INDIAN POLITY AND GOVERNANCE

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1. The Constitutional Development of India

Cripps Mission and Wavell Plan

- Cripps Mission (March 1942):
  - Sent by British PM Churchill, led by Sir Stafford Cripps, to gain Indian support for WWII.
  - Proposals (Post-War):
    - Grant Dominion Status to India.
    - Establish a Constituent Assembly (partially elected by provincial assemblies, partially nominated by Princely States) to frame a new Constitution.
    - Provinces were given the option to opt out of the Indian Union and form separate constitutions.
    - Defence of India to remain under British control.
    - No immediate transfer of power.
    - Did NOT include any specific provisions or reference to Fundamental Rights.
  - Rejection:
    - Congress: Opposed Dominion Status (demanded complete independence), lack of immediate transfer of power, and the "right to opt out" clause (threatening India's unity). Gandhi called it "a post-dated cheque on a failing bank."
    - Muslim League: Rejected due to the absence of an explicit provision for Pakistan and no guarantee of separate electorates for Muslims.
- Wavell Plan (June 1945):
  - Proposed by Viceroy Lord Wavell to break the political deadlock and resolve the constitutional crisis.
  - Key Proposals:
    - Reconstitution of the Viceroy's Executive Council.
    - All members of the Executive Council (except the Viceroy and the Commander-in-Chief) to be Indians.
    - Equal representation for caste Hindus and Muslims in the Council.
    - Formation of an Interim Government at the Centre.
    - Viceroy to retain his veto power.
    - Transfer of foreign affairs portfolio from the Viceroy to an Indian member.
  - Shimla Conference (June-July 1945): Convened to discuss the plan.
  - Failure: The plan failed because the Muslim League insisted on being the sole representative of all Muslims, claiming exclusive right to nominate Muslim members to the Executive Council, which Congress rejected.

Drafting Committee and Enactment of the Constitution

- Drafting Committee: Constituted on August 29, 1947, with Dr. B. R. Ambedkar as Chairman.
- The Constitution of India came into force on January 26, 1950.
- Indian Constitution described as 'Quasi-Federal' by K.C. Wheare.
- Rajpramukh post was renamed to Governor in 1956 (via the 7th Constitutional Amendment Act and States Reorganisation Act).
- Declaration of Emergency due to Chinese invasion: October 1962.
- Kesavananda Bharati case (1973): Affirmed the Doctrine of Basic Features and Parliament's power to amend Fundamental Rights.
- Fundamental Duties were added to the Constitution by the 42nd Amendment Act, 1976.
- Public Interest Litigation (PIL) was introduced in the Indian Judicial System under Chief Justice of India P. N. Bhagwati.
- Anti-defection law was passed by the 52nd Amendment Act, 1985.
- Mizoram was made a state in 1987.
- Voting age was reduced from 21 to 18 by the 61st Amendment Act, 1989.
- 73rd Amendment Act for Panchayati Raj: 1992 (came into force 1993).
- Maithili was added to the Eighth Schedule of the Constitution by the 92nd Amendment Act, 2003.
- Right to Information (RTI) Act: 2005.

- Prohibition of traffic in human beings is covered under Article 23 of the Constitution.
- Granville Austin: Author of "Working a Democratic Constitution: A History of the Indian Experience".
- Rajni Kothari: Author of "Caste and Politics in India".
- C.P. Bhambri: Author of "The Indian State".
- Mohit Bhattacharya: Author of "Public Administration".
- Atul Kohli: Author of "The Success of India's Democracy".
- Penderal Moon: Author of "Divide and Quit".
- Alan Gledhill: Author of "The Republic of India: Development of its Laws and Constitution".

