

### **Handout 3**

#### **Government of India Act, 1919:**

- It introduced Dyarchy at the provincial level.
- Provincial subjects were divided into reserved subjects and transferred subjects.
- Transferred subjects were to be administered by Governor with the help of the Council of Ministers, whereas the reserved subjects were under the exclusive domain of the governor and his executive council.
- establishment of a public service commission

#### **Government of India Act, 1935:**

- introduced federalism in India by dividing the powers between the center and the provinces.
- It also introduced the dyarchy at the central level and abolished the same at the Provincial level.
- It also introduced Bi-cameralism in 6/11 provinces.
- establishment of the Reserve Bank of India.
- It provided for the establishment of not only a Federal Public Service Commission but also State(Provincial) Public Service Commissions and Joint Public Service Commissions.
- establishment of the Supreme Court or the Federal Court which came into existence in 1937.

### **Important Features of the Indian Constitution**

#### **Written Constitution:**

- opted for a written constitution for the following reasons:
- At the time of independence maximum number of people in our country were poor, backward, and illiterate, without a written constitution, it becomes almost impossible to make them aware of their rights.
- Majority had little experience with the functioning of the democratic systems.
- written constitution can provide much-needed guidance
- There is every possibility of the executive turning itself into a dictator a written constitution by clearly defines the powers, as well as limitations on the exercise of the powers, can ensure the democratic functioning of the polity.

**Rule of Law:**

- based on this concept of the Rule of Law, also known as constitutional law.
- The essence of rule of law is the concept of separation of powers between the three organs of the state (Executive, legislature, and judiciary)
- Legislature is responsible for law-making, the executive for its implementation, and the judiciary for its interpretations.

**The sovereignty of citizens:**

- There is no one above the citizens.
- All three organs of the state derive their powers from citizens only.
- These three organs of state are supreme in their own domain but are not sovereign it is a constitution and the people who framed the constitution are sovereign.
- Since we have representative democracy it is the Parliament that exercise this sovereignty on behalf of the people, but at the same time, the parliamentary sovereignty is also not absolute because our constitution also provides for judicial review.

**Parliamentary democracy:**

- opted for parliamentary democracy over a presidential form of democracy.
- had a choice between the stability offered by the Presidential democracy and accountability which is a measure feature of parliamentary democracy.
- They have opted for accountability over stability.
- In a parliamentary democracy, the executive comes from the legislature and is continuously accountable to the legislature.

**Independence of Judiciary:**

- independent judiciary protect and promote the fundamental rights of the citizens from exploitation by other organs of the state.
- Even though it was the Britishers who introduced the judiciary, during those times it was neither independent nor impartial whereas our constitution made sure that it is both independent and impartial.

**Judicial Review:**

- the judiciary must be given the power to review the loss made by the legislature and implementation gap by the executive for their constitutional duty, otherwise it can lead to executive dictatorship.
- **Federal Form of government:**
- From ancient times, India always had a federal form of government.
- GoI Act of 1935, had formally introduced this federal form of government by dividing the subjects between the Union and States.
- After independence, it was continued in our constitution also.
- **Fundamental Rights:**
- Due to the absence of democracy and also because of colonial exploitation, ordinary citizens were not given basic human rights also.
- Our constitutional forefathers made sure that these fundamental rights are not compromised even during the worst phases of the emergency.
- DPSP
- Our constitution forefathers have included Gandhian ideals in DPSPs, they focus on the economic, social, and cultural freedoms of the society as a whole.
- **Fundamental Duties:**  
42nd Constitutional Amendment Act.
- The objective is to make citizens aware of their duties and responsibilities towards their country.
- They also promote a sense of nationalism and patriotism among the citizens of the country.
- **Secularism:**
- Our constitutional forefathers have rightly recognized the fact that the country can not remain united unless it is secular in nature.
- The Indian concept of secularism recognizes the existence of all religions by the State and at the same time, the State also treats all religions equally.
- It will not discriminate against people based on their religion.
- **Socialism:**
- Inclusive and sustainable growth is possible only when these inequalities are removed.

- The State must take proactive measures to remove these inequalities to establish a socialistic pattern of society.

**Anlayis And current linkage refer class discussion and debate**