



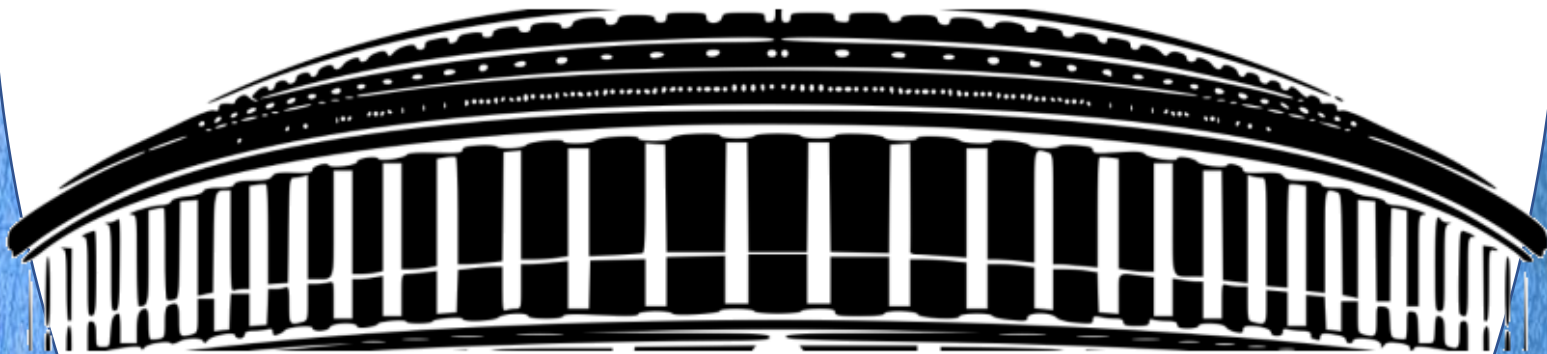
OOkul - Foundation to Apex

Full Course on Indian Polity

For UPSC/PCS & SSC exams

Historical Background

Short Notes



mentored by:



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The British came to India in 1600

→ as traders 'चापारी'

in the form of East India Company

exclusive trading right in India

165 years → Traders

→ charter granted by Queen Elizabeth I

In 1765, the Company obtained the 'diwani'

Revenue Rights of Bihar, Bengal & Orissa

Started career as 'Territorial Power' → श्रेणीय

In 1858, in the wake of the 'sepoy mutiny' → शक्ति

Impossible to work as only being traders or territorial powers
[EIC was unable to control]

British Crown assumed direct responsibility for the governance of India.

This continued till 15 Aug 1947.

1773 - 1858 : COMPANY RULE → 85 yrs

1858 - 1947 : CROWN RULE → 89 yrs

With Independence, came the need of a Constitution.

M N Roy [Communist Movement] → Suggested in 1934
'साम्प्रदाय'

Constituent Assembly was formed in 1946.

26 Jan 1950 came into effect.

Certain Events in British India that influenced our Constitution & Polity. → Chronological order

कमदार

THE COMPANY RULE (1773-1858)

Regulating Act of 1773

Significance:

- It was the first step taken by the British Government to control and regulate the affairs of the East India Company in India
- It recognised, for the first time, the political and administrative functions of the Company
- It laid the foundations of central administration in India.

Features:

Governor of Bengal → 'Governor-General of Bengal'

