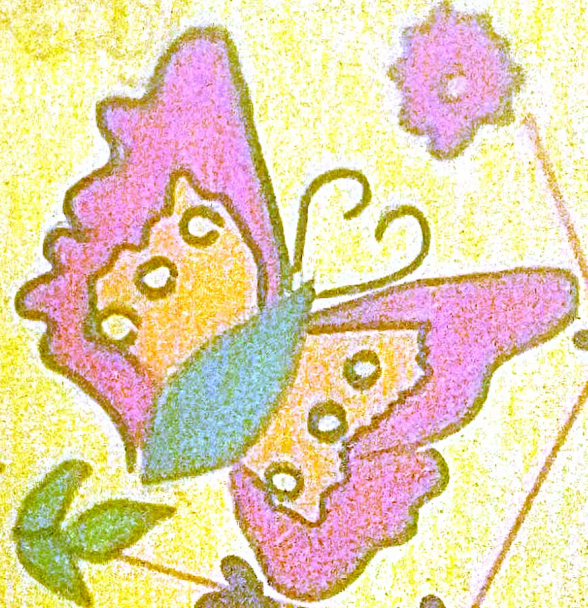
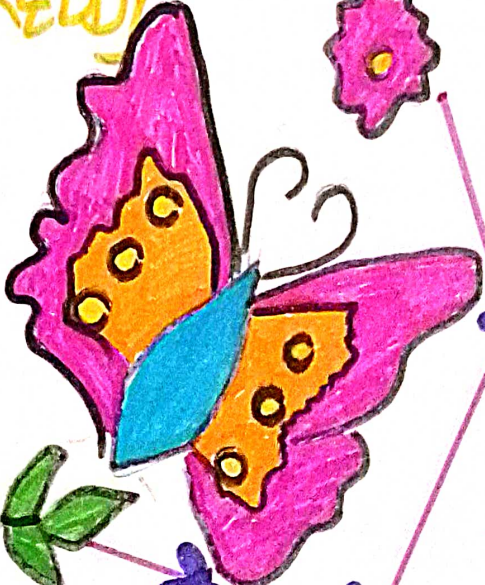
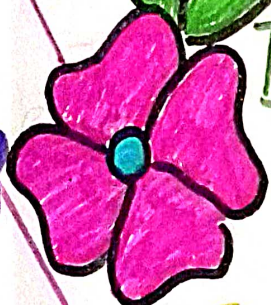
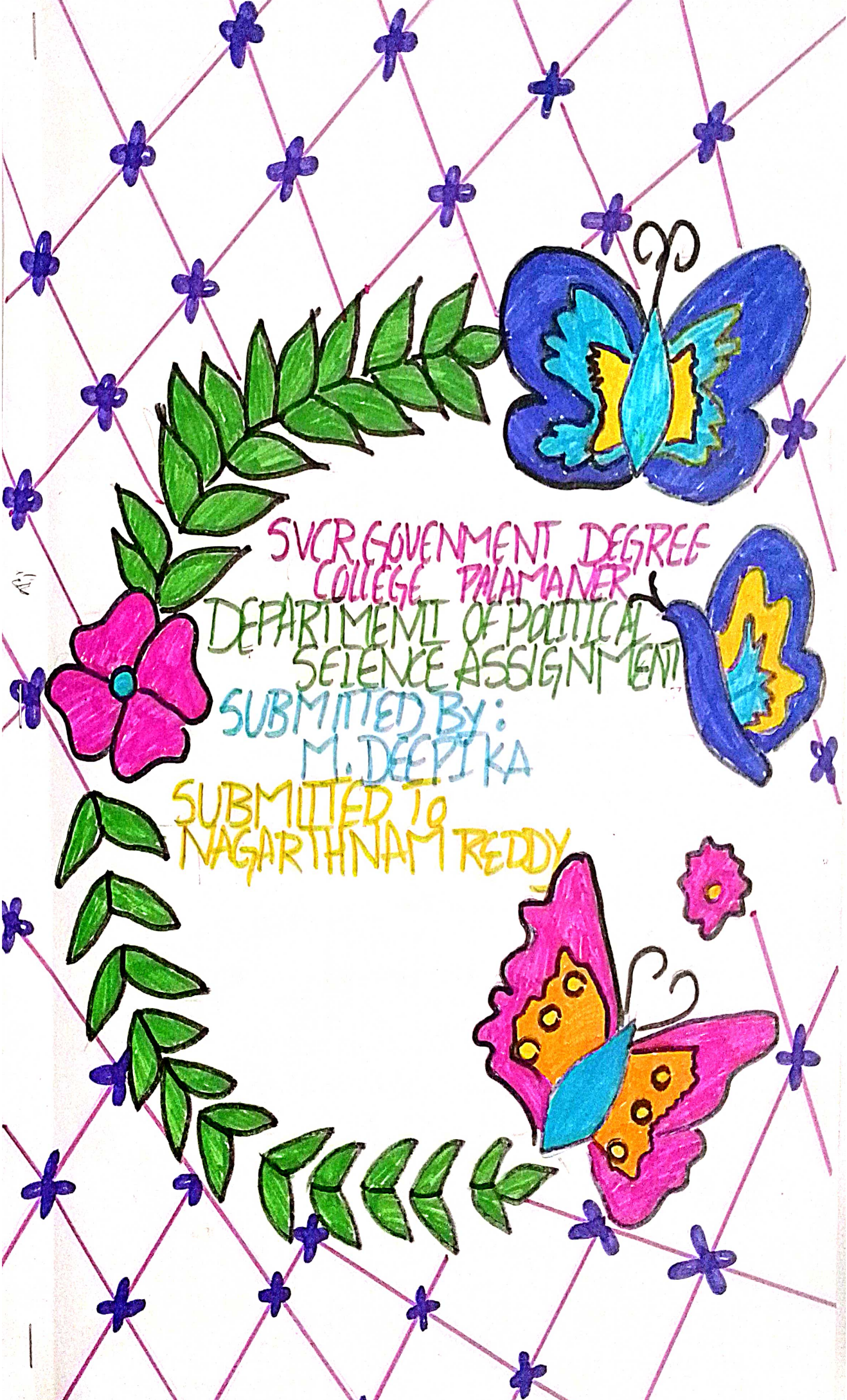


