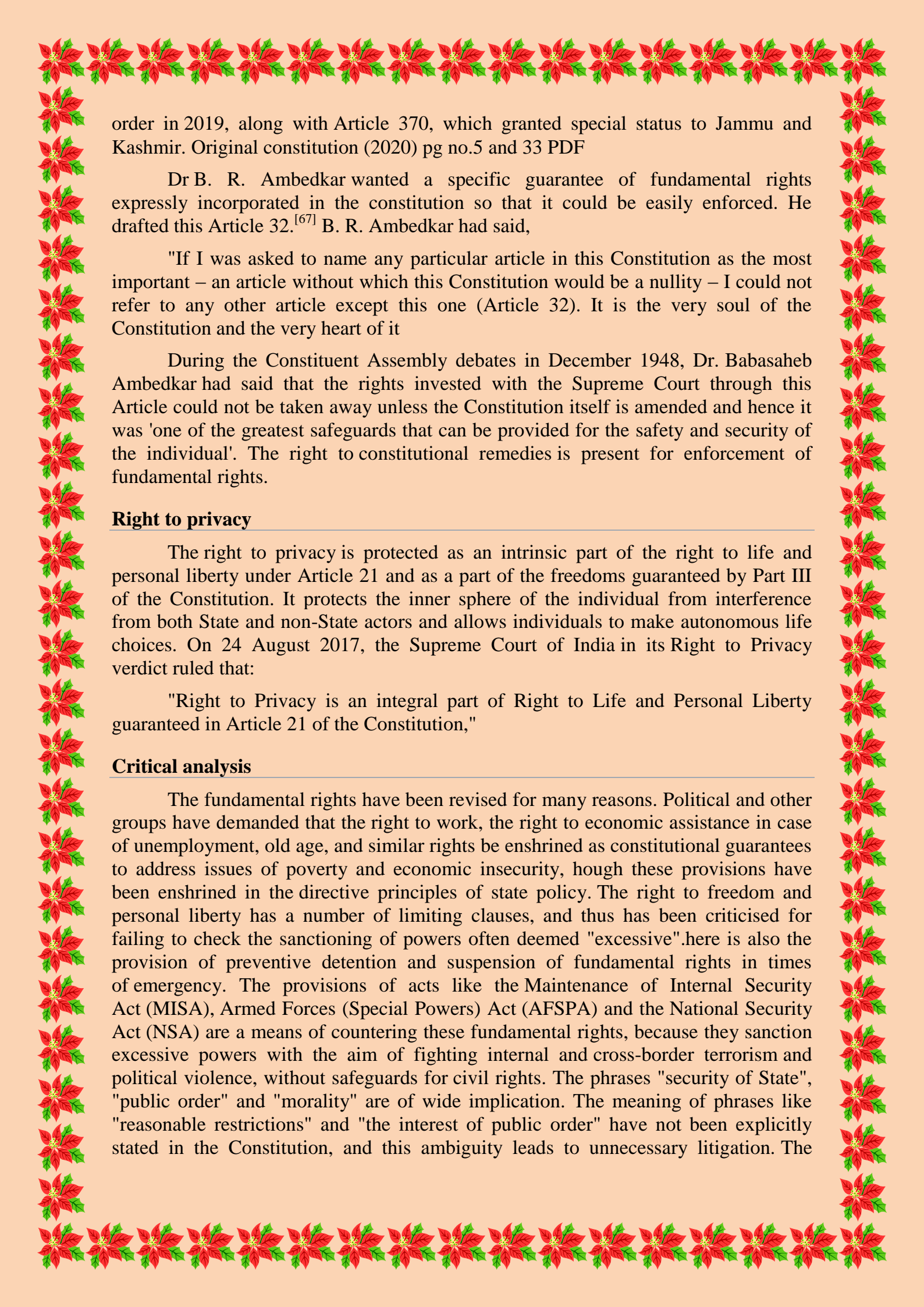
Article 32 provides a guaranteed remedy, in the form of a Fundamental Right itself, for enforcement of all the other Fundamental Rights, and the Supreme Court is designated as the protector of these rights by the Constitution. The Supreme Court has been empowered to issue writs, namely *habeas corpus*, *mandamus*, *prohibition*, *certiorari* and *quo warranto*, for the enforcement of the Fundamental Rights, while the High Courts have been empowered under Article 226 – which is not a Fundamental Right in itself – to issue these prerogative writs even in cases not involving the violation of Fundamental Rights. The Supreme Court has the jurisdiction to enforce the Fundamental Rights even against private bodies, and in case of any violation, award compensation as well to the affected individual. Exercise of jurisdiction by the Supreme Court can also be *suo motu* or on the basis of a public interest litigation. This right cannot be suspended, except under the provisions of Article 226, when a state of emergency is declared.

Article 33 of the Indian constitution grants the Parliament the authority to enact legislation aimed at limiting the extension of fundamental rights to particular groups, which may encompass individuals within the Indian Army and intelligence agencies.

Article 34 of the Constitution grants authority to the Parliament to provide indemnification for government servants or individuals who may have taken actions in relation to the maintenance or restoration of order within regions where martial law had been enforced. This constitutional provision essentially empowers the Parliament to absolve these individuals from any legal liability or consequences arising from their actions undertaken in the context of martial law implementation. In essence, it allows for the legal protection and exoneration of those involved in maintaining or restoring order during periods when martial law was in effect.

Article 35 of the Indian Constitution is a provision that gives the Parliament the exclusive power to make laws on certain matters related to the fundamental rights, such as the reservation of public employment, the application of fundamental rights to the armed forces, the restriction of fundamental rights during martial law, and the punishment for violating the fundamental rights. It also states that any law that was in force before the Constitution came into effect on these matters will continue to be valid until amended or repealed by the Parliament. Article 35 also clarifies that the term "law in force" has the same meaning as in Article 372, which deals with the continuance of existing laws and their adaptation. Article 35 was added to the Constitution by the Constituent Assembly to ensure that there is uniformity and consistency in the laws relating to the fundamental rights across the country.

Article 35 should not be confused with Article 35A, which was a separate article that empowered the Jammu and Kashmir (union territory) state's legislature to define "permanent residents" of the state and provide special rights and privileges to them. Article 35A was added to the Constitution through a presidential order in 1954, without any amendment by the Parliament. It was abrogated by another presidential



order in 2019, along with Article 370, which granted special status to Jammu and Kashmir. Original constitution (2020) pg no.5 and 33 PDF

Dr B. R. Ambedkar wanted a specific guarantee of fundamental rights expressly incorporated in the constitution so that it could be easily enforced. He drafted this Article 32.^[67] B. R. Ambedkar had said,

"If I was asked to name any particular article in this Constitution as the most important – an article without which this Constitution would be a nullity – I could not refer to any other article except this one (Article 32). It is the very soul of the Constitution and the very heart of it

During the Constituent Assembly debates in December 1948, Dr. Babasaheb Ambedkar had said that the rights invested with the Supreme Court through this Article could not be taken away unless the Constitution itself is amended and hence it was 'one of the greatest safeguards that can be provided for the safety and security of the individual'. The right to constitutional remedies is present for enforcement of fundamental rights.

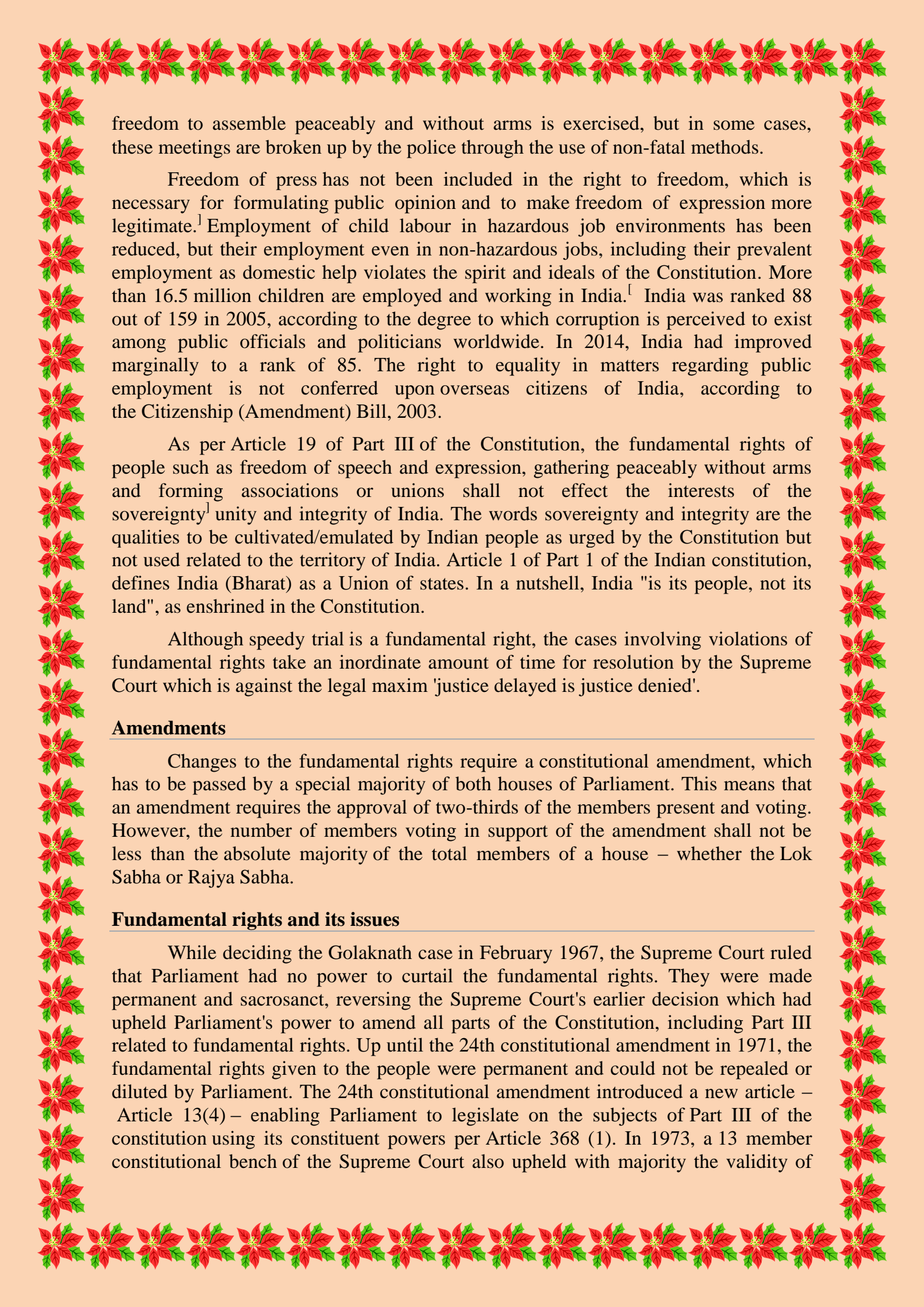
Right to privacy

The right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution. It protects the inner sphere of the individual from interference from both State and non-State actors and allows individuals to make autonomous life choices. On 24 August 2017, the Supreme Court of India in its Right to Privacy verdict ruled that:

"Right to Privacy is an integral part of Right to Life and Personal Liberty guaranteed in Article 21 of the Constitution,"

Critical analysis

The fundamental rights have been revised for many reasons. Political and other groups have demanded that the right to work, the right to economic assistance in case of unemployment, old age, and similar rights be enshrined as constitutional guarantees to address issues of poverty and economic insecurity, though these provisions have been enshrined in the directive principles of state policy. The right to freedom and personal liberty has a number of limiting clauses, and thus has been criticised for failing to check the sanctioning of powers often deemed "excessive". Here is also the provision of preventive detention and suspension of fundamental rights in times of emergency. The provisions of acts like the Maintenance of Internal Security Act (MISA), Armed Forces (Special Powers) Act (AFSPA) and the National Security Act (NSA) are a means of countering these fundamental rights, because they sanction excessive powers with the aim of fighting internal and cross-border terrorism and political violence, without safeguards for civil rights. The phrases "security of State", "public order" and "morality" are of wide implication. The meaning of phrases like "reasonable restrictions" and "the interest of public order" have not been explicitly stated in the Constitution, and this ambiguity leads to unnecessary litigation. The



freedom to assemble peaceably and without arms is exercised, but in some cases, these meetings are broken up by the police through the use of non-fatal methods.

Freedom of press has not been included in the right to freedom, which is necessary for formulating public opinion and to make freedom of expression more legitimate.¹ Employment of child labour in hazardous job environments has been reduced, but their employment even in non-hazardous jobs, including their prevalent employment as domestic help violates the spirit and ideals of the Constitution. More than 16.5 million children are employed and working in India.¹ India was ranked 88 out of 159 in 2005, according to the degree to which corruption is perceived to exist among public officials and politicians worldwide. In 2014, India had improved marginally to a rank of 85. The right to equality in matters regarding public employment is not conferred upon overseas citizens of India, according to the Citizenship (Amendment) Bill, 2003.

As per Article 19 of Part III of the Constitution, the fundamental rights of people such as freedom of speech and expression, gathering peaceably without arms and forming associations or unions shall not effect the interests of the sovereignty¹ unity and integrity of India. The words sovereignty and integrity are the qualities to be cultivated/emulated by Indian people as urged by the Constitution but not used related to the territory of India. Article 1 of Part 1 of the Indian constitution, defines India (Bharat) as a Union of states. In a nutshell, India "is its people, not its land", as enshrined in the Constitution.

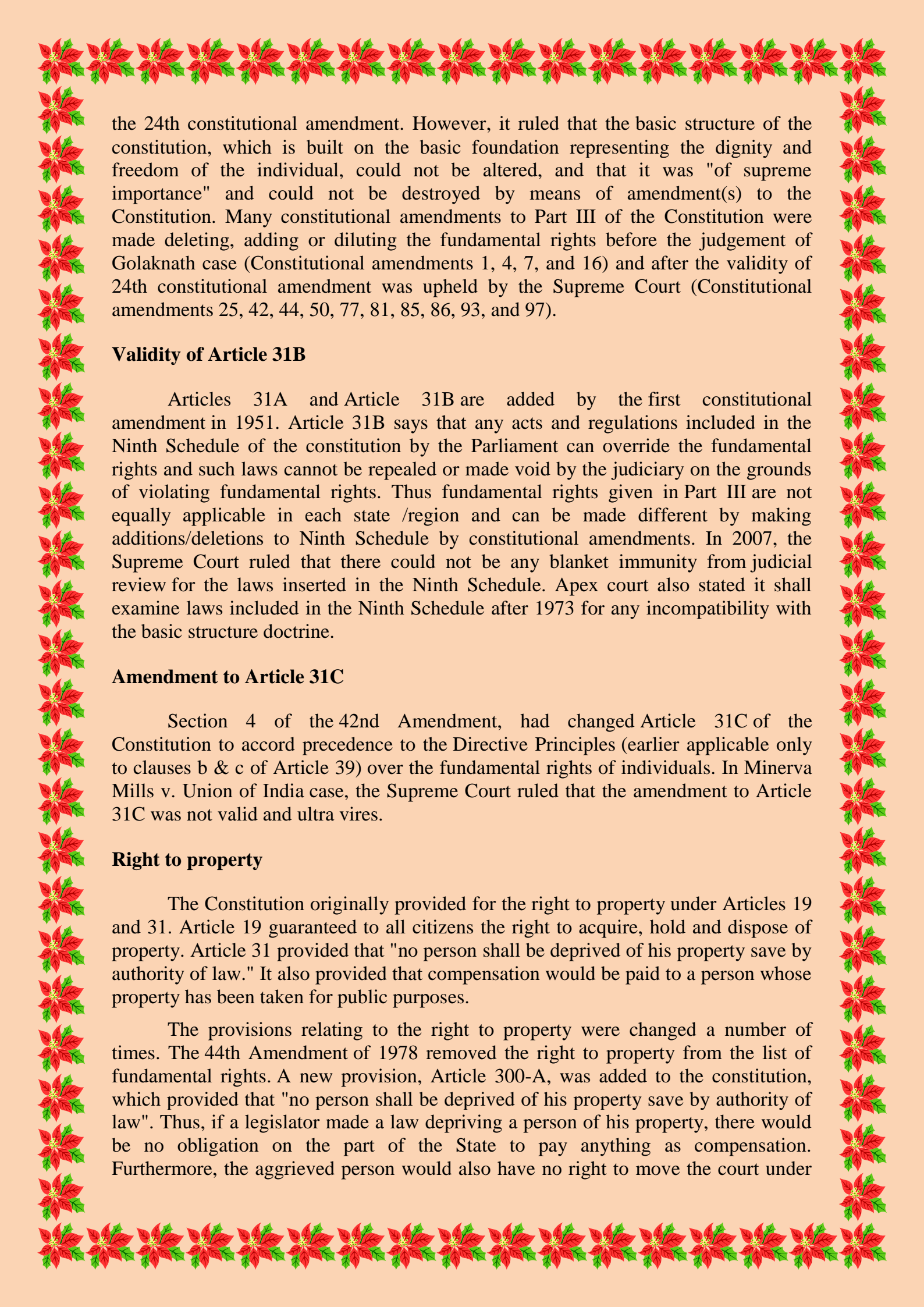
Although speedy trial is a fundamental right, the cases involving violations of fundamental rights take an inordinate amount of time for resolution by the Supreme Court which is against the legal maxim 'justice delayed is justice denied'.

Amendments

Changes to the fundamental rights require a constitutional amendment, which has to be passed by a special majority of both houses of Parliament. This means that an amendment requires the approval of two-thirds of the members present and voting. However, the number of members voting in support of the amendment shall not be less than the absolute majority of the total members of a house – whether the Lok Sabha or Rajya Sabha.

Fundamental rights and its issues

While deciding the Golaknath case in February 1967, the Supreme Court ruled that Parliament had no power to curtail the fundamental rights. They were made permanent and sacrosanct, reversing the Supreme Court's earlier decision which had upheld Parliament's power to amend all parts of the Constitution, including Part III related to fundamental rights. Up until the 24th constitutional amendment in 1971, the fundamental rights given to the people were permanent and could not be repealed or diluted by Parliament. The 24th constitutional amendment introduced a new article – Article 13(4) – enabling Parliament to legislate on the subjects of Part III of the constitution using its constituent powers per Article 368 (1). In 1973, a 13 member constitutional bench of the Supreme Court also upheld with majority the validity of



the 24th constitutional amendment. However, it ruled that the basic structure of the constitution, which is built on the basic foundation representing the dignity and freedom of the individual, could not be altered, and that it was "of supreme importance" and could not be destroyed by means of amendment(s) to the Constitution. Many constitutional amendments to Part III of the Constitution were made deleting, adding or diluting the fundamental rights before the judgement of Golaknath case (Constitutional amendments 1, 4, 7, and 16) and after the validity of 24th constitutional amendment was upheld by the Supreme Court (Constitutional amendments 25, 42, 44, 50, 77, 81, 85, 86, 93, and 97).