4-members Executive Council to assist

First such Governor General → LORD WARREN HASTINGS

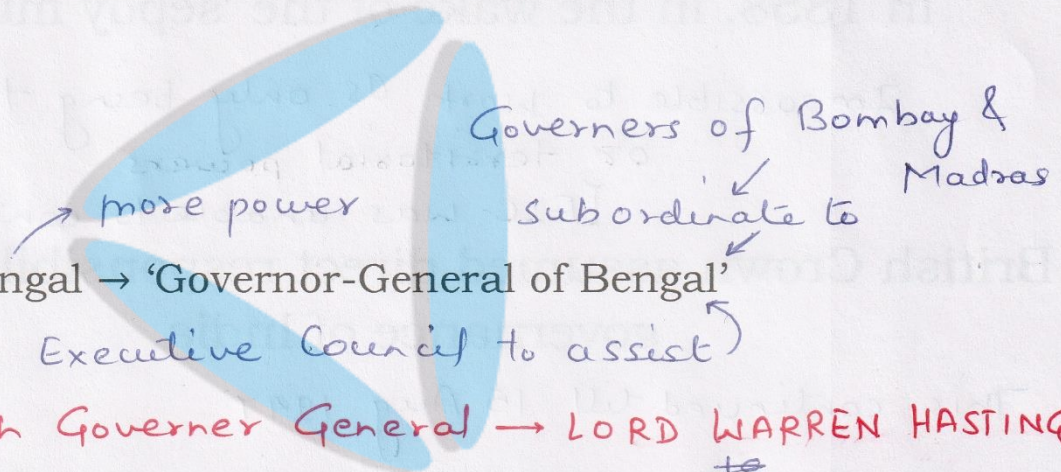
Establishment of a Supreme Court at Calcutta ~~1773~~ → 1774

1 Chief Justice + 3 Other Judges

Prohibited the servants of the Company from engaging in any private trade or accepting presents or bribes from the natives.

Strengthened the control of the British Government over the Company

Court of Directors → to report on its revenue, civil & military affairs in India.



To rectify the defects of the **Regulating Act of 1773**, the British Parliament passed the **Amending Act of 1781**, also known as the **Act of Settlement**.

Circumstances that led to the passing of Act of Settlement

- ✓ Some serious issues with the administration of the Warren Hastings were there.
 - Patna Case
 - Cosijurah Case
 - Nand Kumar Case
 - was hanged
- ✓ there was a big tussle between the Supreme Court and Governor-General in Council which disturbed the balance of administration to a great extent.
- ✓ There was interference in the personal laws of the communities which had agitated the people.

[Criticisms of Warren Hastings]

1777 → Directors of Company complaint against Supreme Court → difficult to run the administration

Pitt's India Act of 1784

Significance:

- Company's territories in India were for the first time called the 'British possessions in India'
- The British Government was given the supreme control over Company's affairs and its administration in India.

TOUCHET COMMITTEE

to inquire abt Bihar, Bengal & Odisha administration of

Features:

- Distinguished between the commercial and political functions of the Company.
- Allowed the Court of Directors to manage the commercial affairs but created a new body called Board of Control to manage the political affairs.
established a system of 'DOUBLE GOVERNMENT'.
- Empowered the Board of Control to supervise and direct all operations of the civil and military government or revenues of the British possessions in India.

Charter Act of 1833Final step towards centralisation in British India

First Step → Regulating Act of 1773

Features:

- Governor-General of Bengal → Governor-General of India
laid foundations of centralisation
- Centralisation - Foundation to Apex
Govt. of India → authority over entire territorial area possessed by British in India.
LORD WILLIAM BENTINCK → 1st Governor-Gen of India
- Deprived the governor of Bombay and Madras of their legislative powers.

Governor Gen. of India → exclusive legislative Powers for entire British India.

Laws made under previous acts → Regulations

Laws made under this Act → Acts
निगमक कानून
→ अधिनियम

- Ended the activities of the East India Company as a commercial body
pure administrative body
Company's territories in India → in trust for His Majesty, His heirs & successors.
- Attempted to introduce a system of open competition for selection of civil servants

only attempted Indians should not be debarred from holding any office

This provision negated after opposition from 'Court of Directors.'

Charter Act of 1853

Features:

- Separated, for the first time, the legislative and executive functions of the Governor-General's council.

added 6 new members to the council

legislative councillors

Separate Governor-General's Legislative Council

Indian Legislative Council

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- Introduced an open competition system of selection and recruitment of civil servants.

Macaulay Committee → Committee on Indian Civil Services) → 1854.

➤ Extended the Company's rule and allowed it to retain the possession of Indian territories on trust for the British Crown.

Period of extension not specified

Company's rule can be terminated at any time.

➤ Introduced, for the first time, local representation in the Indian (Central) Legislative Council.