Formation and Working of the Constituent Assembly

- 1928: Motilal Nehru Committee drafted a Constitution for India (Nehru Report).
- 1934: M.N. Roy first suggested the need for a constitution for free India and the idea of a Constituent Assembly.
- 1934: Swaraj Party first formally mooted the idea of a Constituent Assembly to frame a Constitution for India.
- 1942: M. S. Aney moved the motion of Secret Sitting Session of the Central Legislative Assembly.
- 1945 (Nov): Maulana Azad was the Chairman of the Central Election Board for the Central Legislative elections.
- The chronological development of the Constitution of India sequence is: Two chambers of central legislative assembly (GoI Act 1919) → Distribution of powers between Centre and Units (GoI Act 1935) → Election for central legislative assembly (e.g., 1945) → Formation of Constituent Assembly (Dec 1946).
- Demand for linguistic provinces was first floated to bring the administration closer to the people.
- 'Nari Shakti Vandan Adhiniyam' (Women's Reservation Bill) was first introduced in the Parliament of India in 1996.
- The Henderson Brooks - Bhagat report pertains to the Sino-Indian engagement of 1962.
- The Arun Nehru report pertains to reforms needed in the management of Indian armed forces.

Government of India Act, 1919 (Montagu-Chelmsford Reforms)

- Government of India Act, 1919 (Montagu-Chelmsford Reforms): British Parliament Act.
- Provincial Diarchy: Introduced in provinces. Subjects divided into:
    - Reserved Subjects: Administered by Governor and Executive Council (not responsible to legislative council). Examples: law and order, finance.
    - Transferred Subjects: Administered by Governor and Ministers (responsible to legislative council). Examples: education, health.
- Central Legislature: Introduced bicameralism for the first time.
    - Council of State: Upper House.
    - Legislative Assembly: Lower House.
- Direct Elections: Introduced for the first time for both houses of the Central Legislature.
- Public Service Commission (PSC): Act provided for its establishment.
    - PSC first set up in India in 1926.
    - Federal Public Service Commission (under GoI Act 1935) became Union Public Service Commission (UPSC) in 1950 with the commencement of the Indian Constitution.
    - Article 378(1) of the Indian Constitution provided for the transfer of the Chairman and members of the Federal Public Service Commission to the Union Public Service Commission.
- Communal Representation: Extended to Sikhs, Indian Christians, Anglo-Indians, and Europeans.
- Budget Separation: Central and provincial budgets separated; provinces empowered to enact their own budgets.
- High Commissioner for India: Created a new office in London.
- Statutory Commission: Mandated to be appointed after 10 years to inquire into and

report on its working (led to Simon Commission).
- Assam Chief Commissionership: Introduced in 1874.

Government of India Act, 1935

- Repealed by Article 395 of the Constitution of India (along with Indian Independence Act, 1947).
- Proposed an All India Federation (British India provinces + princely states), but it never materialized as princely states did not join.
- Abolished diarchy in provinces and introduced Provincial Autonomy.
- Introduced diarchy at the Centre (federal subjects divided into reserved and transferred).
- Introduced bicameralism in 6 out of 11 provinces (Bengal, Bombay, Madras, Bihar, Assam, United Provinces).
- Divided powers between the Centre and units into three lists: Federal List (59 items), Provincial List (54 items), and Concurrent List (36 items).
- Residuary powers were vested with the Governor-General.
- Extended separate electorates to depressed classes (Scheduled Castes), women, and labour.
- Increased franchise to about 10% of the total population.
- Provided for the establishment of a Federal Court (established in 1937).
- Provided for the establishment of a Reserve Bank of India.
- Provided for the establishment of Federal Public Service Commission, Provincial Public Service Commission, and Joint Public Service Commission.
- Abolished the Council of India, established by the Government of India Act 1858.
- A significant source for the Constitution of India, influencing features like the:
    - Federal Scheme
    - Office of Governor
    - Judiciary
    - Public Service Commissions
    - Emergency provisions
    - Administrative details
    - President's power to issue ordinances.