Validity of Article 31B

Articles 31A and Article 31B are added by the first constitutional amendment in 1951. Article 31B says that any acts and regulations included in the Ninth Schedule of the constitution by the Parliament can override the fundamental rights and such laws cannot be repealed or made void by the judiciary on the grounds of violating fundamental rights. Thus fundamental rights given in Part III are not equally applicable in each state /region and can be made different by making additions/deletions to Ninth Schedule by constitutional amendments. In 2007, the Supreme Court ruled that there could not be any blanket immunity from judicial review for the laws inserted in the Ninth Schedule. Apex court also stated it shall examine laws included in the Ninth Schedule after 1973 for any incompatibility with the basic structure doctrine.

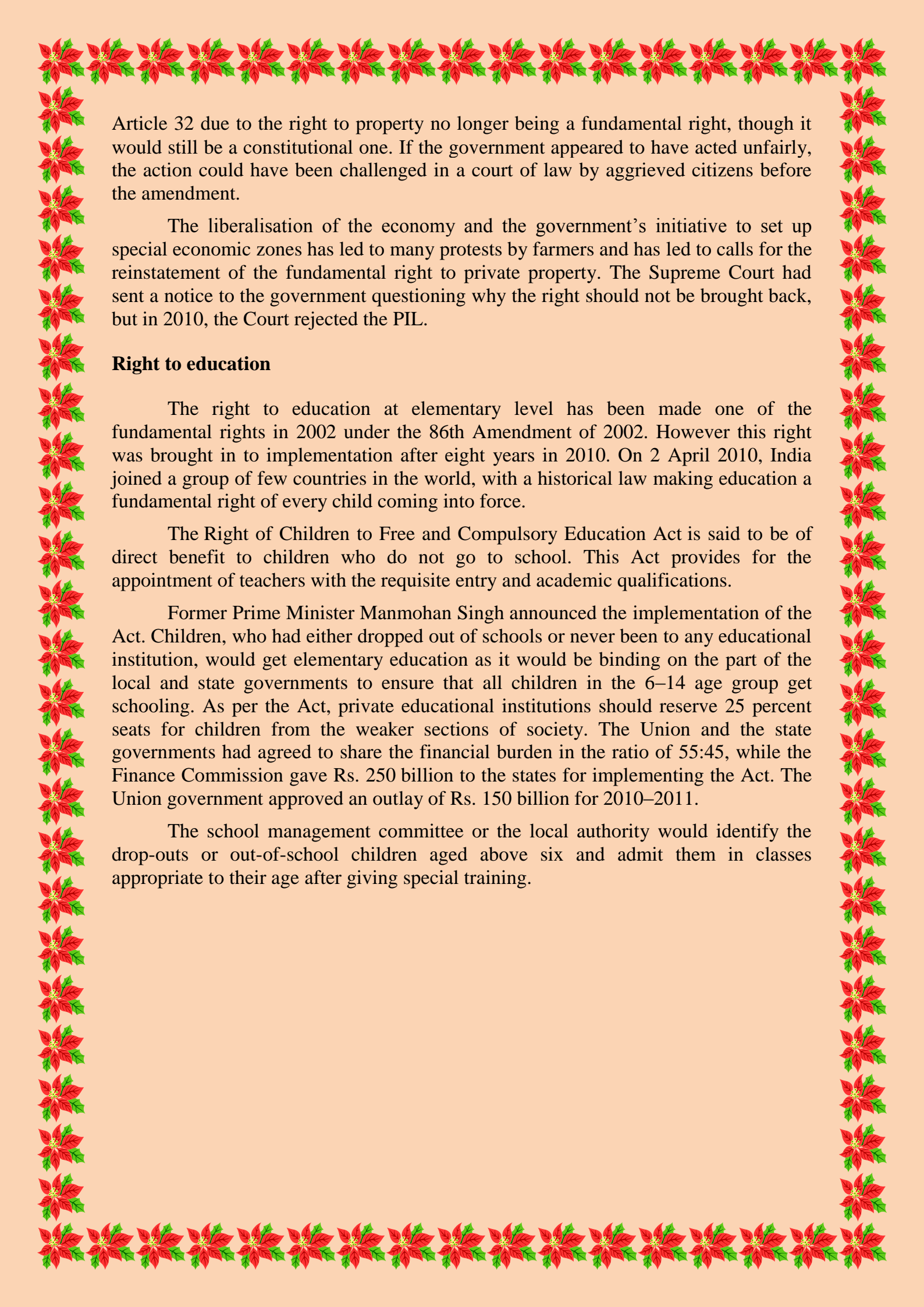
Amendment to Article 31C

Section 4 of the 42nd Amendment, had changed Article 31C of the Constitution to accord precedence to the Directive Principles (earlier applicable only to clauses b & c of Article 39) over the fundamental rights of individuals. In *Minerva Mills v. Union of India* case, the Supreme Court ruled that the amendment to Article 31C was not valid and ultra vires.

Right to property

The Constitution originally provided for the right to property under Articles 19 and 31. Article 19 guaranteed to all citizens the right to acquire, hold and dispose of property. Article 31 provided that "no person shall be deprived of his property save by authority of law." It also provided that compensation would be paid to a person whose property has been taken for public purposes.

The provisions relating to the right to property were changed a number of times. The 44th Amendment of 1978 removed the right to property from the list of fundamental rights. A new provision, Article 300-A, was added to the constitution, which provided that "no person shall be deprived of his property save by authority of law". Thus, if a legislator made a law depriving a person of his property, there would be no obligation on the part of the State to pay anything as compensation. Furthermore, the aggrieved person would also have no right to move the court under



Article 32 due to the right to property no longer being a fundamental right, though it would still be a constitutional one. If the government appeared to have acted unfairly, the action could have been challenged in a court of law by aggrieved citizens before the amendment.

The liberalisation of the economy and the government's initiative to set up special economic zones has led to many protests by farmers and has led to calls for the reinstatement of the fundamental right to private property. The Supreme Court had sent a notice to the government questioning why the right should not be brought back, but in 2010, the Court rejected the PIL.

Right to education

The right to education at elementary level has been made one of the fundamental rights in 2002 under the 86th Amendment of 2002. However this right was brought in to implementation after eight years in 2010. On 2 April 2010, India joined a group of few countries in the world, with a historical law making education a fundamental right of every child coming into force.

The Right of Children to Free and Compulsory Education Act is said to be of direct benefit to children who do not go to school. This Act provides for the appointment of teachers with the requisite entry and academic qualifications.

Former Prime Minister Manmohan Singh announced the implementation of the Act. Children, who had either dropped out of schools or never been to any educational institution, would get elementary education as it would be binding on the part of the local and state governments to ensure that all children in the 6–14 age group get schooling. As per the Act, private educational institutions should reserve 25 percent seats for children from the weaker sections of society. The Union and the state governments had agreed to share the financial burden in the ratio of 55:45, while the Finance Commission gave Rs. 250 billion to the states for implementing the Act. The Union government approved an outlay of Rs. 150 billion for 2010–2011.

The school management committee or the local authority would identify the drop-outs or out-of-school children aged above six and admit them in classes appropriate to their age after giving special training.




CONSTITUENT ASSEMBLY

The Constituent Assembly met for the first time in New Delhi on 9 December, 1946 in the Constitution Hall which is now known as the Central Hall of Parliament House. Decorated elegantly for the occasion, the Chamber wore a new look on that day with a constellation of bright lamps hanging from the high ceilings and also from the brackets on its walls. Overwhelmed and jubilant as they were, the hon'ble members sat in semi-circular rows facing the Presidential dias. The desks which could be warmed electrically were placed on sloping green-carpeted terraces. Those who adorned the front row were Pandit Jawaharlal Nehru, Maulana Abul Kalam Azad, Sardar Vallabhbhai Patel, Acharya J.B. Kripalani, Dr. Rajendra Prasad, Smt. Sarojini Naidu, Shri Hare-Krushna Mahatab, Pandit Govind Ballabh Pant, Dr. B.R. Ambedkar, Shri Sarat Chandra Bose, Shri C. Rajagopalachari and Shri M. Asaf Ali. Two hundred and seven representatives, including nine women were present. The inaugural session began at 11 a.m. with the introduction of Dr. Sachchidananda Sinha, the temporary Chairman of the Assembly, by Acharya Kripalani. While welcoming Dr. Sinha and others, Acharyaji said: "As we begin every work with Divine blessings, we request Dr. Sinha to invoke these blessings so that our work may proceed smoothly. Now, I once more, on your behalf, call upon Dr. Sinha to take the Chair." Occupying the Chair amidst acclamation, Dr. Sinha read out the goodwill messages received from different countries. After the Chairman's inaugural address and the nomination of a Deputy Chairman, the members were formally requested to present their credentials. The First Day's proceedings ended after all the 207 members present submitted their credentials and signed the Register. Seated in the galleries, some thirty feet above the floor of the Chamber, the representatives of the Press and the visitors witnessed this memorable event. The All India Radio, Delhi broadcast a composite sound picture of the entire proceedings.

SOME FACTS

The Constituent Assembly took almost three years (two years, eleven months and seventeen days to be precise) to complete its historic task of drafting the Constitution for Independent India. During this period, it held eleven sessions covering a total of 165 days. Of these, 114 days were spent on the consideration of the Draft Constitution. As to its composition, members were chosen by indirect election by the members of the Provincial Legislative Assemblies, according to the scheme recommended by the Cabinet Mission. The arrangement was: (i) 292 members were elected through the Provincial Legislative Assemblies; (ii) 93 members represented the Indian Princely States; and (iii) 4 members represented the Chief Commissioners' Provinces. The total membership of the Assembly thus was to be 389. However, as a result of the partition under the Mountbatten Plan of 3 June, 1947, a separate Constituent Assembly was set up for Pakistan and representatives of some Provinces ceased to be members of the Assembly. As a result, the membership of the Assembly was reduced to 299. On 13 December, 1946, Pandit Jawaharlal Nehru moved the Objectives Resolution



1.This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;

2.WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts fo India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and

3.WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

4.WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

5.WHEREIN shall be guaranteed and secured to all the people of India justice, social economic and political : equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

6.WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

7.WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to justice and the law of civilized nations; and

8.this ancient land attains its rightful and honoured placed in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

This Resolution was unanimously adopted by the Constituent Assembly on 22 January 1947. Late in the evening of 14 August, 1947 the Assembly met in the Constitution Hall and at the stroke of midnight, took over as the Legislative Assembly of an Independent India.

On 29 August, 1947, the Constituent Assembly set up a Drafting Committee under the Chairmanship of Dr. B.R. Ambedkar to prepare a Draft Constitution for India. While deliberating upon the draft Constitution, the Assembly moved, discussed and disposed of as many as 2,473 amendments out of a total of 7,635 tabled.

The Constitution of India was adopted on 26 November, 1949 and the hon'ble members appended their signatures to it on 24 January, 1950. In all, 284 members actually signed the Constitution. On that day when the Constitution was being signed, it was drizzling outside and it was interpreted as a sign of a good omen.

The Constitution of India came into force on 26 January, 1950. On that day, the Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952

Sessions of the Constituent Assembly

First Session:	9-23 December, 1946
Second Session:	20-25 January, 1947
Third Session:	28 April - 2 May, 1947
Fourth Session:	14-31 July, 1947
Fifth Session:	14-30 August, 1947
Sixth Session:	27 January, 1948
Seventh Session:	4 November, 1948 - 8 January, 1949
Eighth Session:	16 May - 16 June, 1949
Ninth Session:	30 July - 18 September, 1949
Tenth Session:	6-17 October, 1949
Eleventh Session:	14-26 November, 1949

[The Assembly met once again on 24 January, 1950, when the members appended their signatures to the Constitution of India]

IMPORTANT COMMITTEES OF THE CONSTITUENT ASSEMBLY AND THEIR CHAIRMEN

Name of the Committee	Chairman
Committee on the Rules of Procedure	Rajendra Prasad
Steering Committee	Rajendra Prasad
Finance and Staff Committee	Rajendra Prasad
Credential Committee	Alladi Krishnaswami Ayyar
House Committee	B. Pattabhi Sitaramayya
Order of Business Committee	K.M. Muni
Ad hoc Committee on the National Flag	Rajendra Prasad
Committee on the Functions of the Constituent Assembly	G.V. Mavalankar
States Committee	Jawaharlal Nehru
Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Vallabhbhai Patel
Minorities Sub-Committee	H.C. Mookherjee

Fundamental Rights Sub-Committee	J.B. Kripalani
North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee	A.V. Thakkar
Union Powers Committee	Jawaharlal Nehru
Union Constitution Committee	Jawaharlal Nehru
Drafting Committee	B.R. Ambedkar

STATEWISE MEMBERSHIP OF THE CONSTITUENT ASSEMBLY OF INDIA AS ON 31 DECEMBER, 1947

PROVINCES-229

S.No	State	No. of Members
1.	Madras	49
2.	Bombay	21
3.	West Bengal	19
4.	United Provinces	55
5.	East Punjab	12
6.	Bihar	36
7.	C.P. and Berar	17
8.	Assam	8
9.	Orissa	9
10.	Delhi	1
11.	Ajmer-Merwara	1
12.	Coorg	1



INDIAN STATES-70

1.	Alwar	1
2.	Baroda	3
3.	Bhopal	1
4.	Bikaner	1
5.	Cochin	1
6.	Gwalior	4
7.	Indore	1
8.	Jaipur	3
9.	Jodhpur	2
10.	Kolhapur	1
11.	Kotah	1
12.	Mayurbhanj	1
13.	Mysore	7
14.	Patiala	2
15.	Rewa	2
16.	Travancore	6
17.	Udaipur	2
18.	Sikkim and Cooch Behar Group	1
19.	Tripura, Manipur and Khasi States Group	1
20.	U.P. States Group	1
21.	Eastern Rajputana States Group	3
22.	Central India States Group (including Bundelkhand and Malwa)	3
23.	Western India States Group	4
24.	Gujarat States Group	2
25.	Deccan and Madras States Group	2
26.	Punjab States Group I	3
27.	Eastern States Group I	4
28.	Eastern States Group II	3
29.	Residuary States Group	4
	Total	299

The Constituent Assembly of India: Features & its Committees

The Constituent Assembly of India was a body assembled with the *sole purpose of drafting and formulating the Constitution of India*. The body was a sovereign entity partly elected and partly nominated and its efforts paved the path for independent India. **MN Roy was the pioneer behind the idea of a Constituent Assembly**. His idea was given reality in 1935 by the Indian National Congress where they officially announced the formation of a Constituent Assembly to frame the Constitution of India. *The British government accepted the demand for the formation of a Constituent Assembly through their August Offer of 1940. The idea of the Constituent Assembly was finally established by the provisions of the Cabinet Mission Plan.*

Features of the Constituent Assembly:

A. Composition of the Council:

- The total strength of the Constituent Assembly was 389 of which 296 seats were from British India and 93 seats represented the Princely states.
- Out of these 296 seats allotted to British India, 292 seats were filled from the 11 governors' provinces and four from the Chief commissioners' provinces.
- Allocation of seats in the Constituent Assembly was based on the proportion of the population. Seats were allocated among the three major communities Muslims, Sikhs, and the general population.
- Every community elected its own representative through the method of proportional representation by a single transferable vote and representatives of the princely states were nominated by the head of the state.
- Before the partition of India when the assembly met on 31st October 1947, the membership of the assembly was reduced to 299, out of these only 284 members were present on 26th November 1949 for appending their signatures to ratify the Constitution of India.

Operation of the Assembly

- The Constituent Assembly met for the first time on **9th December 1946**. This meeting, however, was boycotted by the Muslim League to assert their demand for Pakistan, as a result, there were 211 members present at the assembly's first meeting.
- **Dr Sachchidananda Sinha** who was the assembly's eldest member was appointed as the temporary President.
- The assembly later elected its President and Vice President, Dr. B.R. Ambedkar was the elected President, and H.C. Mukherjee and V.T. Krishnamachari were the two Vice Presidents.
- **B.N. Rao** was appointed as the constitutional advisor.
- After the application of the Mountbatten Plan members of the Muslim League who were a part of the Indian territory participated in the meetings of the council. Members of the

princely states who initially absconded from the proceedings of the Council participated later.

- A draft Constitution inclusive of all proposals and clauses was published by the Assembly in February 1948, under the guidance of Dr. B.R. Ambedkar.
- The assembly again met in *November 1948* to consider every clause of the Draft Constitution. The Second Reading of the Draft Constitution was completed by the *17th of October 1949* and the Third Reading was completed by the *14th of November 1949*, on the 26th of November the Constitution of India received the signature of the members of the assembly.
- The assembly conducted its last session on 24th January 1950.
- The provisions regarding *citizenship, elections, provincial Parliament, and temporary and transitional provisions* were implemented immediately from 26th November 1949, while the remaining provisions of the Constitution were enforced on 26th January 1950.
- ***A total of 11 sessions were conducted by the Constituent Assembly over a time period of 2 years 11 months and 18 days.***

C. Objective Resolution:

The Objective Resolution laid down the *philosophical base and the guiding principles for framing the Constitution*. It was initiated by **Jawaharlal Nehru on 13th December 1946**. It laid down the basis of the Preamble of the Constitution of India. The guiding principles laid down by the Objective Resolution are:

- It aimed at fostering economic and political security in India by a written constitution and declaring India a Sovereign, Democratic Republic.
- It fostered the formulation of a federal government with equitable distribution of powers between the Centre and the states.
- It strives to secure equality, justice, and freedom of thought, expression, belief, faith, association, and action for every citizen of the country.
- It aimed at providing necessary protection to the minority and backward section of the society.
- It strives to secure the integrity of the territory of the Indian republic and follow the law of any civilized nation to secure rights on land, sea, and air.
- Lastly to attain an honourable place in the world and play an effective role in securing world peace and the welfare of mankind.