↓
out of 6 new members,

4 were appointed by the local governments of Madras, Bombay, Bengal & Agra.

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THE CROWN RULE (1858-1947)

Government of India Act, 1858

In the wake of Revolt of 1857.

→ 'Act of Good Government of India' for the
भारत के शासन की अच्छे कानून वाला अधिनियम
Abolished EIC

Transferred powers of govt., territories & revenues to the British Crown.

Features:

- Provided that India henceforth was to be governed by, and in the name of, Her Majesty.

Governor-General of India → Viceroy of India

LORD CANNING
(1st Viceroy)

Direct representative
of British Crown in
India

- Ended the system of double government

Abolished Board of Control & Court of Directors

भारत के राज्य सचिव

- Created a new office, Secretary of State for India, vested with complete authority and control over Indian administration.

Member of British Cabinet

Responsible to the British
Parliament.

- Established a 15-member Council of India to assist the secretary of state for India.

↓
Chairman of Council

↓
advisory body

निदेशिका परिषद

- Constituted the secretary of state-in-council as a body corporate.
→ capable of suing & being sued in India & England.

Limitations of the Act:

- Largely confined to the improvement of the administrative machinery. by which Indian Govt. was to be supervised & controlled in England.
- Did not alter in any substantial way the system of government prevailing in India.

After the Revolt of 1857,

British Govt. felt the necessity of seeking the cooperation of the Indians in the country's administration.

To pursue this policy,

3 acts were enacted

ICA of 1861, 1892 & 1909.

Indian Councils Act, 1861

Features:

- Beginning of representative institutions by associating Indians with the law-making process.

Viceroy → nominate Indians to his council
 ↓
 Lord Canning

- Raja of Benaras
- Maharaja of Patiala
- Sir Dinkar Rao

Indian Politician from Bombay Presidency, remained loyal to British during 1857 revolt.

- Initiated the process of decentralisation by restoring the legislative powers to the Bombay and Madras Presidencies.

Reversed the centralising tendency
 Started from Regulating Act of 1773, & reached its climax under Charter Act of 1833.

First Step ←

along with Jijaji Rao Scindia of Gwalior 1843-1886

Final Step ↓

- Provided for the establishment of new legislative councils for Bengal, North-Western Frontier Province (NWFP) and Punjab.

↓ 1862
 ↓ 1897

↓ 1886

- Gave a recognition to the 'portfolio' system.

↓
 Introduced by Lord Canning in 1859.

Member of Viceroy's Council → made in-charge of one or more dept. → final orders issue on behalf of council.

- Empowered the Viceroy to issue ordinances, without the concurrence of the legislative council.
during emergency

life →
6 months.

Indian Councils Act, 1892

Features:

- Increased the number of additional (non-official) members in the Central and provincial legislative councils.

official majority was maintained.

- Increased the functions of legislative councils.

power to discuss budget & address questions to the executive.

- Provided for the nomination of some non-official members of the Central Legislative Council

by viceroy on recommendation of Provincial legislative councils & Bengal Chamber of Commerce

- ✓ Provincial legislative councils

by Governors on recommendation of district boards, municipalities, universities, trade associations, zamindars and chambers.

This act made a limited & indirect provision for the use of elections → non-official seats ↓

Word was not used 'nomination' CLC & PLC

Indian Councils Act, 1909

also known as Morley-Minto Reforms

Secretary
of State

Viceroy of India

Features:

- Considerably increased the size of the legislative councils, both Central and provincial.

→ From 16 to 60

→ not uniform

→ official majority

→ non-official majority

enlarged deliberative functions

- Provided for the association of Indians with the executive Councils of the Viceroy and Governors.

ask supplementary questions, move resolutions on budget

↓
Satyendra Prasad Sinha → 1st Indian

↓
Law Member

- Introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'.

↓
Muslim members → elected only by muslim voters.

Lord Minto → 'father of Communal Electorate'.

Government of India Act, 1919

Aug 20, 1917 → British Govt. declare its objective was gradual introduction of responsible govt. in India.

GOI Act 1919 → came into effect in 1921.