SVCR GOVERNMENT DEGREE
COLLEGE PALAMANK
DEPARTMENT OF POLITICAL
SCIENCE ASSIGNMENT
SUBMITTED BY:
M. DEVIKA





SVC R GOVERNMENT DEGREE
COLLEGE PALAMANER
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SCIENCE ASSIGNMENT
SUBMITTED BY:
M. DEEPIKA
SUBMITTED TO
NAGARTHANAM REDDY

1. Describe the Origin and evolution of Indian Constitution.

The very idea to have our own Constitution was given by MN Roy. MN Roy was a great political philosopher. The Constituent Assembly of India was set up in December, 1946. Constituent Assembly was set up in accordance with Cabinet Mission Plan under the chairmanship of Sachidanand Sinha.

Chairman of the Drafting Committee was Dr. BR Ambedkar. Dr. BR Ambedkar is also called as the father of Indian

Constitution. Soon after the constitution of the Constituent Assembly, Sachidanand Sinha expired and then Dr. Rajendra Prasad was elected as the President of the Constitutional Advisor. The total membership of Constituent Assembly was 389 members where 93 members were representatives from the Indian Princely states and from British India.

Evolution of the Constitution.

The British Period in India began with the incorporation of English East India Company in 1600 in England and it lasted till 1947 when India attained independence on August 15. The evolution of Indian Constitution is closely related with the British rule in India. We may broadly divide the British period in India into following Phases:

1. 1600 - 1765 : Advent of British in India
2. 1765 - 1858 : The Company's rule in India
3. 1858 - 1947 : Rule of British Crown in India

1600-1765 : Advent of British in India.

Britishers came to India as traders, they formed English East India Company by securing a charter from Queen Elizabeth I in 1600. The charter authorized the company to organize and send trading expeditions to East Indies. This charter was initially granted for 15 years and later for 20 years.