Various types of Committees of Constituent Assembly:

The Constituent Assembly had some major Committees and some minor committees to handle diverse subjects.

A. Some of the major Committees of Constituent Assembly:

1. Drafting Committee: This was the most important committee of the Constituent Assembly.

- The committee was formed in *August 1947* with the prime responsibility of drafting the Constitution.
 - **Dr. B.R. Ambedkar** led the *Drafting Committee*, there were 7 other members of this committee they were; **K.M. Munshi**, **Gopalaswami Ayyangar**, **Alladi Krishnaswami Ayyar**, **Syed Mohammad Sadullah**, **N. Madhava Rau** (he replaced **B.L. Mitter**) and **T.T. Ramakrishna Chari** (replaced **D.P. Khaitan**)
 - The committee published the first, second, and final draft of the Constitution, and finally after subsequent readings the committee '*adopted, enacted, and gave to themselves* the Constitution on November 26th, 1949.
 - The Constitution came into force on 26th January 1950, this day is celebrated as Republic Day every year. *This day was chosen to commemorate the homage to Purna Swaraj which was stated on 26th January 1930.*
2. **Union Power Committee:** Jawaharlal Nehru supervised and led this committee.
 3. **Union Constitution Committee:** The Chairman of the Committee is *Jawaharlal Nehru*.
 4. **States Committee:** This Committee was also headed by *Pandit Jawaharlal Nehru*.
 5. **Provincial Constitution Committee:** This Committee was headed by *Sardar Vallabhbhai Patel*.
 6. **Advisory Committee:** This was also chaired by *Sardar Vallabhbhai Patel*
- **J.B. Kripalani** chaired the *Sub-committee constituted for Fundamental Rights*
 - **Minorities Sub-Committee:** It was headed by *H.C. Mukherjee*.
 - **North East- Frontier areas and Assam Excluded and Partially Excluded Areas sub-Committee:** This was headed by *A.V. Thakkar*.
 - **Excluded and Partially Excluded Areas sub- Committee:** This was also led by *A.V. Thakkar*.
7. **Rules and Procedure Committee:** This was led by *Dr. Rajendra Prasad*.
 8. **Steering Committee:** The chairman of this Committee was *Dr. Rajendra Prasad*.

B. Some of the minor Committees of Constituent Assembly:

1. **The Finance and Staff Committee** was supervised by *Dr. Rajendra Prasad*.
2. *Alladi Krishnaswami Ayyar* supervised the **Credentials Committee**
3. *Pattabhi Sitaramayya* was in-charge of the **House Committee**
4. **The Order of Business Committee** was headed by *Dr. K.M. Munshi*.
5. *Dr Rajendra Prasad* was the chairman of the **Ad Hoc Committee on the national flag**.
6. *G.V. Malvankar* was the chairman of the **Committee on functions of the Constituent assembly**.
7. *S. Varadachari* chaired the **Ad Hoc Committee on Supreme Court**.
8. **The Committee on Chief Commissioners Provinces** was led by *Pattabhi Sitaramayya*.
9. *Nalini Ranjan Sarkar* supervised the **Expert Committee on Financial Provisions of the Union**.
10. **The Linguistic Provinces Commission** was led by *S.K. Dhar*.

11. *The Special Committee* appointed to examine the *draft constitution* was chaired by *Jawaharlal Nehru*.

12. *Usha Nath Sen* led the *Press Gallery Committee*

13. *S. Varadachari* led the *Ad Hoc Committee on citizenship*.

The Constituent Assembly led the way for an independent and sovereign India. They drafted the law of the land- *the Constitution of India* and paved the path for a successful and democratic India. *It instilled hope and faith in Indian governance and acted as the beacon of light for an independent India*

Fundamental Duties

These Fundamental Duties were mainly inspired by the body of the former Soviet Union. Total 11 essential duties in India. We should Abide by the Indian Constitution.

The following is a list of 11 fundamental duties –

1. Abide by the Constitution and respect national flag & National Anthem
2. Follow ideals of the freedom struggle
3. Protect sovereignty & integrity of India
4. Defend the country and render national services when called upon
5. Developing the spirit of common brotherhood
6. Preserve composite culture of the country
7. Preserve natural environment
8. Develop scientific temper and humanity
9. Safeguard public property and avoid violence
10. Strive for excellence in all spheres of life.
11. Duty of all parents/guardians to send their children in the age group of 6-14 years to school.


The purpose behind the creation of Fundamental Duties is that every citizen should realise that the first is to Defend the country and promote harmony of the nation; that is, the national interest should be ahead of every action and goal.

Indian Fundamental Duties include abiding by the Indian Constitution, respecting our flag, keeping a sense of respect for the national anthem and protecting public property.

In this constitution, through the 42nd Amendment Act 1976, the fundamental duties of citizens were listed. Article 51 'A' embodied in Part IV of the Constitution deals with Fundamental Duties. In India, January 6 is celebrated as "Fundamental Duties Day".

Enforcement of Fundamental Duties

- The Court cannot enforce fundamental Duty. Meaning is unenforceable.

- 
- There is no mention of any law in the constitution for the direct enforcement of these duties or the redressal of their violation.
 - But if any law is made keeping in mind Article 14 and Article 19, it will be honourable.

Criticism of Fundamental Duties

- Some other essential subjects not included in this list like paying taxes, family planning and voting etc.
- Many Fundamental Duties are not defined correctly. That's why it is difficult to understand.
- There is no talk of enforcement of duties, which is the main criticism. Because for this reason it has not been implemented well till now.
- Some experts believe that by including it in Part-4A, the value of Fundamental Duties gets reduced following the policy directive principles.

Swaran Singh Committee

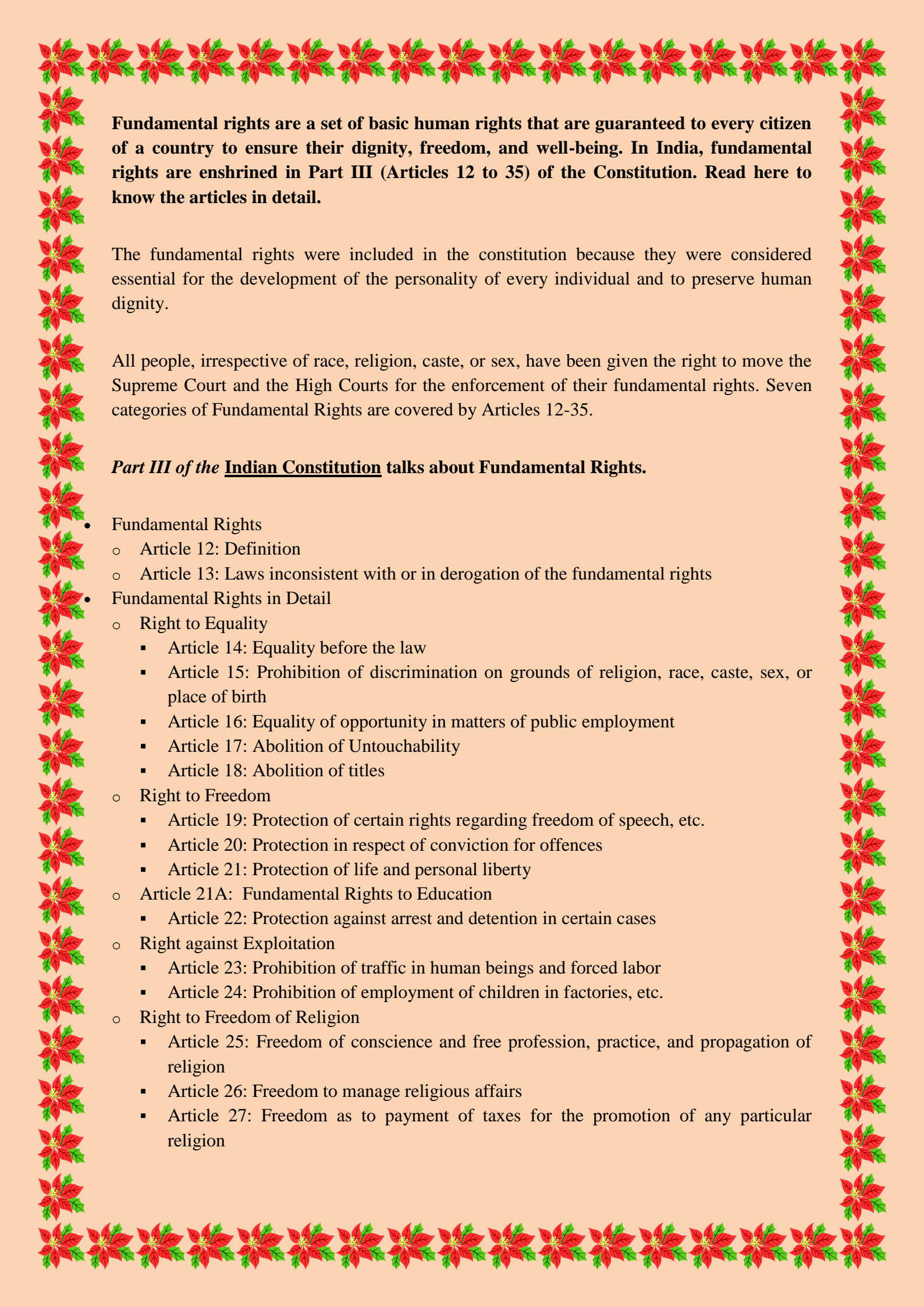
This committee was highly important, and no discussion on fundamental duties can be considered complete without referring to this one, irrespective of other provisions.

There was no mention of Fundamental Duties in the original Constitution of India. In 1976, the Indira Gandhi government constituted a committee under the chairmanship of Sardar Swaran Singh.

- This committee recommended eight Fundamental Duties, but the government added ten duties.
- But three suggestions of these committees were not considered by the government.
- Parliament should be given the power to make laws for the implementation of these duties and to punish for the violation.
 - Such a law will be valid even if it violates the fundamental right.
 - The duty to pay taxes should also be a fundamental duty of the Indian people.

Conclusion

By the 42nd Amendment Act, 1976, part 4 (a) and Article 51 (a) were added in which ten fundamental duties were mentioned. Because the government was expecting that the citizens of India would fulfil their duties, they included new ones like Defend the country and Promote harmony voluntarily in independent India.



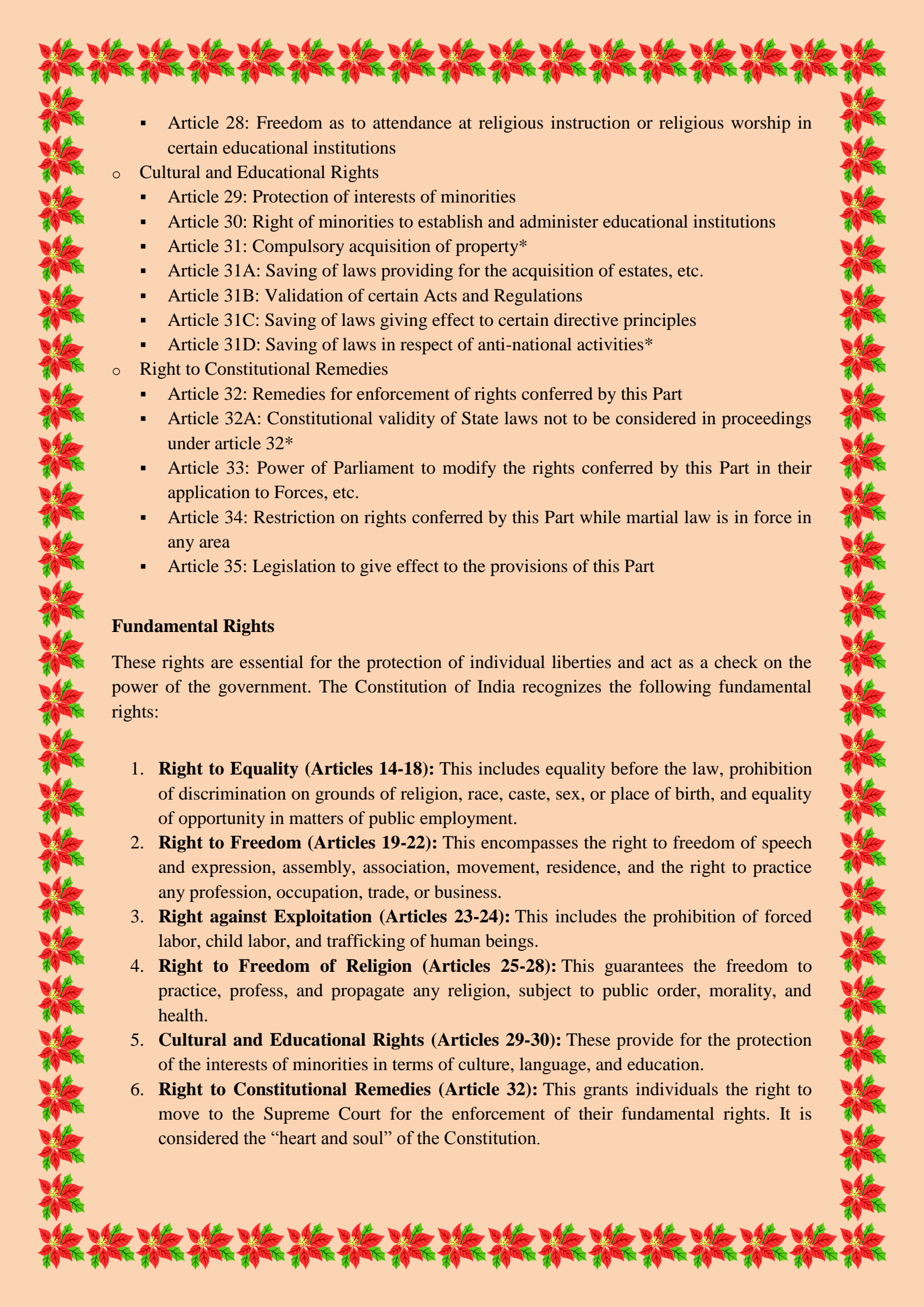
Fundamental rights are a set of basic human rights that are guaranteed to every citizen of a country to ensure their dignity, freedom, and well-being. In India, fundamental rights are enshrined in Part III (Articles 12 to 35) of the Constitution. Read here to know the articles in detail.

The fundamental rights were included in the constitution because they were considered essential for the development of the personality of every individual and to preserve human dignity.

All people, irrespective of race, religion, caste, or sex, have been given the right to move the Supreme Court and the High Courts for the enforcement of their fundamental rights. Seven categories of Fundamental Rights are covered by Articles 12-35.

Part III of the Indian Constitution talks about Fundamental Rights.


- Fundamental Rights
 - Article 12: Definition
 - Article 13: Laws inconsistent with or in derogation of the fundamental rights
- Fundamental Rights in Detail
 - Right to Equality
 - Article 14: Equality before the law
 - Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth
 - Article 16: Equality of opportunity in matters of public employment
 - Article 17: Abolition of Untouchability
 - Article 18: Abolition of titles
 - Right to Freedom
 - Article 19: Protection of certain rights regarding freedom of speech, etc.
 - Article 20: Protection in respect of conviction for offences
 - Article 21: Protection of life and personal liberty
 - Article 21A: Fundamental Rights to Education
 - Article 22: Protection against arrest and detention in certain cases
 - Right against Exploitation
 - Article 23: Prohibition of traffic in human beings and forced labor
 - Article 24: Prohibition of employment of children in factories, etc.
 - Right to Freedom of Religion
 - Article 25: Freedom of conscience and free profession, practice, and propagation of religion
 - Article 26: Freedom to manage religious affairs
 - Article 27: Freedom as to payment of taxes for the promotion of any particular religion

- 
- Article 28: Freedom as to attendance at religious instruction or religious worship in certain educational institutions
 - Cultural and Educational Rights
 - Article 29: Protection of interests of minorities
 - Article 30: Right of minorities to establish and administer educational institutions
 - Article 31: Compulsory acquisition of property*
 - Article 31A: Saving of laws providing for the acquisition of estates, etc.
 - Article 31B: Validation of certain Acts and Regulations
 - Article 31C: Saving of laws giving effect to certain directive principles
 - Article 31D: Saving of laws in respect of anti-national activities*
 - Right to Constitutional Remedies
 - Article 32: Remedies for enforcement of rights conferred by this Part
 - Article 32A: Constitutional validity of State laws not to be considered in proceedings under article 32*
 - Article 33: Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc.
 - Article 34: Restriction on rights conferred by this Part while martial law is in force in any area
 - Article 35: Legislation to give effect to the provisions of this Part

Fundamental Rights

These rights are essential for the protection of individual liberties and act as a check on the power of the government. The Constitution of India recognizes the following fundamental rights:

1. **Right to Equality (Articles 14-18):** This includes equality before the law, prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth, and equality of opportunity in matters of public employment.
2. **Right to Freedom (Articles 19-22):** This encompasses the right to freedom of speech and expression, assembly, association, movement, residence, and the right to practice any profession, occupation, trade, or business.
3. **Right against Exploitation (Articles 23-24):** This includes the prohibition of forced labor, child labor, and trafficking of human beings.
4. **Right to Freedom of Religion (Articles 25-28):** This guarantees the freedom to practice, profess, and propagate any religion, subject to public order, morality, and health.
5. **Cultural and Educational Rights (Articles 29-30):** These provide for the protection of the interests of minorities in terms of culture, language, and education.
6. **Right to Constitutional Remedies (Article 32):** This grants individuals the right to move to the Supreme Court for the enforcement of their fundamental rights. It is considered the “heart and soul” of the Constitution.



Additionally, Article 35 allows the Parliament to enact laws to give effect to the provisions of fundamental rights and to restrict their scope in certain circumstances.

Article 12: Definition

In this Part, unless the context otherwise required, “the State” includes the Governmental and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

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Article 13: Laws inconsistent with or in derogation of the fundamental rights

(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

(3) In this article, unless the context otherwise required, –

- (a) “law” includes any Ordinance, order, bye-law, rule, regulation, notification, custom, or usage having in the territory of India the force of law;
- (b) “laws in force” includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.

(4) Nothing in this article shall apply to any amendment of this Constitution made under Article 368.

Fundamental Rights in Detail

It's important to note that fundamental rights are not absolute and can be subject to reasonable restrictions in the interest of public order, morality, security, and other specified factors. The Constitution also provides for the suspension of certain fundamental rights during a state of emergency.