Montagu - Chelmsford's Reforms

↓
Secretary of State

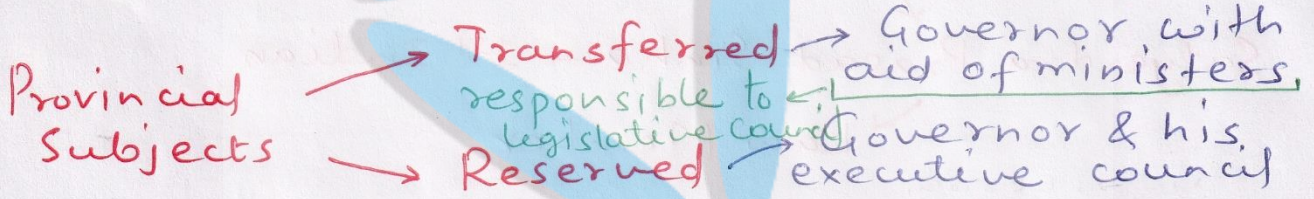
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Viceroy of India.

Features:

- Relaxed the central control over the provinces by demarcating and separating the central and provincial subjects. 'Dyarchy'

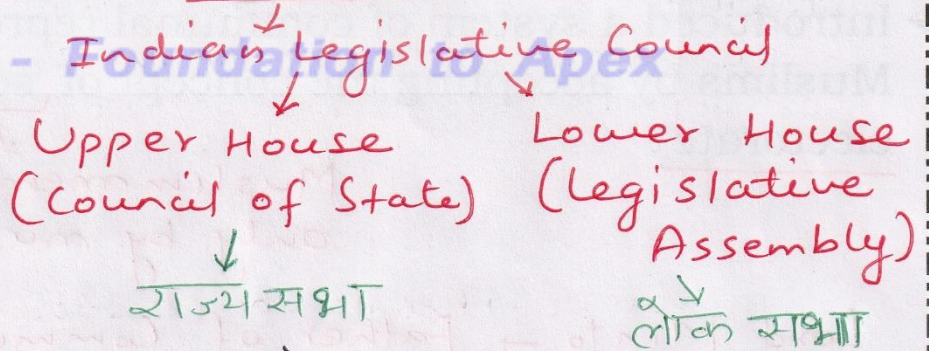
Respective list of subjects → make laws unsuccessful

Structure of Govt. → Centralised & Unitary



- Introduced, for the first time, bicameralism and direct elections in the country.

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Majority of members → Direct Election

- Required that the three of the six members of the Viceroy's executive Council were to be Indian.

- Extended the principle of communal representation by providing separate electorates.
Sikhs, Indian Christians, Anglo-Indians & Europeans.
- Granted franchise to a limited number of people.
based on property, tax or education.
- Provided for the establishment of a public service commission.
Central Public Service Commission in 1926.
for recruiting civil servants.
- Separated provincial budgets from the Central budget.

↓
provincial legislatures.

→ Provided for appointment of a statutory Commission to inquire into & report its working after 10 years of coming into force.

Simon Commission

In November 1927, the British Government announced the appointment a seven-member statutory commission under the chairmanship of Sir John Simon to report on the condition of India under its new Constitutional reforms.

All members were British & hence all parties boycotted it.

The commission submitted its report in 1930 and recommended

- abolition of dyarchy
- extension of responsible government in the provinces
- establishment of a federation of British India and princely states
- continuation of communal electorate

3 Round Table Conferences → British Govt. Represent.
→ British India "
Recommendations incorporated Princely States "
in 'GOI Act 1935'

Communal Award

In August 1932, the British Prime Minister, *Ramsay MacDonald*, announced a scheme of representation of the minorities. → *Communal awards.*

The award not only continued separate electorates for the Muslims, Sikhs, Indian Christians, Anglo-Indians and Europeans but also extended it to the depressed classes (scheduled castes).

Gandhiji oppose & took fast unto death in Yeravada Jail (Poona) to get award modified.

At last, there was an agreement between the leaders of the Congress and the depressed classes.

→ Poona Pact

→ Retained Hindu Joint Electorate

→ Reversed seats → Depressed Classes.