Indian Councils Acts of 1861, 1892, and 1909 (Morley-Minto Reforms)

1. **Indian Councils Act, 1861:**
    - Initiated decentralization; restored legislative powers to Bombay and Madras Presidencies.
    - Established new legislative councils for Bengal, North-Western Frontier Province, and Punjab.
    - Introduced Indians as non-official members into the Viceroy's Legislative Council (e.g., Raja of Benaras, Maharaja of Patiala, Sir Dinkar Rao nominated).
    - Empowered the Viceroy to issue ordinances without the legislative council's concurrence during emergencies.
2. **Indian Councils Act, 1892:**
    - Expanded the number of additional (non-official) members in Central and Provincial Legislative Councils.
    - **Introduced the element of indirect election** for the first time (nominations made on the recommendation of various bodies like local boards, universities, chambers of commerce).
    - **Implemented on 20th June 1892** (date of Royal Assent).
    - Allowed members to discuss the budget (but not to vote on it).
    - Allowed members to ask questions on matters of public interest, but did not allow supplementary questions.
    - Provided for a minimum of 5 non-official members in the Imperial Legislative Council (out of 10-16 additional members).
3. **Indian Councils Act, 1909 (Morley-Minto Reforms):**
    - Significantly increased the size of legislative councils (e.g., Imperial Legislative Council from 16 to 60 members).
    - Retained official majority in the Central Legislative Council.

- Allowed for non-official majority in Provincial Legislative Councils.
- Members were allowed to ask supplementary questions and move resolutions on the budget and other matters of public interest.
- First time an Indian (Satyendra Prasad Sinha) was appointed to the Viceroy's Executive Council (as a law member).
- Introduced the system of separate electorates for Muslims, legitimizing communalism.

Indian Independence Act, 1947

- The Indian Independence Bill was introduced in the British House of Commons by Prime Minister Clement Attlee on July 4, 1947.
- The Bill received Royal Assent on July 18, 1947, thereby becoming the Indian Independence Act, 1947.
- The Act ended British rule in India and declared India an independent and sovereign state from August 15, 1947.
- It provided for the partition of India into two independent Dominions: India and Pakistan.
- The Constituent Assembly of each Dominion was granted unlimited power to frame and adopt any constitution it deemed fit, including the power to abrogate or alter any law made by the British Parliament.
- The British Parliament's authority over the Dominions ceased; they were free to secede from the British Commonwealth.
- The Government of India Act, 1935, was adopted, with necessary modifications, as the interim constitution for each Dominion until a new constitution was framed.
- The Governor-General of each Dominion was to be appointed by the British King/Queen (on the advice of the Dominion Cabinet) and would act as a constitutional head (nominal head).
- British paramountcy over the princely states lapsed, granting them freedom to join either India or Pakistan or to remain independent.
- The office of the Secretary of State for India was abolished, and his functions were transferred to the Secretary of State for Commonwealth Affairs.
- The British monarch's title of "Emperor of India" was dropped.
- The Act did not lay down the basic framework of the Indian Constitution, nor did it declare India a Republic; it created Dominions.

Objectives Resolution and Fundamental Principles

- Objectives Resolution:
- Moved by Jawaharlal Nehru on December 13, 1946.
- Adopted unanimously by the Constituent Assembly on January 22, 1947.
- Laid down the fundamental principles and philosophy for the Indian Constitution.
- Declared India as an Independent, Sovereign Republic.
- Envisaged a Union of British Indian territories, Indian States, and other parts willing to join.
- Stated that all power and authority of the Independent Sovereign India, and its constituent parts, are derived from the people.
- Guaranteed Justice (social, economic, political), Equality (status, opportunity, law), and Freedom (thought, expression, belief, faith, worship, vocation, association, action) to all people.
- Provided adequate safeguards for minorities, backward and tribal areas, and depressed and other backward classes.
- Committed to maintaining 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.
- Aimed to contribute to the promotion of world peace and the welfare of mankind.
- Its modified version forms the Preamble to the Indian Constitution.
- Books and Authors related to Indian Constitutional & Political Thought/Development:
- `Gandhian Constitution for India` / `Gandhian Constitution for Free India`: Sriman Narayan Agarwal.
- `The Republic of India`: A. Gledhill.
- `The White Umbrella`: D. Mackenzie Brown.
- `The Politics of India since Independence`: Paul R. Brass.