Right to Equality

ARTICLE 14: EQUALITY BEFORE THE LAW

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

ARTICLE 15: PROHIBITION OF DISCRIMINATION ON GROUNDS OF RELIGION, RACE, CASTE, SEX, OR PLACE OF BIRTH

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth, or any of them.

(2) No citizen shall, on the ground only of religion, race, caste, sex, place of birth, or any of them, be subject to any disability, liability, restriction, or condition about –

- (a) access to shops, public restaurants, hotels, and places of public entertainment; or
- (b) the use of wells, tanks, bathing ghats, roads, and places of public resort maintained whole or partly out of State funds or dedicated to the use of the general public.

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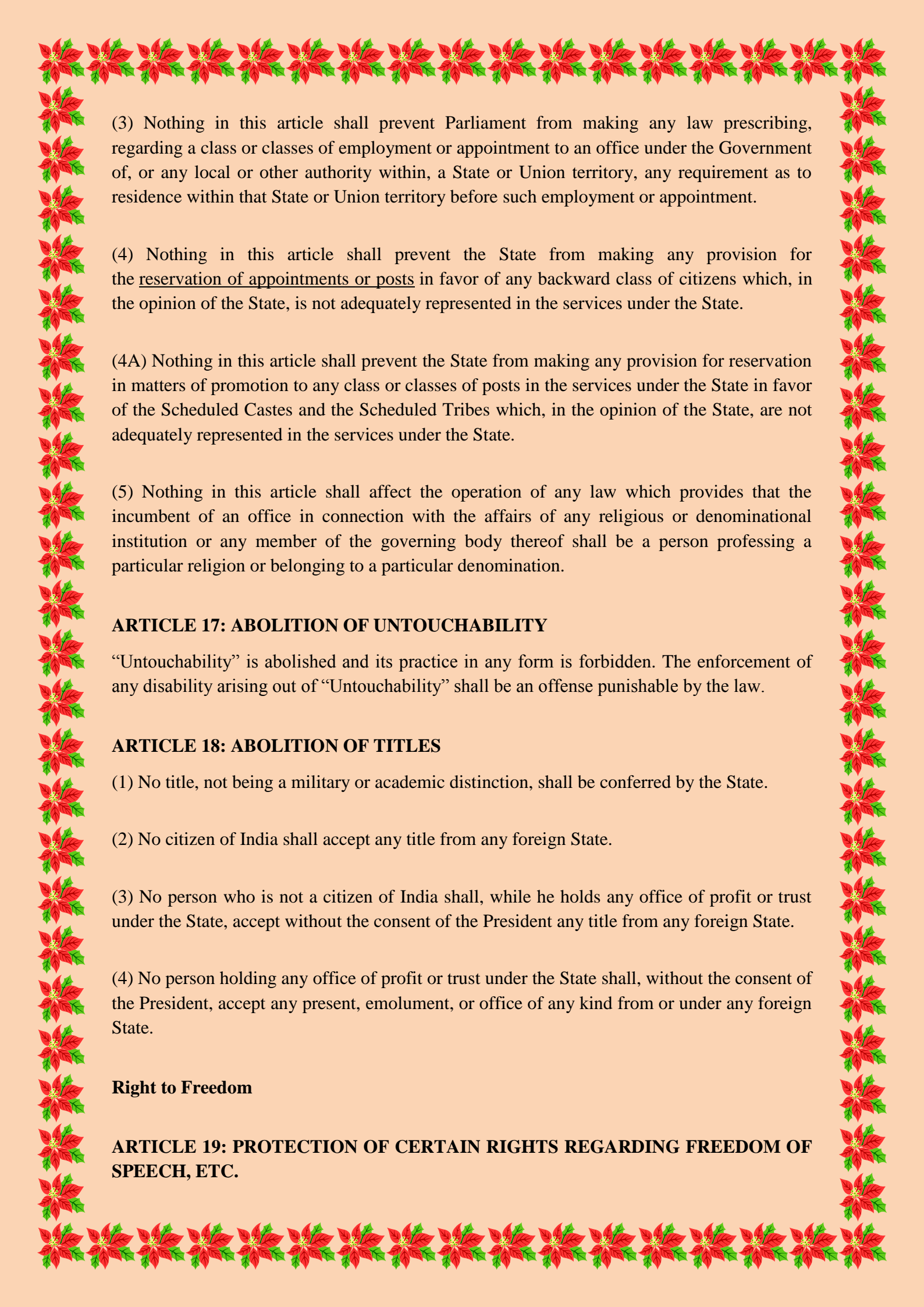
(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) or Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or the Scheduled Castes and the Scheduled Tribes.

ARTICLE 16: EQUALITY OF OPPORTUNITY IN MATTERS OF PUBLIC EMPLOYMENT

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.



(3) Nothing in this article shall prevent Parliament from making any law prescribing, regarding a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory before such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favor of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

ARTICLE 17: ABOLITION OF UNTOUCHABILITY

“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offense punishable by the law.

ARTICLE 18: ABOLITION OF TITLES

(1) No title, not being a military or academic distinction, shall be conferred by the State.


(2) No citizen of India shall accept any title from any foreign State.

(3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.

(4) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.

Right to Freedom

ARTICLE 19: PROTECTION OF CERTAIN RIGHTS REGARDING FREEDOM OF SPEECH, ETC.



(1) All citizens shall have the right-

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India; and
- (f) to practice any profession, or to carry on any occupation, trade, or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or about contempt of court, defamation or incitement to an offense.

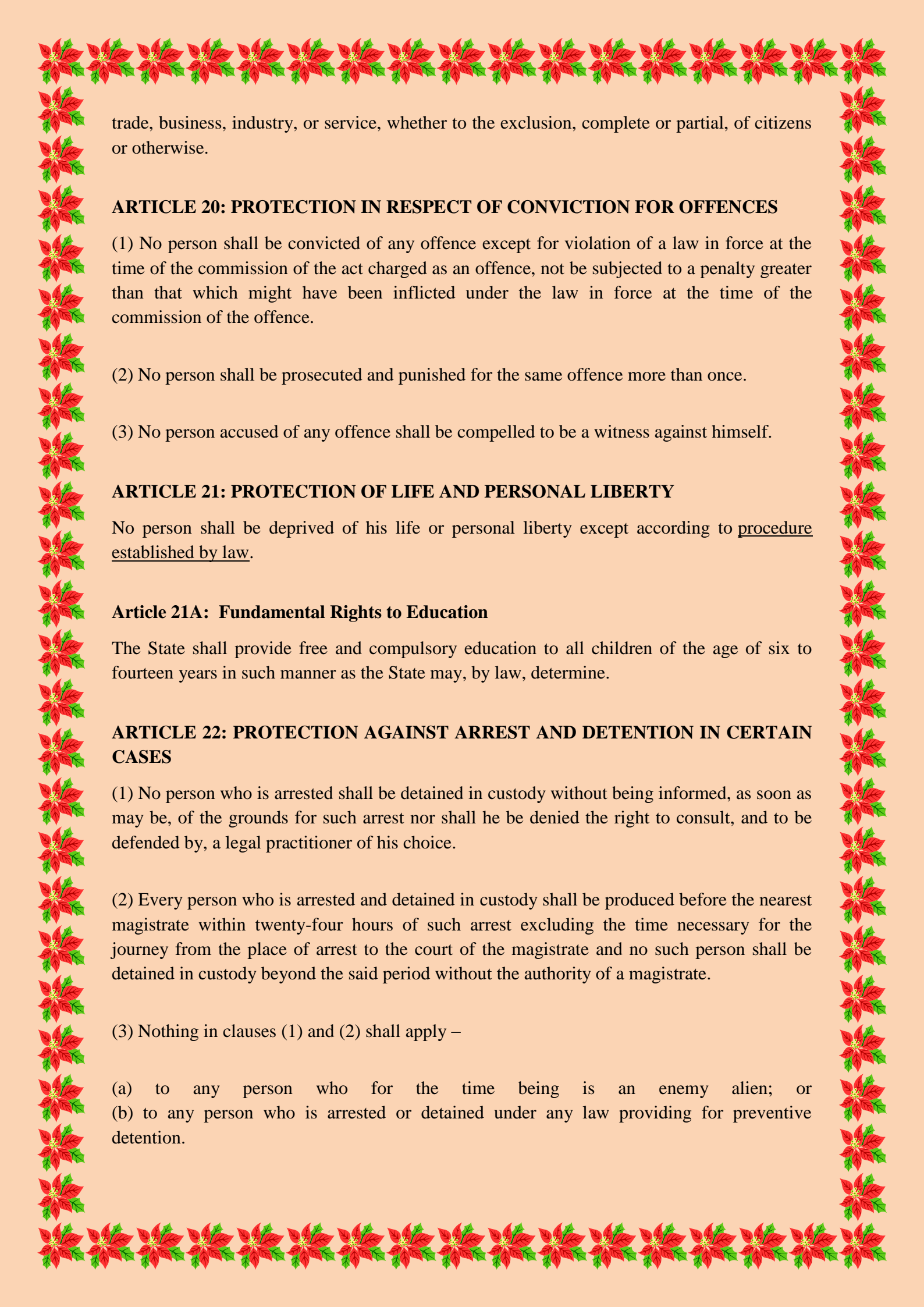
(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interest of the sovereignty and integrity of India or public order, reasonable restrictions on the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clause (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Schedule Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, –

- (i) the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business, or
- (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any



trade, business, industry, or service, whether to the exclusion, complete or partial, of citizens or otherwise.

ARTICLE 20: PROTECTION IN RESPECT OF CONVICTION FOR OFFENCES

(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, not be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

ARTICLE 21: PROTECTION OF LIFE AND PERSONAL LIBERTY

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 21A: Fundamental Rights to Education

The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.


ARTICLE 22: PROTECTION AGAINST ARREST AND DETENTION IN CERTAIN CASES

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply –

- (a) to any person who for the time being is an enemy alien; or
- (b) to any person who is arrested or detained under any law providing for preventive detention.



(4) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless –

(a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention: Provided that nothing in this sub-clause shall authorize the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or

(b) such a person is detained by the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe –

(a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board by the provisions of sub-clause (a) of clause (7);

(a) of clause (7);

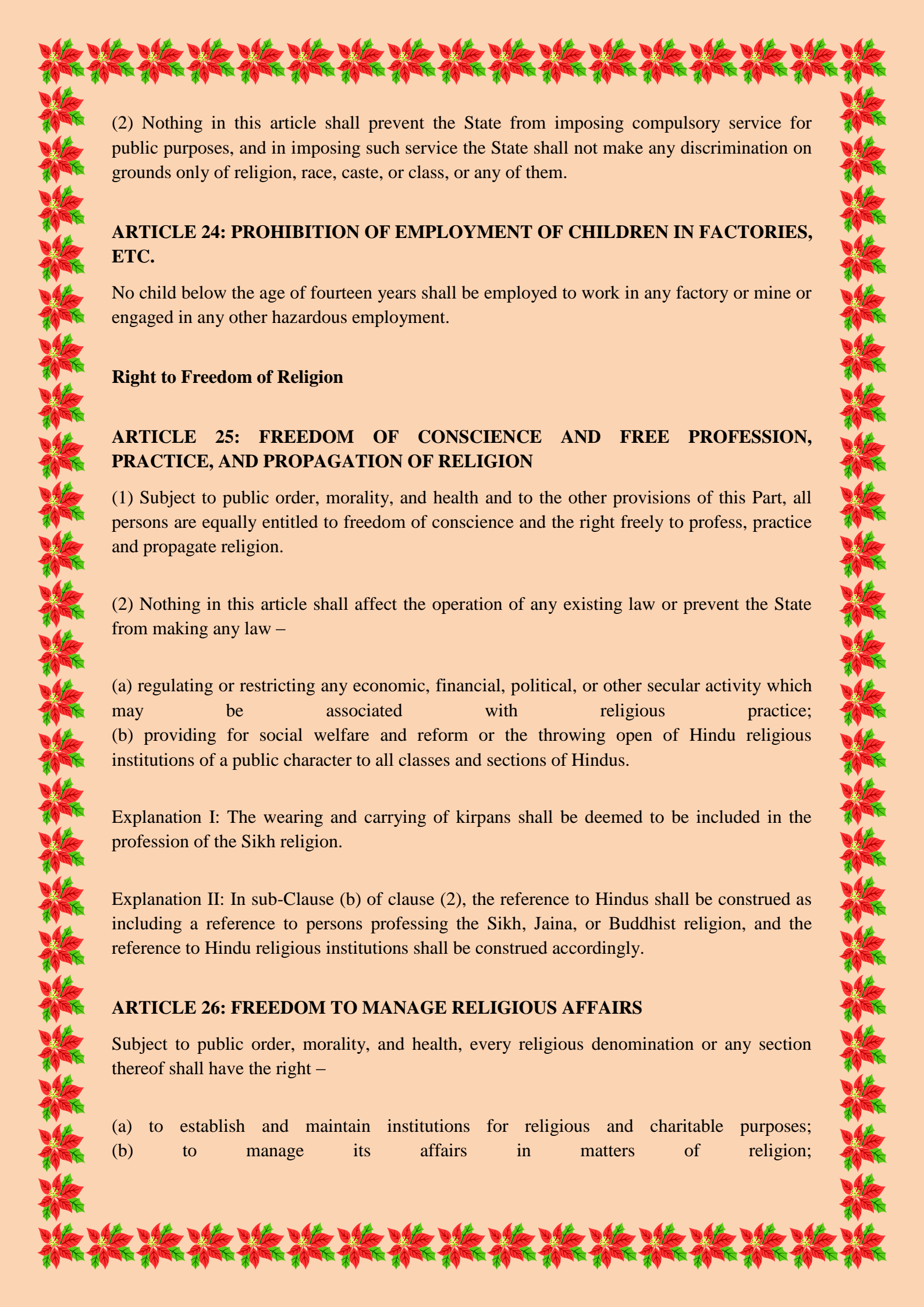
(b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and

(c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (7).

Right against Exploitation

ARTICLE 23: PROHIBITION OF TRAFFIC IN HUMAN BEINGS AND FORCED LABOR

(1) Traffic in human beings and begar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable by the law.



(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste, or class, or any of them.

ARTICLE 24: PROHIBITION OF EMPLOYMENT OF CHILDREN IN FACTORIES, ETC.

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Right to Freedom of Religion

ARTICLE 25: FREEDOM OF CONSCIENCE AND FREE PROFESSION, PRACTICE, AND PROPAGATION OF RELIGION

(1) Subject to public order, morality, and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law –

- (a) regulating or restricting any economic, financial, political, or other secular activity which may be associated with religious practice;
- (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

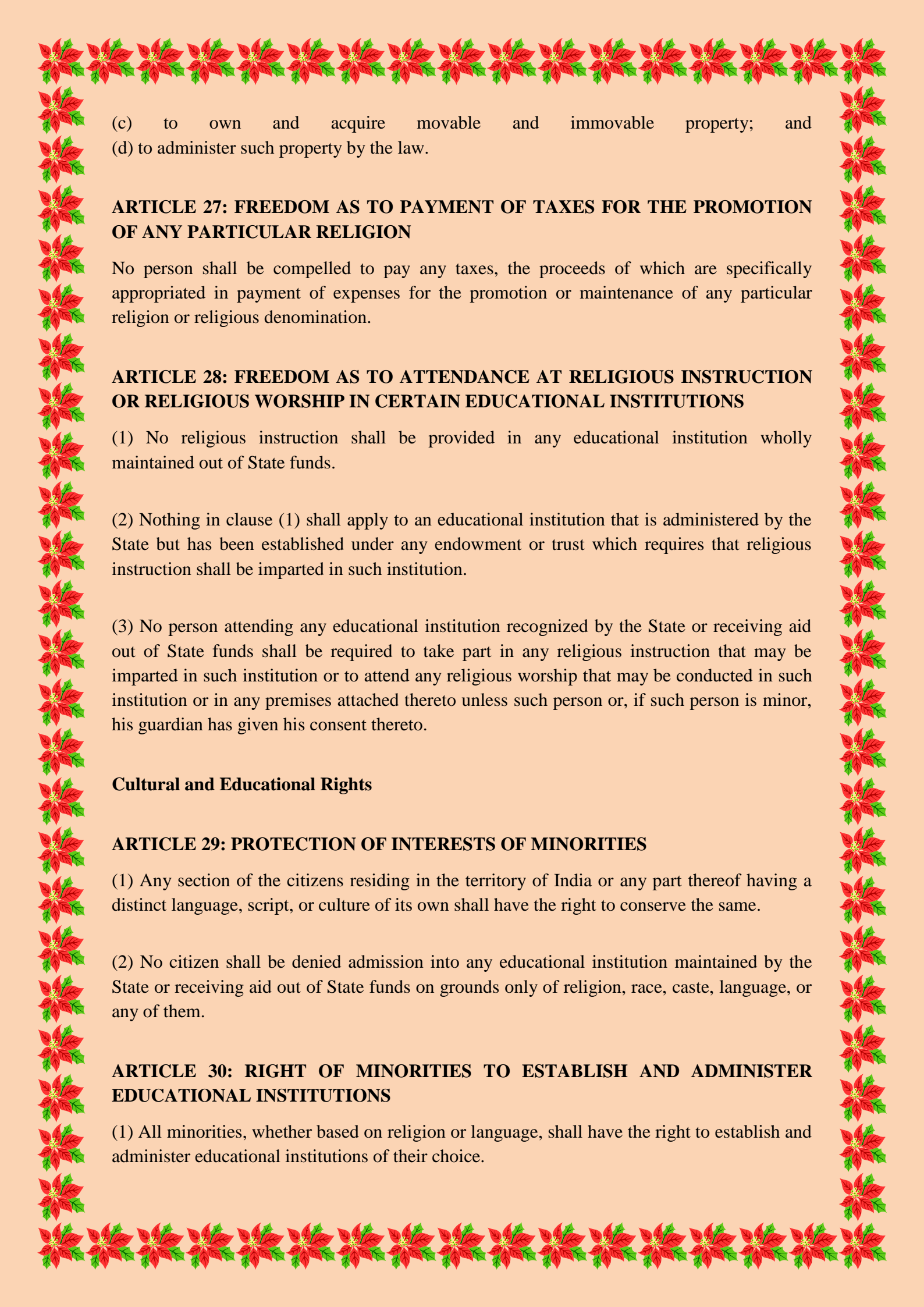
Explanation I: The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II: In sub-Clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina, or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

ARTICLE 26: FREEDOM TO MANAGE RELIGIOUS AFFAIRS

Subject to public order, morality, and health, every religious denomination or any section thereof shall have the right –

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its affairs in matters of religion;

- 
- (c) to own and acquire movable and immovable property; and
(d) to administer such property by the law.