Government of India Act of 1935

SECOND MILESTONE towards completely responsible govt. in India.

It was a lengthy and detailed document having 321 Sections and 10 Schedules.

Features:

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➤ Provided for the establishment of an All-India Federation consisting of provinces and princely states as units.

Powers → *Federal List [Centre, 59 Items]*
→ *Provincial List [Provinces, 54 Items]*
→ *Concurrent List [Both, 36 Items]*

Residuary Powers → Viceroy.

Federation never came into being as the princely states did not join it.

- Abolished dyarchy in the provinces and introduced 'provincial autonomy'
 - ↓
 - allowed to act as autonomous units of administration in their defined spheres.
- Introduced responsible governments in provinces.
 - Governer act with advice of ministers responsible to provincial legislature.
 - Came into effect → 1937 Discontinued → 1939.
- Provided for the adoption of dyarchy at the Centre.

Federal subjects → Reserved Subjects
 → Transferred Subjects

But, Provision did not come into operation at all.

- Introduced bicameralism in six out of eleven provinces.

Bengal, Bombay, Madras, Bihar, Assam & United Province.

विधान परिषद् Legislative Council [Upper House] विधान सभा Legislative Assembly [Lower House]

- Further extended the principle of communal representation.

Separate electorates for SCs, Women & Labour [Workers]

- Abolished the Council of India. → 15 members

↓
GoI Act 1858

- Extended franchise
 - 10% of total population got voting rights.
- Provided for the establishment of a Reserve Bank of India
 - to control ↓ currency & credit of the country.

➤ Provided for the establishment of Public Service Commissions
Federal PSC, Provincial PSC,
Joint PSC for two or more provinces.

➤ Provided for the establishment of a Federal Court

↓
Set up in 1937.

→ Clement Attlee

On February 20, 1947, the British Prime Minister declared that the British rule in India would end by June 30, 1948.

इसके बाद Powers Transfer कर दी जायेगी to
responsible Indian Hands.

Muslim League agitated after this announcement
↓
demanded partition of the Country.

On June 3, 1947, the British Government made it clear that any Constitution framed by the Constituent Assembly of India (formed in 1946) cannot apply to those parts of the country which were unwilling to accept it.

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→ Lord Mountbatten

June 3, 1947, Viceroy → Partition Plan
↓
Mountbatten Plan.

Plan accepted by the Congress &
Muslim League.

Indian Independence Act, 1947.

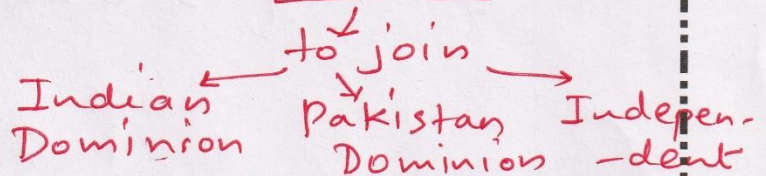
Indian Independence Act of 1947

Features:

- Ended the British rule in India.
declared India as Independent & Sovereign State from Aug 15, 1947.
- Provided for the partition of India and creation of two independent dominions of India and Pakistan.
with right to secede from British Commonwealth.
- Abolished the office of viceroy.
for both dominions, Governor-General
↓
appointed by British King,
on advice of Dominion Cabinet
- Empowered the Constituent Assemblies of the two dominions to frame and adopt any constitution for their respective nations. & to repeal any act of British Parliament including Independence Act itself.
- Proclaimed the lapse of British paramountcy over the Indian princely states and granted them freedom.
- Provided for the governance of each of the dominions and the provinces by the Government of India Act of 1935, till the new Constitutions were framed.

Allowed to make modifications in it.

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At midnight of 14-15 Aug. 1947,
British £ -rule came to an end

Power transferred to two new Independent
Dominions of India & Pakistan.

India

First Governor General \rightarrow Lord Mountbatten

First PM \rightarrow Jawaharlal Nehru

Constituent Assembly formed in 1946
became Parliament

Pakistan

First Governor General \rightarrow Muhammad Ali
Jinnah

First PM \rightarrow Liaquat Ali Khan

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