

*INDIA NATIONAL MOVEMENT & CONSTITUTION OF INDIA*

**B.A FIRST SEMSTER**

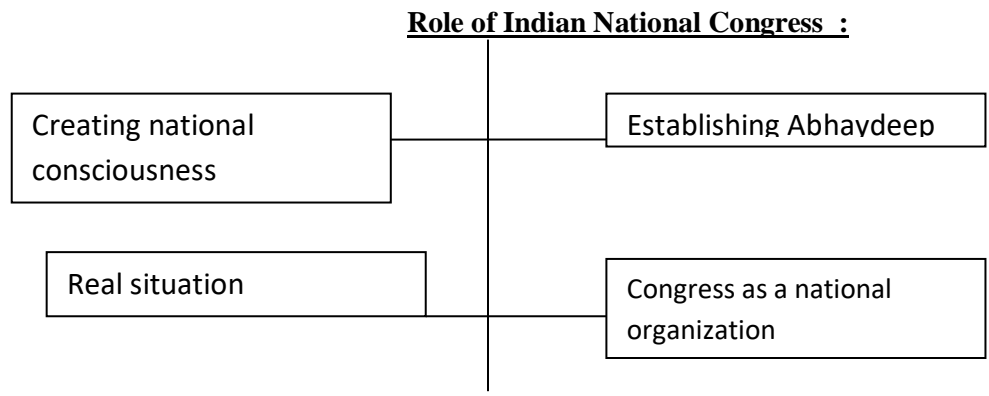
**INDIAN NATIONAL MOVEMENT**

In the last few lessons, you have been reading about the history of our civilization starting from the Pre-historic Age till the modern period. You have travelled down to this lesson on India's Freedom Movement. Don't you think it was a very interesting journey? You read how people lived in jungles, used crude stones to protect themselves, and got food by killing animals. You also read about the Bronze Age when metals were discovered and were used for cutting down small forests and also how its use made life more comfortable. This led us to the Iron Age and the beginning of Industrialization. You read how as society grew, some people became more powerful than the others. You also read how money and land became a source of greed for powerful nations. This led to protest and resistance against states and nations who tried to control the others by exploiting the natural and human resources and by ruling over them ruthlessly. One of these states happened to be our own country India. You shall read about India's long struggle for freedom in this lesson.

**OBJECTIVES OF MOVEMENT**

**OBJECTIVES** After reading this lesson you will be able to: identify the causes that led the rise of Nationalism in India trace the emergence of Indian National Congress discuss the various stages of the National Movement in India list the names of prominent leaders of the Indian National Movement discuss the role of Gandhi in this Movement

**8.1 ORIGIN OF NATIONALISM** The rise of Nationalism is reflected in the spirit of Renaissance in Europe when freedom from religious restrictions led to the enhancement of national identity. This expression of Nationalism was furthered by the French Revolution.



**Unit- 2**

**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:

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.
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.

### **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.

### **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.

### **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.

### **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.

### **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.

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.

**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.

### **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.

### **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

### **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.

## **MAKING OF CONSTITUENT ASSEMBLY**

### **Introduction**

The Indian Constitution was created by the Constituent Assembly of India. The assembly of elected public representatives which did the work of writing the huge document called the Indian Constitution is called the Constituent Assembly. Elections for the Indian Constituent Assembly were held in July 1946. The first meeting of the Constituent Assembly was held on 9 December 1946 under the chairmanship of Dr. Sachidanand Sinha **Evolution of the Demand for Making of the Indian Constituent Assembly**

The demand for the formation of the Constituent Assembly of India was not a sudden demand, rather it was a thought that developed along with the independence movement. In a way, the Constituent Assembly in India was a demand for national independence. The evolution of the demand for the creation of a Constituent Assembly in India is as follows:

1. The first idea of the principle of the Constituent Assembly –
2. Thoughts of Mahatma Gandhi on 5 February 1922
3. Initiative of Mrs. Animation in 1922
- 4.

### **Formation of Indian Constituent Assembly:**

**Formation of Indian Constituent Assembly:** A 3-member Cabinet Mission reached New Delhi in March 1946. This mission started on 16 May. Published his plan of 16. It was said that in the present circumstances the formation of a Constituent Assembly on the basis of single franchise is impossible. Therefore, the legislature formed under the Government Act of 1935 should be used as the primary institution of the provincial assembly. According to the Cabinet Mission, the Constituent Assembly was formed in November 1946, which had the following features: According to the cabinet plan, there were to be a total of 389 members in the Constituent Assembly, out of which 296 were

representatives of the regions of British India (292 were representatives of the British provinces and 4 were representatives of the Chief Commissioner areas) and 93 were representatives of the princely states. by each province

1. The number of members sent should be decided on the basis of the population of that province. One representative should be elected per 10 lakh population.
2. The seats allotted to each British province were to be determined among the three major communities in proportion to their population. These three communities were – General, Muslim and Sikh.

### **Functioning of the Constituent Assembly**

The constitution of a democratic nation is generally formed by the representative body of its people which is called the Constituent Assembly. For the first time in India, in 1922, Gandhiji had said that "Indians will create their own destiny."

Pt. Motilal Nehru had said in his clear words in 1924 AD, "India's Indian Constituent Assembly should be formed to make the Constitution." Pt. Jawahar Lal Nehru had given his opinion in 1938 AD, The process and functioning of the constitution can be explained in the following way:

1. **Temporary President-** The first session of the Constituent Assembly was held on December 9, 1946. Shri Sachchidanand Sinha, a senior member of the Constituent Assembly, has been appointed as the temporary president of the assembly Chosen.
2. **Permanent President-** On 11 December 1946, the Constituent Assembly elected Dr. Rajendra Prasad as the permanent president.
3. **Objective proposal** – The proposal for the making of the Constitution in the Constituent Assembly was called objective proposal or objective of the Constituent Assembly. Pandit Jawahar Lal Nehru had presented this proposal in the convention on December 13, 1946. This proposal was accepted unanimously on 22 January 1947

### **Other functions of the Constituent Assembly**

Apart from the making of the Constitution, the Constituent Assembly also did the following other tasks –

- 1) In May 1949, it verified India's membership in the Commonwealth.
- 2) Adopted the national flag on 22 July 1949. of 1947.
- 3) National anthem and national song were adopted on 24 January 1950.
- 4) On 24 January 1950, Dr. Rajendra Prasad was elected as the first President of India.

### **Fundamental Rights of Indian Constitution**

#### **Fundamental Rights:-**

- **There are six fundamental rights recognised by the Indian constitution:**
- Right to equality (Articles. 14-18)
- Right to Freedom (Articles. 19-22)
- Right Against exploitation (Articles. 23-24)

#### **Right to Equality**

- **Article 14. Equality before 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.**—
- The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- **Article 23. Prohibition of traffic in human beings and forced labour.**—
- (1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with 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.—**
- 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.
- **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.
  - **Article 27. Freedom as to payment of taxes for 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.

### **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.

### **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 power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

### **Government of the Union**

#### **The Union Executive**

- × **The President**
- × **The Vice President**
- × **The Cabinet**
- × **The Prime Minister**
- × **The Parliament**
- × **The Lok Sabha**
- × **The Speaker**
- × **The Council of Ministers**