ARTICLE 27: FREEDOM AS TO PAYMENT OF TAXES FOR THE PROMOTION OF ANY PARTICULAR RELIGION

No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

ARTICLE 28: FREEDOM AS TO ATTENDANCE AT RELIGIOUS INSTRUCTION OR RELIGIOUS WORSHIP IN CERTAIN EDUCATIONAL INSTITUTIONS

(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

(2) Nothing in clause (1) shall apply to an educational institution that is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

(3) No person attending any educational institution recognized by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is minor, his guardian has given his consent thereto.

Cultural and Educational Rights

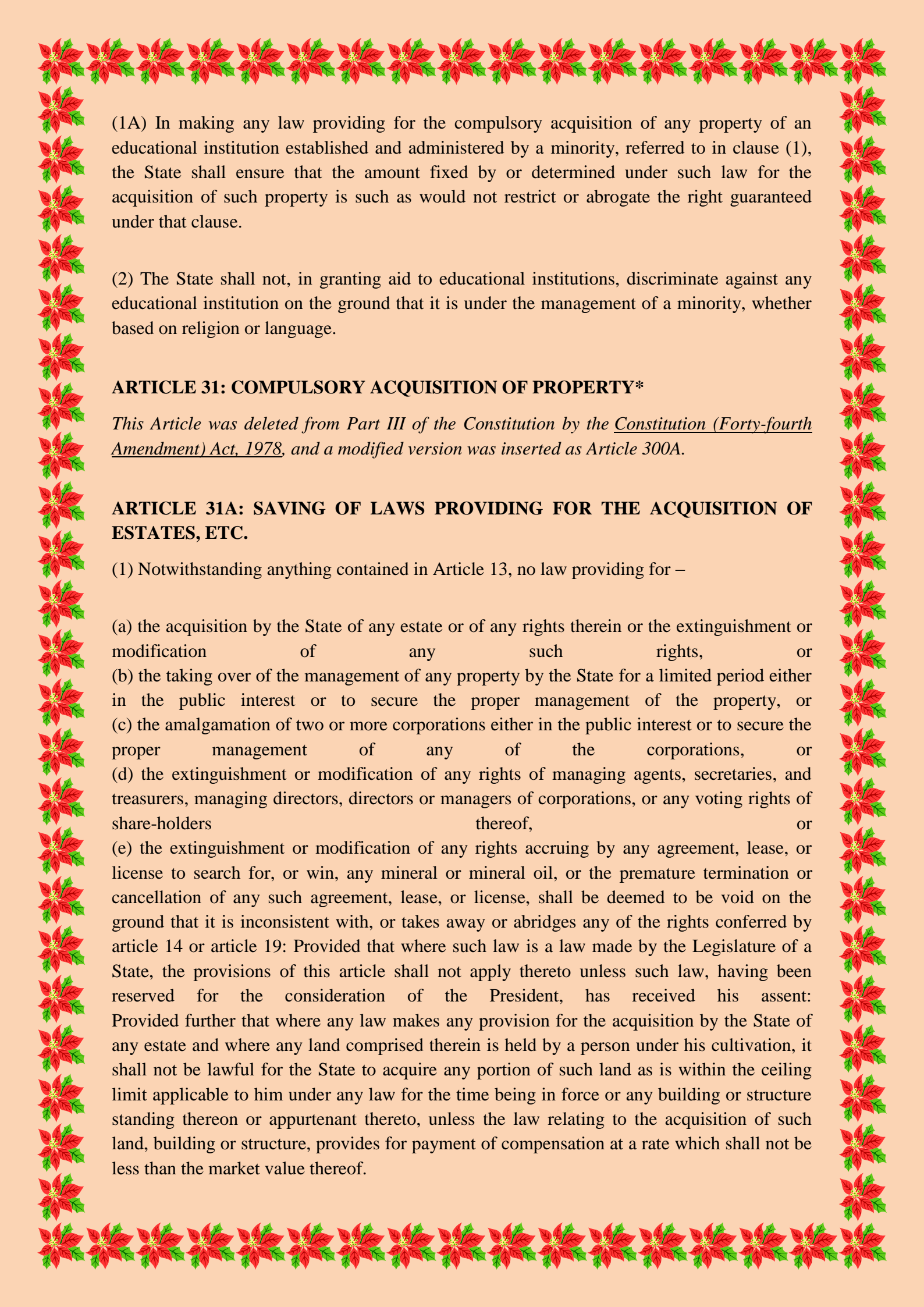
ARTICLE 29: PROTECTION OF INTERESTS OF MINORITIES

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script, or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language, or any of them.

ARTICLE 30: RIGHT OF MINORITIES TO ESTABLISH AND ADMINISTER EDUCATIONAL INSTITUTIONS

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.



(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

ARTICLE 31: COMPULSORY ACQUISITION OF PROPERTY*

This Article was deleted from Part III of the Constitution by the Constitution (Forty-fourth Amendment) Act, 1978, and a modified version was inserted as Article 300A.

ARTICLE 31A: SAVING OF LAWS PROVIDING FOR THE ACQUISITION OF ESTATES, ETC.

(1) Notwithstanding anything contained in Article 13, no law providing for –

(a) the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights, or
(b) the taking over of the management of any property by the State for a limited period either in the public interest or to secure the proper management of the property, or
(c) the amalgamation of two or more corporations either in the public interest or to secure the proper management of any of the corporations, or
(d) the extinguishment or modification of any rights of managing agents, secretaries, and treasurers, managing directors, directors or managers of corporations, or any voting rights of share-holders thereof, or
(e) the extinguishment or modification of any rights accruing by any agreement, lease, or license to search for, or win, any mineral or mineral oil, or the premature termination or cancellation of any such agreement, lease, or license, shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14 or article 19: Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent: Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof.

(2) In this article, –

(a) the expression “estate” shall, about any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenure in force in that area and shall also include –

- (i) any jagir, inam or mafia or other similar grant and in the States of Tamil Nadu and Kerala, any janmam right;
- (ii) any land held under ryotwari settlement;
- (iii) any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural laborers, and village artisans;

(b) the expression “rights”, about an estate, shall include any rights vesting in a proprietor, sub-proprietor, under-proprietor, tenure-holder, raiyat, under-raiyat or other intermediary and any rights or privileges in respect of land revenue.

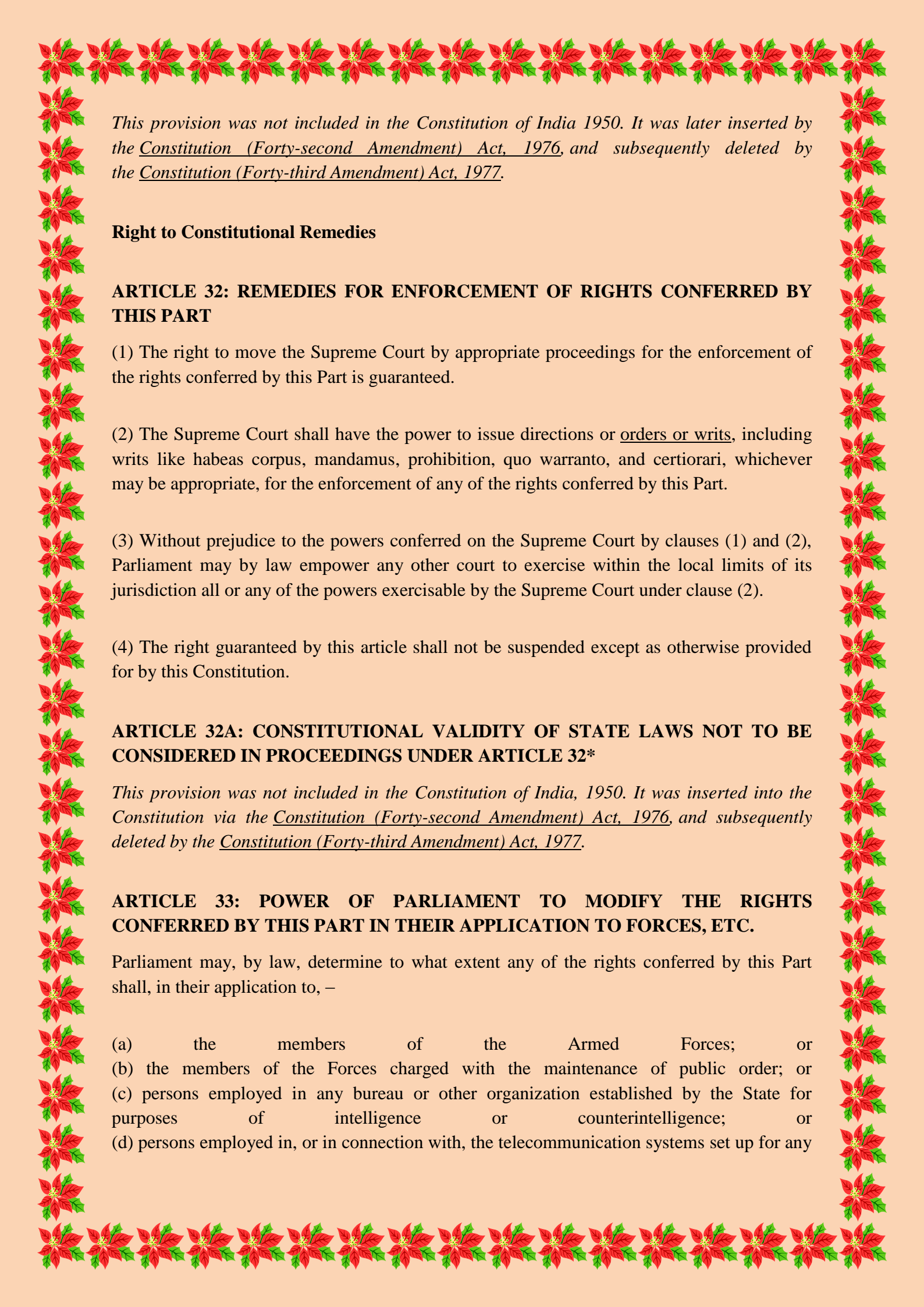
ARTICLE 31B: VALIDATION OF CERTAIN ACTS AND REGULATIONS

Without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provision thereof shall be deemed to be void, or even to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this part, and notwithstanding any judgment, decree or order of any court or tribunal to the contrary, each of the said Acts and Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force.

ARTICLE 31C: SAVING OF LAWS GIVING EFFECT TO CERTAIN DIRECTIVE PRINCIPLES

Notwithstanding anything contained in Article 13, no law giving effect to the policy of the State towards securing all or any of the principles laid down in Part IV shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14 or article 19; and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy:
Provided that where such law is made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.

ARTICLE 31D: SAVING OF LAWS IN RESPECT OF ANTI-NATIONAL ACTIVITIES*



This provision was not included in the Constitution of India 1950. It was later inserted by the Constitution (Forty-second Amendment) Act, 1976, and subsequently deleted by the Constitution (Forty-third Amendment) Act, 1977.

Right to Constitutional Remedies

ARTICLE 32: REMEDIES FOR ENFORCEMENT OF RIGHTS CONFERRED BY THIS PART

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have the power to issue directions or orders or writs, including writs like habeas corpus, mandamus, prohibition, quo warranto, and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

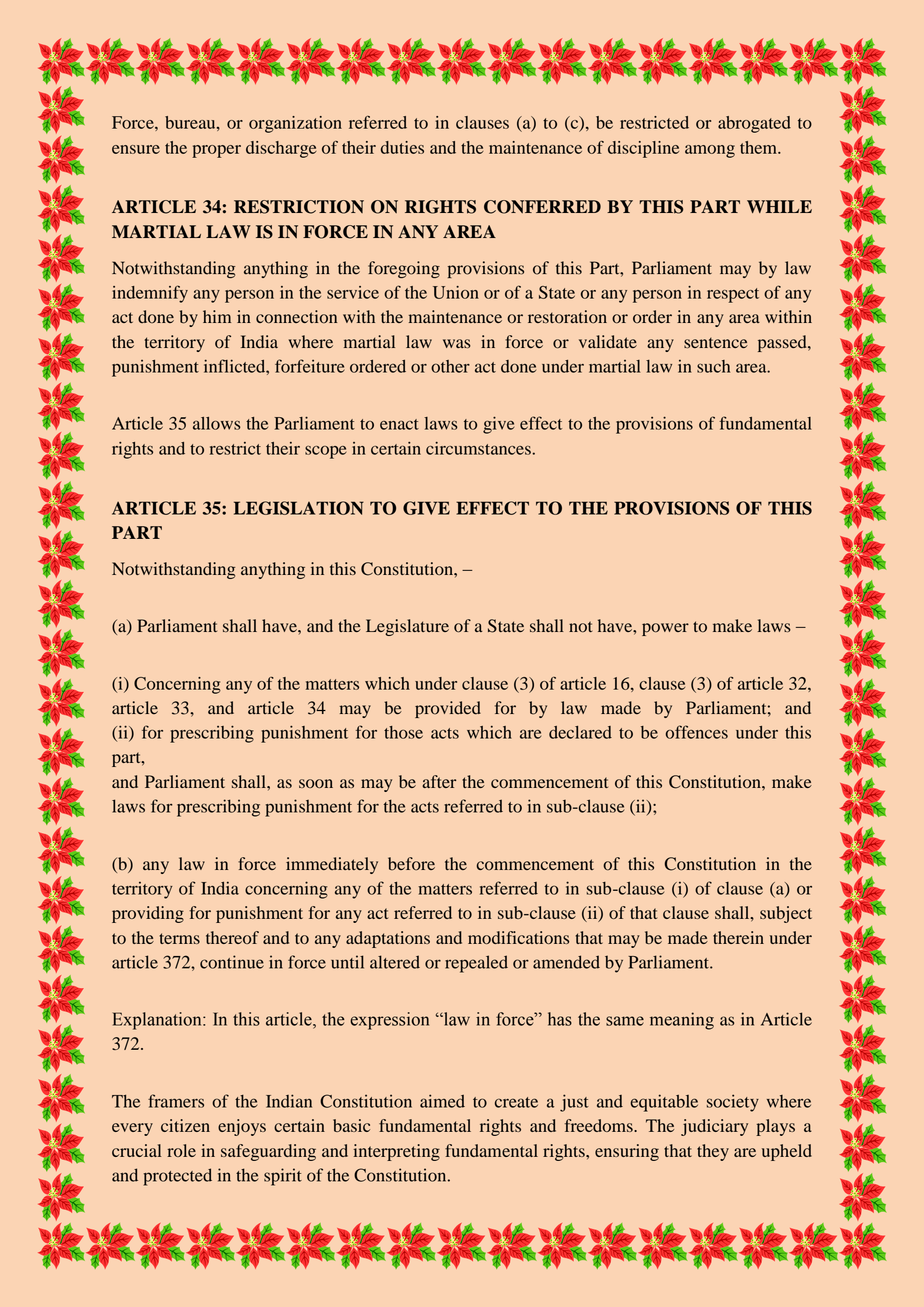
ARTICLE 32A: CONSTITUTIONAL VALIDITY OF STATE LAWS NOT TO BE CONSIDERED IN PROCEEDINGS UNDER ARTICLE 32*

This provision was not included in the Constitution of India, 1950. It was inserted into the Constitution via the Constitution (Forty-second Amendment) Act, 1976, and subsequently deleted by the Constitution (Forty-third Amendment) Act, 1977.

ARTICLE 33: POWER OF PARLIAMENT TO MODIFY THE RIGHTS CONFERRED BY THIS PART IN THEIR APPLICATION TO FORCES, ETC.

Parliament may, by law, determine to what extent any of the rights conferred by this Part shall, in their application to, –

- (a) the members of the Armed Forces; or
- (b) the members of the Forces charged with the maintenance of public order; or
- (c) persons employed in any bureau or other organization established by the State for purposes of intelligence or counterintelligence; or
- (d) persons employed in, or in connection with, the telecommunication systems set up for any



Force, bureau, or organization referred to in clauses (a) to (c), be restricted or abrogated to ensure the proper discharge of their duties and the maintenance of discipline among them.

ARTICLE 34: RESTRICTION ON RIGHTS CONFERRED BY THIS PART WHILE MARTIAL LAW IS IN FORCE IN ANY AREA

Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law indemnify any person in the service of the Union or of a State or any person in respect of any act done by him in connection with the maintenance or restoration or order in any area within the territory of India where martial law was in force or validate any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area.

Article 35 allows the Parliament to enact laws to give effect to the provisions of fundamental rights and to restrict their scope in certain circumstances.

ARTICLE 35: LEGISLATION TO GIVE EFFECT TO THE PROVISIONS OF THIS PART

Notwithstanding anything in this Constitution, –

(a) Parliament shall have, and the Legislature of a State shall not have, power to make laws –

(i) Concerning any of the matters which under clause (3) of article 16, clause (3) of article 32, article 33, and article 34 may be provided for by law made by Parliament; and
(ii) for prescribing punishment for those acts which are declared to be offences under this part,

and Parliament shall, as soon as may be after the commencement of this Constitution, make laws for prescribing punishment for the acts referred to in sub-clause (ii);

(b) any law in force immediately before the commencement of this Constitution in the territory of India concerning any of the matters referred to in sub-clause (i) of clause (a) or providing for punishment for any act referred to in sub-clause (ii) of that clause shall, subject to the terms thereof and to any adaptations and modifications that may be made therein under article 372, continue in force until altered or repealed or amended by Parliament.

Explanation: In this article, the expression “law in force” has the same meaning as in Article 372.

The framers of the Indian Constitution aimed to create a just and equitable society where every citizen enjoys certain basic fundamental rights and freedoms. The judiciary plays a crucial role in safeguarding and interpreting fundamental rights, ensuring that they are upheld and protected in the spirit of the Constitution.