1765 - 1858 : The Company's rule in India.

The Grant of Diwani (Power of Collection of revenue And Civil Justice) by Shah Alam II to the Company in return for 26 Lakh rupees Annually And the Grant of Nizamat by Shuja-ud-Daula, Nawab of Bengal in return for 53 Lakh rupees Annually has made the East India Company the real power in Bengal, Bihar And Orissa. This was the beginning of the territorial Sovereignty of British.

During the Period between 1765 And 1858 the Government of England managed the Affairs of the Company Administration whereas the Company ruled over its territorial Possessions And People living therein.

Administrative Legacy of the Company
from 1765 - 1858 : During the period

Between 1765 And 1857, the Company began ruling along its trading Activities. During this Period the company enjoyed Diwani.

This charter could be terminated on two year's notice. The charter must actually be renewed periodically provided it did not adversely affect the interest of the crown and English people.

Later English East India Company established factories at various centers namely Surat, Masulipatnam, Harichapur which later developed into chief settlements like Madras, Bombay and Calcutta. Each of these presidencies was to be controlled by President and a council.

Till second half of 18th century company remained primarily a trading concern. But after disintegration of Mughal Empire, the company took advantage of the chaotic conditions and then established itself. The victory of the company in Battle of Plassey, 1757 and again in Battle of Buxar, 1764 established the British firmly.

And Nizamat rights. This made the company become a political and territorial power in India. By the time the Crown took over India's Administration from the company the Britishers have a well-founded civil military and judicial base.

1858 - 1947 : Rule of British Crown in India.

The British territories Acquired by the company in India came under the direct Rule of British Crown in 1858, which rule remained on India till August 1947. Most of our Constitutional Developments leading to the making of our present Constitution owe their existence to this period.

Administrative Legacy of the Company from

1858 - 1947. The British Government's rule

has left a legacy that still affects Indian Society even today. Some of them are good and some of them are bad. Though we cannot imagine India without Colonial rule, but it is very much true that

India would have been entirely different.

The present Administrative System is the legacy of British rule, for example Central Secretariat Civil services the parliamentary system. Military organization, Education system, legal and judicial system are all inherited from the British time.

The Indian Constitution that emerged out in 1950 has an uncanny resemblance to the Government of India Act, 1935. Same principles and same essence can be found in both Act of 1935 and Constitution of India. Even we can find some phraseological resemblances between Act of 1935 and Constitution of India.

Explain about the Theory of Separation of Power's.

Ans:— The Theory of Separation of Power's is a prominent theory in political science. It is closely associated with the name of Montesquien, a renowned french political philosopher of eighteenth century. Montesquien advanced this theory by enunciating limited Power's to the state and separation of Power's among the Governmental organs.

Main principles:—

The main principles of the theory of separation of power's can be drawn from Aristotle and up to Montesquien. These may be explained as follows.

1. Separation of power's:— Power's of the Government shall be separated among the three organs i.e., legislature executive and Judiciary. Every organ shall strictly discharge

its functions, It implies that the Legislature shall confine its business to the formulation of laws Amendment of the Existing laws and repeal of outdated laws. The Executive shall enforce the Laws Approved by the Legislature. The Judiciary shall perform such functions which are Judicial in nature Hence no single organ shall perform all the functions of the Government. Similarly no single organ shall be assigned more Power's when compared to the other two organs of the Government.

2. Decentralisation of Authority :

Political philosopher's from Aristotle to Montesquien suggested that the Authority of The state shall not be vested in a person or Group of persons or institution. Montesquien felt that despotism can be avoided And pepple's liberties and freedom's can be safeguarded through the decentrali'sation of authority.

3. Determination of Sphere of power's:—

This theory states that the functions and procedures of every organ shall be determined.

4. Checks and Balances:

There shall be checks and balances in the maintenance of the various organs of the Government. Every organ of the Government shall be assigned such powers as prescribed in the Constitution.

Explain the Differences Between Unitary Government and federal Government.

Ans: — Differences between Unitary Government and federal Government.