Fundamental Duties

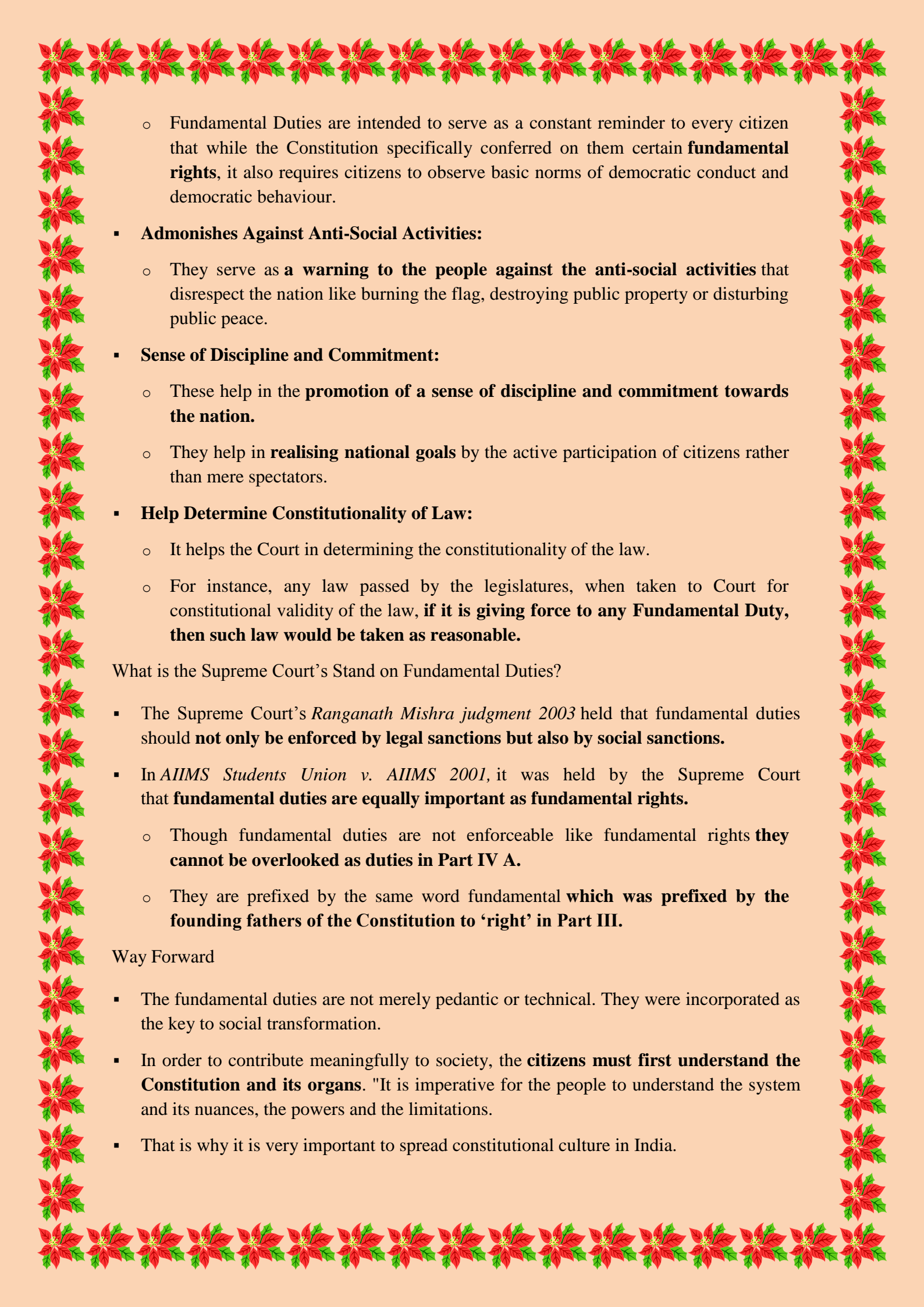
- The idea of Fundamental Duties is **inspired from the Constitution of Russia (erstwhile Soviet Union)**.
- These were incorporated in **Part IV-A of the Constitution by the 42nd Constitutional Amendment Act, 1976** on the recommendations of the **Swaran Singh Committee**.
- Originally 10 in number, one more duty was added through the **86th Constitutional Amendment Act, 2002**.
 - All the eleven duties are listed in **Article 51-A of the Constitution** (the sole Article in Part-IV-A).
- Like the **Directive Principles of State Policy**, Fundamental duties are also non-justiciable in nature.

What are the Listed Fundamental Duties?

- To abide by the Constitution and respect its **ideals and institutions, the National Flag and the National Anthem**,
- To cherish and follow the noble ideals **that inspired the national struggle for freedom**,
- To **uphold and protect the sovereignty**, unity and integrity of India,
- To **defend the country and render national service** when called upon to do so,
- To promote **harmony and the spirit of common brotherhood amongst all** the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women,
- To **value and preserve the rich heritage** of the country's composite culture,
- To protect and **improve the natural environment** including forests, lakes, rivers and wildlife and to have compassion for living creatures,
- To develop scientific temper, humanism and the **spirit of inquiry and reform**,
- To safeguard **public property and to abjure violence**,
- To strive **towards excellence in all spheres** of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement, and
- To provide **opportunities for education to his child or ward between the age of six and fourteen years** (added by the 86th Constitutional Amendment Act, 2002).

What is the Significance of Fundamental Duties?

- **Constant Reminder of Democratic Conduct:**

- 
- Fundamental Duties are intended to serve as a constant reminder to every citizen that while the Constitution specifically conferred on them certain **fundamental rights**, it also requires citizens to observe basic norms of democratic conduct and democratic behaviour.

- **Admonishes Against Anti-Social Activities:**

- They serve as a **warning to the people against the anti-social activities** that disrespect the nation like burning the flag, destroying public property or disturbing public peace.

- **Sense of Discipline and Commitment:**

- These help in the **promotion of a sense of discipline and commitment towards the nation.**
- They help in **realising national goals** by the active participation of citizens rather than mere spectators.

- **Help Determine Constitutionality of Law:**

- It helps the Court in determining the constitutionality of the law.
- For instance, any law passed by the legislatures, when taken to Court for constitutional validity of the law, **if it is giving force to any Fundamental Duty, then such law would be taken as reasonable.**

What is the Supreme Court's Stand on Fundamental Duties?

- The Supreme Court's *Ranganath Mishra judgment 2003* held that fundamental duties should **not only be enforced by legal sanctions but also by social sanctions.**
- In *AIIMS Students Union v. AIIMS 2001*, it was held by the Supreme Court that **fundamental duties are equally important as fundamental rights.**
 - Though fundamental duties are not enforceable like fundamental rights **they cannot be overlooked as duties in Part IV A.**
 - They are prefixed by the same word fundamental **which was prefixed by the founding fathers of the Constitution to 'right' in Part III.**

Way Forward

- The fundamental duties are not merely pedantic or technical. They were incorporated as the key to social transformation.
- In order to contribute meaningfully to society, the **citizens must first understand the Constitution and its organs.** "It is imperative for the people to understand the system and its nuances, the powers and the limitations.
- That is why it is very important to spread constitutional culture in India.

- There is a need for every citizen to be a meaningful stakeholder in Indian democracy and try to imbibe the Constitutional philosophy in its true spirit.
- There is a need for a uniform policy for the “proper sensitization, full operationalization and enforceability” of fundamental duties which would “substantially help citizens to be responsible”.

Indian Parliament consists of Lok Sabha, Rajya Sabha and the President of India. Lok Sabha is the lower house of the parliament and is termed as the popular chamber of the Indian Parliament.

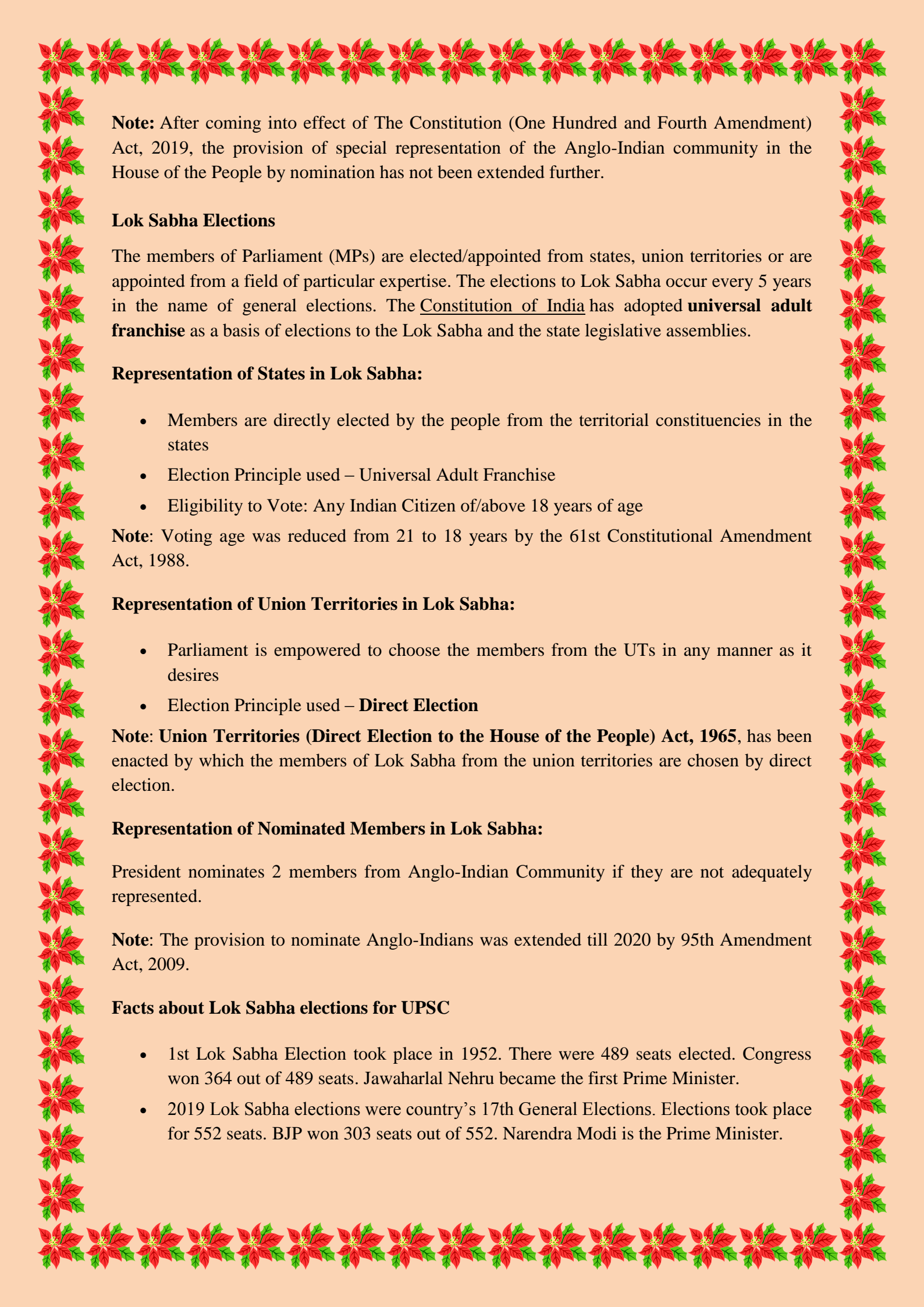
Lok Sabha – Indian Polity

What is Lok Sabha and who are Lok Sabha members?

Indian Parliament is bicameral in nature i.e. that it has two houses. Lok Sabha is one of those two houses. The other house is the Rajya Sabha. (You may check the differences between Lok Sabha and Rajya Sabha in the linked article.) Lok Sabha is the first chamber of the parliament and represents the people of India as a whole. The members elected by universal adult suffrage are part of Lok Sabha.

Composition of Lok Sabha:

Composition of Lok Sabha	
Maximum Strength – 552	530 represent the States
	20 are the representatives of Union Territories
	2 are nominated from the President from Anglo-Indian Community
Current Strength – 542	530 represent States
	20 represent Union Territories
	2 are nominated from the President from Anglo-Indian Community



Note: After coming into effect of The Constitution (One Hundred and Fourth Amendment) Act, 2019, the provision of special representation of the Anglo-Indian community in the House of the People by nomination has not been extended further.

Lok Sabha Elections

The members of Parliament (MPs) are elected/appointed from states, union territories or are appointed from a field of particular expertise. The elections to Lok Sabha occur every 5 years in the name of general elections. The Constitution of India has adopted **universal adult franchise** as a basis of elections to the Lok Sabha and the state legislative assemblies.

Representation of States in Lok Sabha:

- Members are directly elected by the people from the territorial constituencies in the states
- Election Principle used – Universal Adult Franchise
- Eligibility to Vote: Any Indian Citizen of/above 18 years of age

Note: Voting age was reduced from 21 to 18 years by the 61st Constitutional Amendment Act, 1988.

Representation of Union Territories in Lok Sabha:

- Parliament is empowered to choose the members from the UTs in any manner as it desires
- Election Principle used – **Direct Election**

Note: Union Territories (Direct Election to the House of the People) Act, 1965, has been enacted by which the members of Lok Sabha from the union territories are chosen by direct election.

Representation of Nominated Members in Lok Sabha:

President nominates 2 members from Anglo-Indian Community if they are not adequately represented.

Note: The provision to nominate Anglo-Indians was extended till 2020 by 95th Amendment Act, 2009.

Facts about Lok Sabha elections for UPSC

- 1st Lok Sabha Election took place in 1952. There were 489 seats elected. Congress won 364 out of 489 seats. Jawaharlal Nehru became the first Prime Minister.
- 2019 Lok Sabha elections were country's 17th General Elections. Elections took place for 552 seats. BJP won 303 seats out of 552. Narendra Modi is the Prime Minister.

- In 1952, only 22 women were elected while in 2014, 49 women candidates were elected.
- Elections to Lok Sabha are carried out using a first-past-the-post electoral system.

Who is Lok Sabha Speaker?

The speaker of Lok Sabha is a member who elected from amongst the members of the house. He chairs the house and no proceedings in the house take place in his absence.

Facts about Lok Sabha Speaker for UPSC:

- 1st Lok Sabha Speaker – Ganesh Vasudev Mavalankar (1952-1956) (died in the office)
 - Ananthasayanam Ayyanagar was elected as Lok Sabha Speaker in 1956 who worked till 1957
- After 16th Lok Sabha elections, Ms Sumitra Mahajan was elected as the Lok Sabha speaker
- Following 17th Lok Sabha elections (2019 General Elections), Om Birla is the speaker of Lok Sabha. (To read more on the [Lok Sabha Speaker](#), check the linked article.)

Lok Sabha Constituencies

There are 543 constituencies in India that take part in the Lok Sabha elections. There are various doubts related to Lok Sabha constituencies which strike an aspirants' mind. Below-given are answers to a few questions related to Lok Sabha constituencies which you may know for UPSC Prelims:

Which is the largest constituency (area-wise)?	Ladakh (1,73,266.37 sq.km)
Which is the smallest constituency (area-wise)?	Chandni Chowk (10.59 sq.km)
Which is the largest constituency (electors-wise)	Malkajgiri (29,53,915)
Which is the smallest constituency (electors-wise)	Lakshadweep (47,972)

Lok Sabha and important articles of the Indian Constitution

The following are important articles of the Indian Constitution in relation to Lok Sabha:

Articles	Provision
Article 326 (Part XV)	Elections to Lok Sabha shall be on the basis of adult suffrage
Article 83 (2)	Lok Sabha will continue for 5 years, unless sooner dissolved, from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House
Article 75	Council of Ministers are collectively responsible to Lok Sabha
Article 324	Power, superintendence of Election Commission w.r.t. Lok Sabha elections and more

What are the important amendments acts related to Lok Sabha?

The following table provides the list of important amendment acts and their relationship with Lok Sabha:

Amendment Act	Amended Provisions w.r.t. Lok Sabha
2nd Amendment Act, 1952	Readjusted the scale of representation in the Lok Sabha
23rd Amendment Act, 1969	Extended the reservation of seats for the SCs and STs, and special representation for the Anglo-Indians in the Lok Sabha for a further period of ten years (i.e., up to 1980)
31st Amendment Act, 1972	Increased the number of Lok Sabha seats from 525 to 545
41st Amendment Act, 1976	<ul style="list-style-type: none"> Froze the seats in the Lok Sabha and state legislative assemblies on the basis of 1971 census till 2001 Raised the tenure of Lok Sabha and state legislative assemblies from 5 to 6 years

44th Amendment Act, 1978	<ul style="list-style-type: none"> Restored the original term of the Lok Sabha and the state legislative assemblies (i.e., 5 years) Omitted the provisions which took away the power of the court to decide the election disputes of the Lok Sabha Speaker
45th Amendment Act, 1980	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha
51st Amendment Act, 1984	Provided for reservation of seats in the Lok Sabha for STs in Meghalaya, Arunachal Pradesh, Nagaland and Mizoram
61st Amendment Act, 1989	Reduced the voting age from 21 years to 18 years for the Lok Sabha
62nd Amendment Act, 1989	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha
79th Amendment Act, 1999	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha
84th Amendment Act, 2001	Extended the ban on the readjustment of seats in the Lok Sabha for another 25 years (i.e., up to 2026) with the same objective of encouraging population balancing measures
91st Amendment Act, 2003	Article 75(1A): The total number of ministers, including the Prime Minister, in the Central Council of Ministers, shall not exceed 15% of the total strength of Lok Sabha
95th Amendment Act, 2009	Article 334: Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha for a further period of ten years i.e., up to 2020

When was NOTA introduced in Lok Sabha?	NOTA was introduced in 16th Lok Sabha Elections of 2008
When was VVPAT was introduced in Lok Sabha?	<ul style="list-style-type: none"> A voter-verifiable paper audit trail was first used in an election in India in September 2013 in Noksen in Nagaland Later, introduced in 8 of 543 parliamentary constituencies in 2014

How many Department Related Standing Committees (DRSC) are there in Lok Sabha?

There are 16 Standing Committees in Lok Sabha. (To read more on Parliamentary Committees, check the linked article.)

What is the role of Lok Sabha in the introduction on Money Bill?

Money Bill can only be introduced in Lok Sabha. Lok Sabha speaker decides the credibility of the money bill.

Who is the leader of Lok Sabha?

Prime Minister is the leader of the house

What is the qualification of Lok Sabha members?

- Must be an Indian Citizen
- He must be not less than 25 years of age
- Must be registered as an elector for a parliamentary constituency
- Those who want to contest election from the reserved for SC/ST must be a member of a scheduled caste or scheduled tribe in any state or union territory

Rajya Sabha - Indian Polity Notes

Indian Parliament consists of Lok Sabha, Rajya Sabha and the President of India. Rajya Sabha is the upper house of the parliament and is termed as House of Elders in Indian Parliament. Understanding Rajya Sabha is very important for IAS Exam as it forms the basis of Indian Polity.

This article will in detail mention about Rajya Sabha, Rajya Sabha election process, Rajya Sabha seats, its chairman and, more. The article will answer a few questions that cross an aspirants' minds while preparing for UPSC 2022. IAS candidates should know that the topic 'Rajya Sabha' is very important for civil services examination as it comes under Political Science subject which is a significant subject both for Prelims and Mains GS-II and also for optional papers.

Rajya Sabha – Indian Polity Notes:-

[Download PDF Here](#)

Rajya Sabha – Rajya Sabha Members

Indian Parliament is bicameral in nature i.e. that it has two houses. Rajya Sabha is one of those two houses, i.e. the upper house of the Parliament. The other house is the Lok Sabha (Lower House of the Parliament.) (You may check the differences between Lok Sabha and

Rajya Sabha in the linked article.) Rajya Sabha is the second chamber of the parliament and represents the states and union territories of the nation. It is empowered to protect the interests of the states and union territories if there is an interference by the centre in their work.

Also, to read about Lok Sabha in detail, check the linked article.

Composition of Rajya Sabha:

Composition of Rajya Sabha	
Maximum Strength – 250	238 represent States & Union Territories
	12 are nominated by the president
Current Strength – 239 (6 Vacancies) Total – 245	225 members represent the states
	8 members represent the union territories
	12 members are nominated by the president
Note: Fourth Schedule of Indian Constitution deals with allocation of seats in Rajya Sabha	

Rajya Sabha

How are the Rajya Sabha members elected?

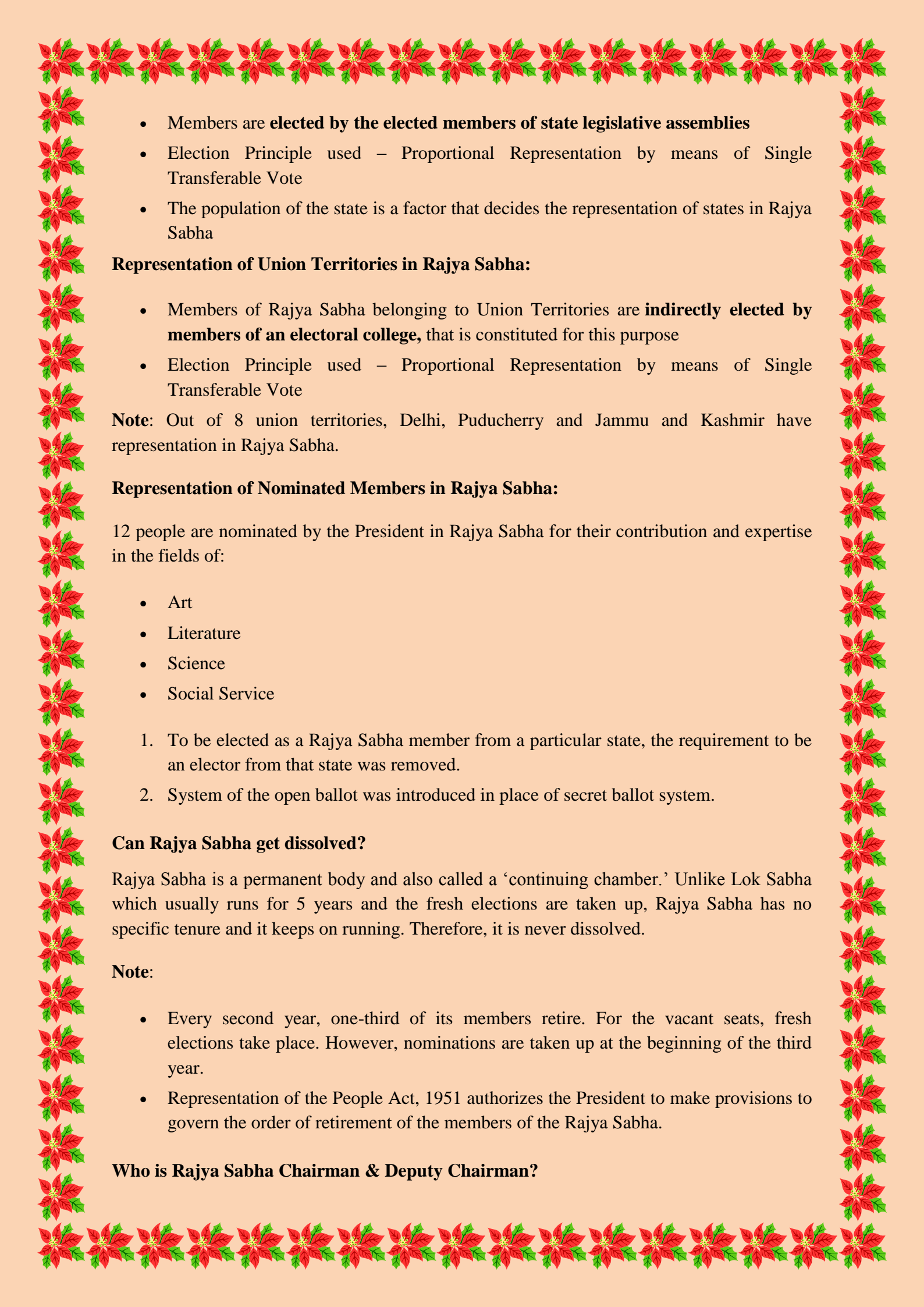
Rajya Sabha Members are elected by the elected members of state legislative assemblies using a method of proportional representation.

Note: Representation of States in Rajya Sabha is not equal. It depends on its population. State with a larger population will have more number of seats in Rajya Sabha than those with a lesser population.

Rajya Sabha Elections

There are three types of representation in Rajya Sabha :

Representation of States in Rajya Sabha:

- 
- Members are **elected by the elected members of state legislative assemblies**
 - Election Principle used – Proportional Representation by means of Single Transferable Vote
 - The population of the state is a factor that decides the representation of states in Rajya Sabha

Representation of Union Territories in Rajya Sabha:

- Members of Rajya Sabha belonging to Union Territories are **indirectly elected by members of an electoral college**, that is constituted for this purpose
- Election Principle used – Proportional Representation by means of Single Transferable Vote

Note: Out of 8 union territories, Delhi, Puducherry and Jammu and Kashmir have representation in Rajya Sabha.

Representation of Nominated Members in Rajya Sabha:

12 people are nominated by the President in Rajya Sabha for their contribution and expertise in the fields of:

- Art
 - Literature
 - Science
 - Social Service
1. To be elected as a Rajya Sabha member from a particular state, the requirement to be an elector from that state was removed.
 2. System of the open ballot was introduced in place of secret ballot system.

Can Rajya Sabha get dissolved?

Rajya Sabha is a permanent body and also called a ‘continuing chamber.’ Unlike Lok Sabha which usually runs for 5 years and the fresh elections are taken up, Rajya Sabha has no specific tenure and it keeps on running. Therefore, it is never dissolved.

Note:

- Every second year, one-third of its members retire. For the vacant seats, fresh elections take place. However, nominations are taken up at the beginning of the third year.
- Representation of the People Act, 1951 authorizes the President to make provisions to govern the order of retirement of the members of the Rajya Sabha.

Who is Rajya Sabha Chairman & Deputy Chairman?

Indian Vice-President is an ex-officio chairman of Rajya Sabha, while the deputy chairman of Rajya Sabha is one who is elected from amongst Rajya Sabha members. The details on Rajya Sabha Chairman and Deputy Chairman are given in the table below:

Details	Rajya Sabha Chairman	Rajya Sabha Deputy Chairman
Role	He presides the upper house	He presides the upper house whenever the following conditions arise: <ul style="list-style-type: none"> • Seat of chairman falls vacant • When Chairman/Vice-President is absent to act as President • When Chairman is absent from the sitting Note: In all three cases, Deputy Chairman of Rajya Sabha has all the powers of Chairman of Rajya Sabha
Removal	He can be removed as the chairman of Rajya Sabha only when he is removed from the seat of Vice-President of India Note: While the resolution is moved, he can't preside the house as chairman, though he can be a part of the house, speak in the house	He can be removed by a resolution passed by a majority of all the members of the Rajya Sabha Note: The resolution to remove him can be moved only after giving 14 days' advance notice
Is he a member of the house?	No	Yes
Can he vote in the house?	He cannot vote in the first instance Note: He can vote in the case of an equality of votes	When he presides as the chairman, he too cannot vote in the first instance but can exercise casting vote in case of a tie Note: When Chairman is present in the house, Deputy Chairman is an ordinary member in the house and can speak, participate in proceedings and even vote in the questions of house
Salary	Fixed by Parliament Note: His salary is charged on the Consolidated Fund of India. (Read	Fixed by Parliament Note: His salary is charged on Consolidated Fund of India

more about [funds of India](#) in the linked article)

Note: When Chairman of the house has to act as President of India, he is not entitled to a salary of Chairman of Rajya Sabha but of President of India

What is the principle of the election in Rajya Sabha?

Proportional Representation with the means of Single Transferable Vote

How many Department Related Standing Committees (DRSC) are there in Rajya Sabha?

There are 8 Standing Committees in Rajya Sabha. (To read more on [Parliamentary Committees](#), check the linked article)

What is the role of Rajya Sabha in the passage of Money Bill?

Rajya Sabha cannot introduce, reject or amend the [Money Bill](#) but has to return the bill with or without amendments

Who is the leader of Rajya Sabha?

Like Lok Sabha, Rajya Sabha also has a leader who is a minister and a member of the house and is nominated by the prime minister to function as such

What is the qualification of Rajya Sabha members?

- Must be an Indian Citizen
- Must be not less than 30 years of age
- Must be registered as an elector for a parliamentary constituency

[UPSC Mains General Studies Paper-II Strategy, Syllabus & Structure](#)

[Topic-Wise General Studies Paper 2 Questions for UPSC Mains](#)

[Previous Years Constitution Questions in UPSC Mains General Studies Paper – 2](#)

[Previous Years Polity Questions in UPSC Mains General Studies Paper – 2](#)

Frequently Asked Questions related to Rajya Sabha



What is the number of elected members in Rajya Sabha?

The Rajya Sabha should consist of not more than 250 members – 238 members representing the States and Union Territories, and 12 members nominated by the President.

What are the advantages of Rajya Sabha?

It acts as a check on hasty legislation. It gives representation to independent, talented persons. It plays a major role when Lok Sabha is dissolved.

What are the duties of Rajya Sabha?

Legislative responsibility: to pass Laws of India in the Rajya Sabha, Oversight responsibility: to ensure that the executive (i.e. government) performs its duties satisfactorily, Power of the purse responsibility: To approve and oversee the revenues and expenditures proposed by the government.

Which house is more powerful and why?

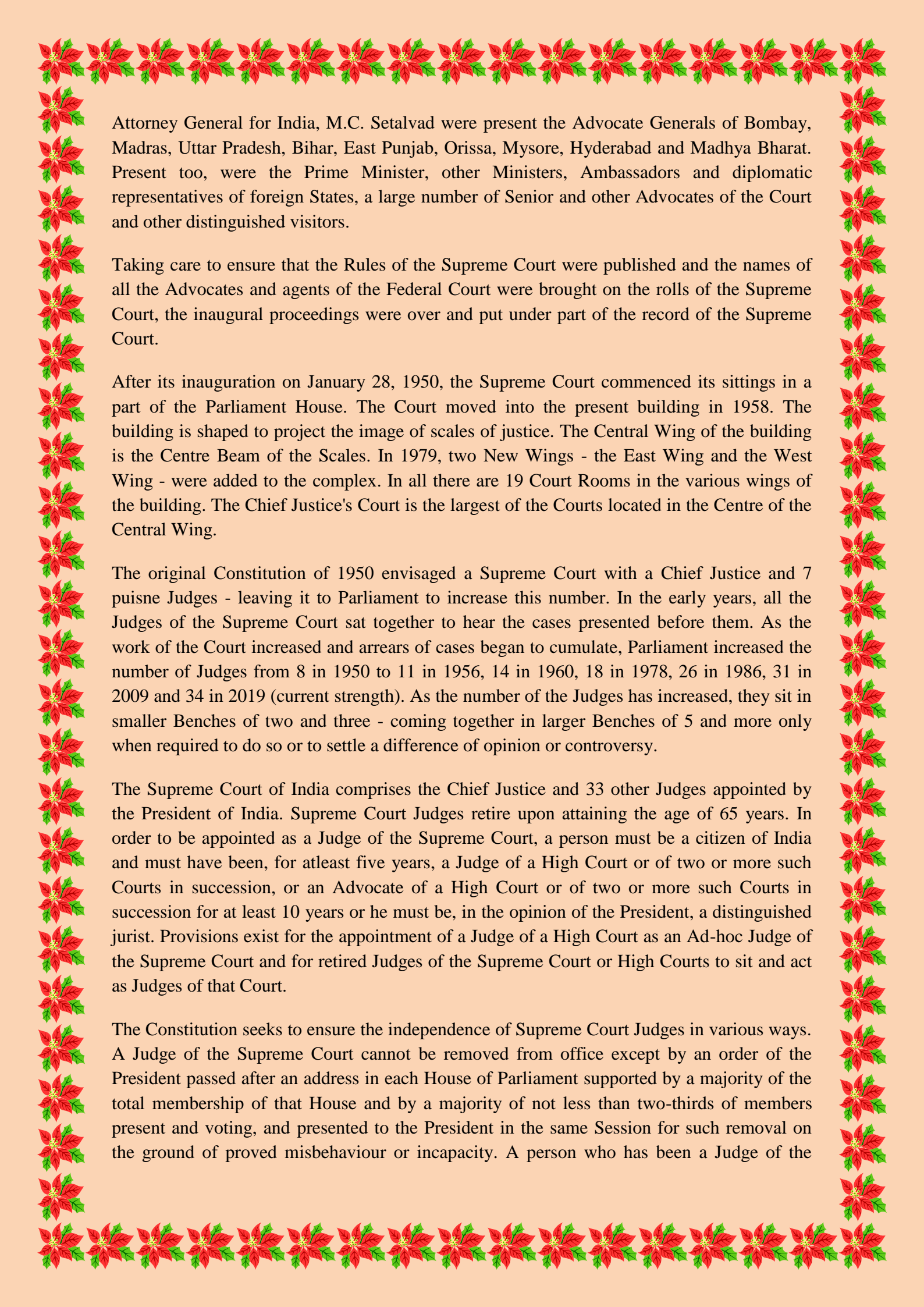
Lok Sabha is more powerful than the Rajya Sabha in almost all matters. Even in those matters in which the Constitution has placed both Houses on an equal footing, the Lok Sabha has more influence due to its greater numerical strength

Supreme Court

Supreme Court of India came into existence on 26th January, 1950 and is located on Tilak Marg, New Delhi. The Supreme Court of India functioned from the Parliament House till it moved to the present building. It has a 27.6 metre high dome and a spacious colonnaded verandah. For a peek inside, you'll have to obtain a visitor's pass from the front office.

On the 28th of January, 1950, two days after India became a Sovereign Democratic Republic, the Supreme Court came into being. The inauguration took place in the Chamber of Princes in the Parliament building which also housed India's Parliament, consisting of the Council of States and the House of the People. It was here, in this Chamber of Princes, that the Federal Court of India had sat for 12 years between 1937 and 1950. This was to be the home of the Supreme Court for years that were to follow until the Supreme Court acquired its own present premises.

The inaugural proceedings were simple but impressive. They began at 9.45 a.m. when the Judges of the Federal Court - Chief Justice Harilal J.Kania and Justices Saiyid Fazl Ali, M. Patanjali Sastri, Mehr Chand Mahajan, Bijan Kumar Mukherjea and S.R.Das - took their seats. In attendance were the Chief Justices of the High Courts of Allahabad, Bombay, Madras, Orissa, Assam, Nagpur, Punjab, Saurashtra, Patiala and the East Punjab States Union, Mysore, Hyderabad, Madhya Bharat and Travancore-Cochin. Along with the



Attorney General for India, M.C. Setalvad were present the Advocate Generals of Bombay, Madras, Uttar Pradesh, Bihar, East Punjab, Orissa, Mysore, Hyderabad and Madhya Bharat. Present too, were the Prime Minister, other Ministers, Ambassadors and diplomatic representatives of foreign States, a large number of Senior and other Advocates of the Court and other distinguished visitors.