<u>Unitary Government</u>	<u>Federal Government</u>
<p>1. There will be one integrated set of Government. All the powers are vested in the central Government by the Constitution.</p>	<p>1. There will be two sets of Governments. There is division of powers between the two levels of Government.</p>
<p>2. Political divisions or provinces are integral parts of Government.</p>	<p>2. Units have complete autonomy regarding subjects under them.</p>
<p>3. The Constitution may be written or unwritten. It may be rigid or flexible.</p>	<p>3. A written or rigid constitution is absolutely necessary because because it is a contract between the two Governments.</p>
<p>4. Central Government is the creator of political</p>	<p>4. Central Government is not the creator of the federated units.</p>
<p>5. Central Government can issue orders to the Provinces as it pleases as they are subordinate to it, it can increase or reduce their powers and can even abolish any of the Provinces or</p>	<p>5. federal or central Government can deal with the federal units only in accordance with the provisions of the Constitution. It cannot order them as it pleases and cannot reduce their power. The units</p>

Create new provinces.

have a Constitutional status which the Centre cannot undermine.

6. At the Centre, there will be a Supreme Legislature executive and Judiciary

6. The Centre has its own separate organs like Legislature executive and Judiciary. Each unit in the federation also has its own executive and legislature and Judiciary.

7. There are uniform laws throughout the country

7. Laws are Generally of two types. They are Central Laws and state Laws. Both are equally important in their respective spheres.

8. Government is highly centralized, as all decisions are taken by the Centre.

8. There is much decentralization and the units enjoy much autonomy within the constitutional framework. Decisions regarding subjects of national importance are taken by the central Government. But

Decisions of regional importance.

are taken by the units. But all these are subject to the clearly written provisions of the constitution.

9. The second chamber is less powerful and some times is superficial.

9. The second chamber is more powerful than the first one and generally the most influential chamber.

10. It is better suited for smaller countries as it fails to tackle a heterogeneous society.

10. It is most suited to larger states and has the quality of tackling the heterogeneous society.

11. Cost of Administration is not so high, as there is only one set of Government.

11. Cost of running Government is relatively high as there are two sets of Government.

12. Governmental machinery is simple and flexible.

12. Government machinery is complex and rigid.

4. Explain the power and functions of Judiciary.

Ans: —

Judiciary is the third branch of Government. It is a separate and independent organ. It interprets Law, settles the disputes and provides justice. It includes those officers of Government whose function is to apply the existing Law's to individual cases. In federal states, it acts as the guardian of the Constitution and settles disputes between federal Government and units. In the words of Laski, "the Judiciary of a state may be defined as that body of officials whose work consists in the resolution.

functions of Judiciary: —

The functions of Judiciary differ from one political system to another. The following are the important

functions of Judiciary.

1. Adjudication: -

The first and foremost function of the Judges is to Administer Justice. They hear and decide cases - Civil, Criminal and Constitutional - in the light of the Arguments given by the concerned parties.

2. Legislation: -

Judiciary also makes Law when existing Laws are Ambiguous or inconsistent. The Courts decide what the Laws are and which of them shall prevail.

3. Guardian of the Constitution: -

In the countries having written Constitution the highest Judicial tribunal and its branches are often vested with the power of interpreting the Constitution. The States which recognise the supremacy of the Constitution, regard Judiciary as the Guardian of the Constitution.

4. Safeguards fundamental Rights.

The modern democratic state assures rights to the people, generally by enshrining them in the Constitution. These rights are inviolable and guaranteed.

5. Advisory functions:- The Judges are also vested with Advisory Jurisdiction. In states like India, the Judiciary has the right and duty of rendering Advisory opinion when it is sought.

6. Other functions:-

Judicial has the following miscellaneous functions.

1. The Judges possess the power of issuing injunctions or restraining orders. The Courts act as custodians of basic rights.

2. When ownership, use or right of property are in dispute the Courts may take over the Administration of such property pending a final settlement.

3. The Chief Justice presides when the President is impeached. For instance the Chief Justice of the American Supreme Court presides when the President is impeached by the Senate.