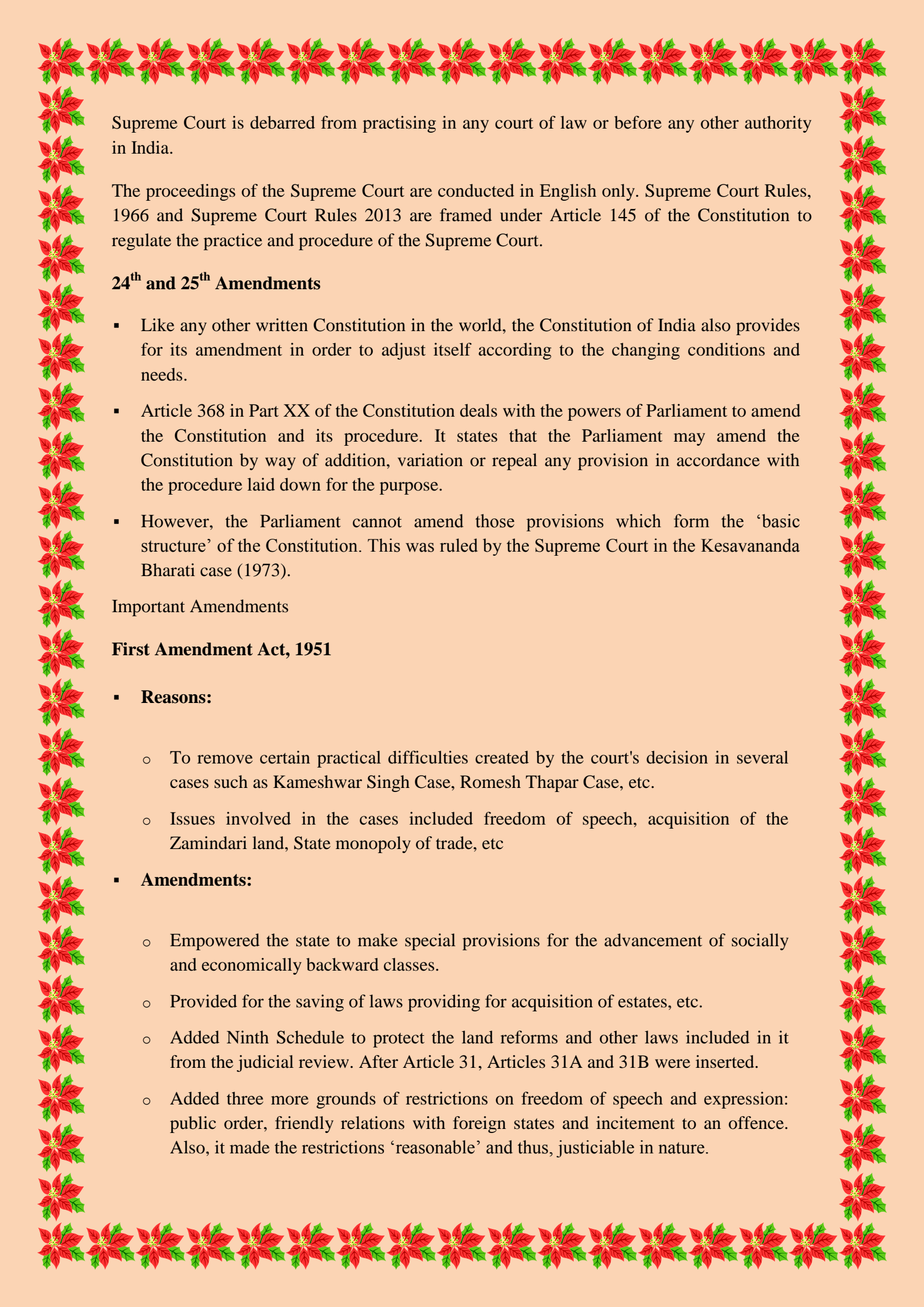
Taking care to ensure that the Rules of the Supreme Court were published and the names of all the Advocates and agents of the Federal Court were brought on the rolls of the Supreme Court, the inaugural proceedings were over and put under part of the record of the Supreme Court.

After its inauguration on January 28, 1950, the Supreme Court commenced its sittings in a part of the Parliament House. The Court moved into the present building in 1958. The building is shaped to project the image of scales of justice. The Central Wing of the building is the Centre Beam of the Scales. In 1979, two New Wings - the East Wing and the West Wing - were added to the complex. In all there are 19 Court Rooms in the various wings of the building. The Chief Justice's Court is the largest of the Courts located in the Centre of the Central Wing.

The original Constitution of 1950 envisaged a Supreme Court with a Chief Justice and 7 puisne Judges - leaving it to Parliament to increase this number. In the early years, all the Judges of the Supreme Court sat together to hear the cases presented before them. As the work of the Court increased and arrears of cases began to cumulate, Parliament increased the number of Judges from 8 in 1950 to 11 in 1956, 14 in 1960, 18 in 1978, 26 in 1986, 31 in 2009 and 34 in 2019 (current strength). As the number of the Judges has increased, they sit in smaller Benches of two and three - coming together in larger Benches of 5 and more only when required to do so or to settle a difference of opinion or controversy.

The Supreme Court of India comprises the Chief Justice and 33 other Judges appointed by the President of India. Supreme Court Judges retire upon attaining the age of 65 years. In order to be appointed as a Judge of the Supreme Court, a person must be a citizen of India and must have been, for atleast five years, a Judge of a High Court or of two or more such Courts in succession, or an Advocate of a High Court or of two or more such Courts in succession for at least 10 years or he must be, in the opinion of the President, a distinguished jurist. Provisions exist for the appointment of a Judge of a High Court as an Ad-hoc Judge of the Supreme Court and for retired Judges of the Supreme Court or High Courts to sit and act as Judges of that Court.

The Constitution seeks to ensure the independence of Supreme Court Judges in various ways. A Judge of the Supreme Court cannot be removed from office except by an order of the President passed after an address in each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of members present and voting, and presented to the President in the same Session for such removal on the ground of proved misbehaviour or incapacity. A person who has been a Judge of the



Supreme Court is debarred from practising in any court of law or before any other authority in India.

The proceedings of the Supreme Court are conducted in English only. Supreme Court Rules, 1966 and Supreme Court Rules 2013 are framed under Article 145 of the Constitution to regulate the practice and procedure of the Supreme Court.

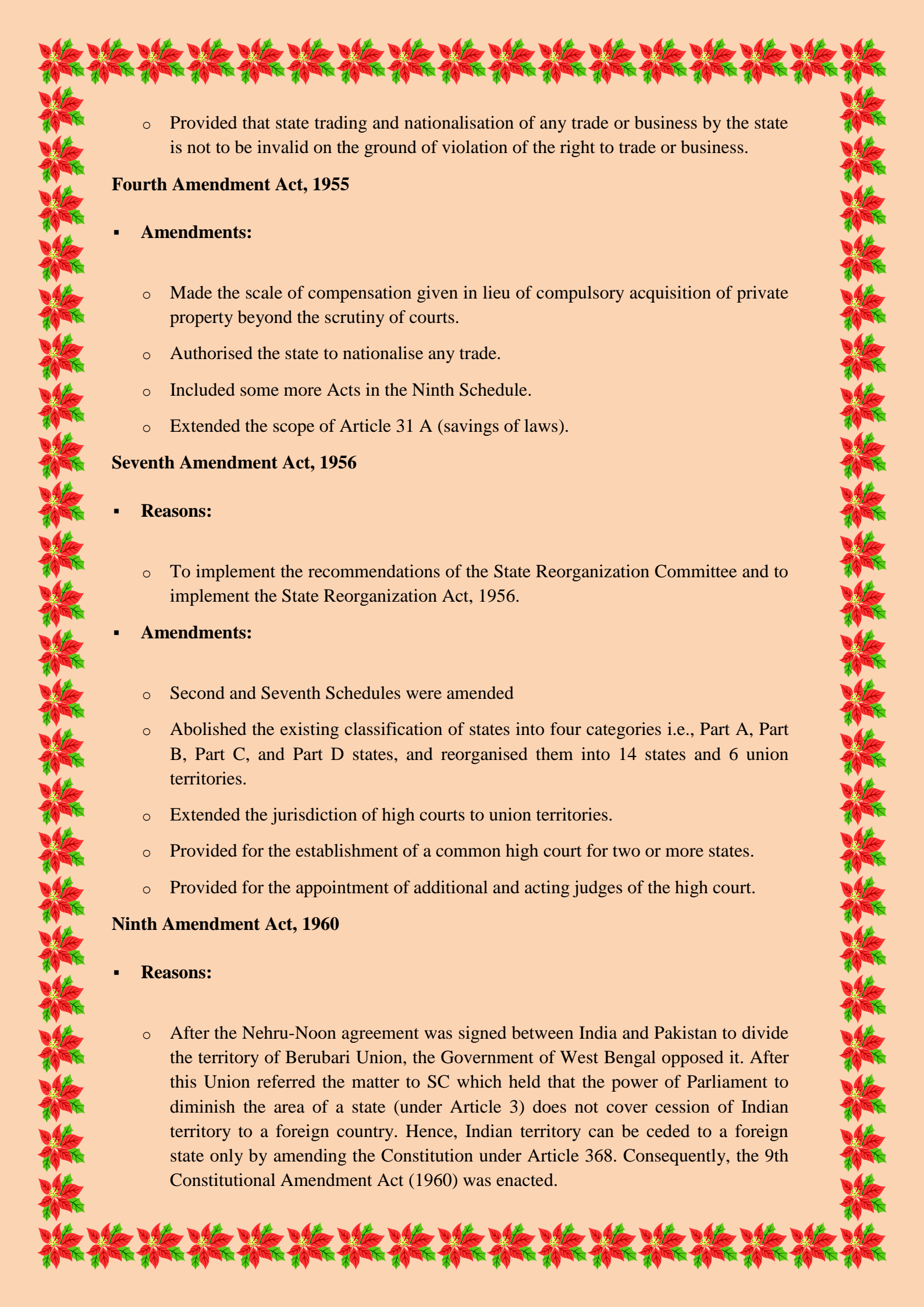
24th and 25th Amendments

- Like any other written Constitution in the world, the Constitution of India also provides for its amendment in order to adjust itself according to the changing conditions and needs.
- Article 368 in Part XX of the Constitution deals with the powers of Parliament to amend the Constitution and its procedure. It states that the Parliament may amend the Constitution by way of addition, variation or repeal any provision in accordance with the procedure laid down for the purpose.
- However, the Parliament cannot amend those provisions which form the 'basic structure' of the Constitution. This was ruled by the Supreme Court in the Kesavananda Bharati case (1973).

Important Amendments

First Amendment Act, 1951

- **Reasons:**
 - To remove certain practical difficulties created by the court's decision in several cases such as Kameshwar Singh Case, Romesh Thapar Case, etc.
 - Issues involved in the cases included freedom of speech, acquisition of the Zamindari land, State monopoly of trade, etc
- **Amendments:**
 - Empowered the state to make special provisions for the advancement of socially and economically backward classes.
 - Provided for the saving of laws providing for acquisition of estates, etc.
 - Added Ninth Schedule to protect the land reforms and other laws included in it from the judicial review. After Article 31, Articles 31A and 31B were inserted.
 - Added three more grounds of restrictions on freedom of speech and expression: public order, friendly relations with foreign states and incitement to an offence. Also, it made the restrictions 'reasonable' and thus, justiciable in nature.

- 
- Provided that state trading and nationalisation of any trade or business by the state is not to be invalid on the ground of violation of the right to trade or business.

Fourth Amendment Act, 1955

- **Amendments:**

- Made the scale of compensation given in lieu of compulsory acquisition of private property beyond the scrutiny of courts.
- Authorised the state to nationalise any trade.
- Included some more Acts in the Ninth Schedule.
- Extended the scope of Article 31 A (savings of laws).

Seventh Amendment Act, 1956

- **Reasons:**

- To implement the recommendations of the State Reorganization Committee and to implement the State Reorganization Act, 1956.

- **Amendments:**

- Second and Seventh Schedules were amended
- Abolished the existing classification of states into four categories i.e., Part A, Part B, Part C, and Part D states, and reorganised them into 14 states and 6 union territories.
- Extended the jurisdiction of high courts to union territories.
- Provided for the establishment of a common high court for two or more states.
- Provided for the appointment of additional and acting judges of the high court.

Ninth Amendment Act, 1960

- **Reasons:**

- After the Nehru-Noon agreement was signed between India and Pakistan to divide the territory of Berubari Union, the Government of West Bengal opposed it. After this Union referred the matter to SC which held that the power of Parliament to diminish the area of a state (under Article 3) does not cover cession of Indian territory to a foreign country. Hence, Indian territory can be ceded to a foreign state only by amending the Constitution under Article 368. Consequently, the 9th Constitutional Amendment Act (1960) was enacted.



- **Amendments:**

- Facilitated the cession of the Indian territory of Berubari Union (located in West Bengal) to Pakistan as provided in the Indo-Pakistan Agreement (1958).

Tenth Amendment Act, 1961

- **Amendments:**

- Incorporation of Dadra, Nagar and Haveli as a Union Territory, consequent to acquisition from Portugal.

Eleventh Amendment Act, 1961

- **Amendments:**

- Changed the procedure of election of the vice president by providing for an electoral college instead of a joint meeting of the two Houses of the Parliament.
- Provided that the election of the President or vice president cannot be challenged on the ground of any vacancy in the appropriate electoral college.

Twelfth Amendment Act, 1962

- **Amendments:**

- Incorporated Goa, Daman and Diu in the Indian Union.

Thirteenth Amendment Act, 1962

- **Amendments:**

- Gave the status of a state to Nagaland and made special provisions for it.

Fourteenth Amendment Act, 1962

- **Amendments:**

- Incorporated Puducherry in the Indian Union.
- Provided for the creation of legislatures and council of ministers for the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Puducherry.

Seventeenth Amendment Act, 1964



- **Amendments:**

- Prohibited the acquisition of land under personal cultivation unless the market value of the land is paid as compensation.
- Included 44 more Acts in the Ninth Schedule

Eighteenth Amendment Act, 1966

- **Amendments:**

- Made it clear that the power of Parliament to form a new state also includes a power to form a new state or union territory by uniting a part of a state or a union territory to another state or union territory.
- It created new states namely, Punjab and Haryana

Twenty First Amendment Act, 1967

- **Amendments:**

- Included Sindhi as the 15th language in the Eighth Schedule.

Twenty Fourth Amendment Act, 1971

- **Reasons:**

- Twenty Fourth Constitutional Amendment Act was brought in response to the Golaknath ruling (1967) of the Supreme Court which held that the Parliament does not have the power to take away any fundamental rights through amendment to the Constitution.

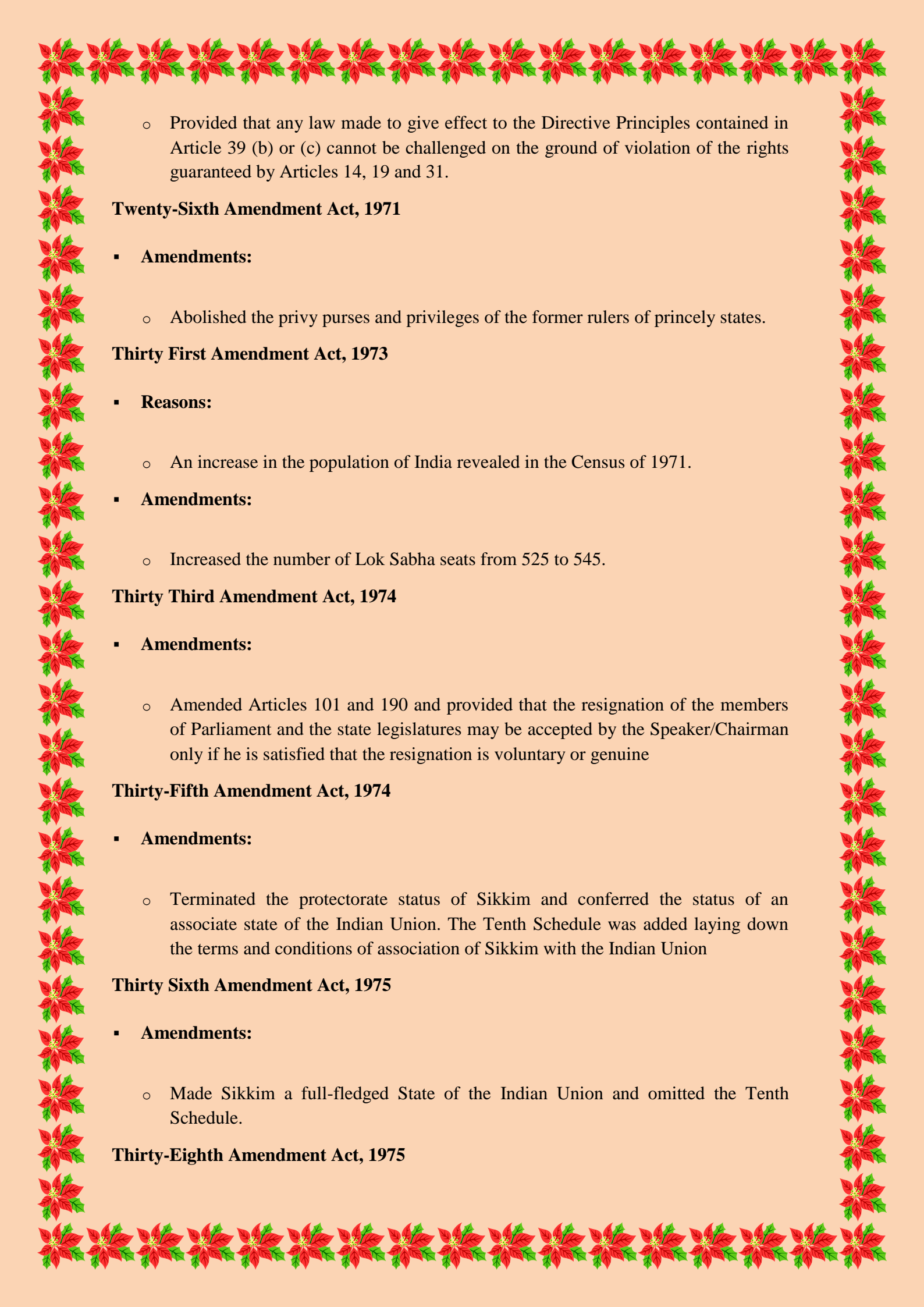
- **Amendments:**

- Affirmed the power of Parliament to amend any part of the Constitution including fundamental rights by amending Article 13 and 368.
- Made it compulsory for the President to give his assent to a Constitutional Amendment Bill.

Twenty-Fifth Amendment Act, 1971

- **Amendments:**

- Curtailed the fundamental right to property.

- 
- Provided that any law made to give effect to the Directive Principles contained in Article 39 (b) or (c) cannot be challenged on the ground of violation of the rights guaranteed by Articles 14, 19 and 31.

Twenty-Sixth Amendment Act, 1971

- **Amendments:**

- Abolished the privy purses and privileges of the former rulers of princely states.

Thirty First Amendment Act, 1973

- **Reasons:**

- An increase in the population of India revealed in the Census of 1971.

- **Amendments:**

- Increased the number of Lok Sabha seats from 525 to 545.

Thirty Third Amendment Act, 1974

- **Amendments:**

- Amended Articles 101 and 190 and provided that the resignation of the members of Parliament and the state legislatures may be accepted by the Speaker/Chairman only if he is satisfied that the resignation is voluntary or genuine

Thirty-Fifth Amendment Act, 1974

- **Amendments:**

- Terminated the protectorate status of Sikkim and conferred the status of an associate state of the Indian Union. The Tenth Schedule was added laying down the terms and conditions of association of Sikkim with the Indian Union

Thirty Sixth Amendment Act, 1975

- **Amendments:**

- Made Sikkim a full-fledged State of the Indian Union and omitted the Tenth Schedule.

Thirty-Eighth Amendment Act, 1975



- **Amendments:**

- Made the declaration of emergency by the President non-justiciable.
- Made the promulgation of ordinances by the President, governors and administrators of Union territories non-justiciable.
- Empowered the President to declare different proclamations of national emergency on different grounds simultaneously.