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Indian National Movement - Social Party's During National Movement

Congress Socialist Party (CSP)

- In October 1934 under the leadership of Jayapraksh Narayana, Acharya Narendra Dev and Minoo Masani, the Congress Socialist party was founded.
- Other leaders were: Achyut Patwardhan, Ashok Mehta, Ram Manohar Lohia, Puroshottam Vikrama Das, Yusuf Mehar Ali, Ganga Sharan Singh, Kamla Devi

Other Socialist Association

1. Indian Revolutionary Communist Party: Somendra Nath Tagore in 1942.
2. Revolutionary Socialist Party formed in 1940 during the Ramgarh session of Congress.
3. Indian Bolshevik Party in 1939 by N. Dutt Majumdar
4. Radical Democratic Party: Founded by M. N. Roy, Tyab Sheikh, Smuter Kharwadi, S. Sethi, B. B. Karnik.
5. Bihar Socialist Party: Jaya praksh Narayana and Phulan Prasead Varma in 1931
6. Punjab Socialist Party in September 1933

Kisan Movement

- In 1936 All India Kishan Congress was founded in Lucknow; later on known as All India Kishan Sabha
- The Kisan Gazette was passed by Indulal Yagnik
- In 1937 the All India Kisan Sabha session was organised in Faizpur.
- In Hyderabad, Ramanand Tirth organised the peasants of Hyderabad.

Mahatma Gandhi

- Born, on 2nd October, 1869 at Porbander, Saufashtra (Kathiawar Peninsula)
- Proceeded to England in 1888 and returned to India as a Barrister-at-law in 1891
- Proved to be a failure as a lawyer both at Rajkot and Bombay
- In May, 1893, he proceeded to Natal in South Africa as a lawyer of a firm Porbander muslims
- In 1896, there was a bid on his life
- Gandhiji formed an Ambulance Corps to aid British during Boer war in 1906.
- He started Natal Indian Congress and a paper called Indian Opinion,
- On the instruction of GK. Ghokhale returned to India via London; on 6th August 1914 reached London,
- In January 1915 returned back to India

Early Success

1. Champaran:

- a. The European planters had involved the cultivators in agreements that forced them cultivate indigo on 3/20 of their hpldings called Tinkathia System due to the German synthetic dyes.
 - i. Raj Kumar Shukla persuaded Gandhiji to go to. Champaran.
 - ii. Gandhiji accompanied:
 - iii. Brij Kishore
 - iv. Rajendra Prasad
 - v. Mahadev Desai
 - vi. Narahari Parikh
 - vii. J. B. Kripalani
 - viii. A. N. Sinha
 - ix. Gorakh Prasad.
- b. Finally the Champaran Agrarian Bill of 1917 proposed the abolition of the system

2. Ahmedabad:

- a. It was the first instance of Satyagraha in India
- b. A dispute was brewing between them and the Mill owners over the question of plaque bonus. The employers wanted to withdraw once the epidemic had passed but the workers insisted it stay, since the enhancement hardly compensated for the rise of the cost of the living during the war.
- c. Gandhiji was helped by Ambalal SarabhaTsagister, Anasuya Behn.
- d. The strike was withdrawn and the tribunal added 35 per cent increase the workers had demanded.

3. Kheda:

- a. Cause: Extreme distress due to a failure of crops, no remission was given;
 - b. Gandhiji was helped by Vallabhabhai Patel Indulal Yagnik B. B . Patel, A. Sarabhai.
 - c. The inquiry into the cause of the peasants was conducted by Vithalbhai Patel, GK. Parekh.
 - d. Government, finally, ordered to collect the tax only from those who are in a position to give it.
4. Rowlatt Act: At Lahore, three leaders:
 - a. Har Kishan Lai
 - b. Dunichand and
 - c. Pandit Rambhuj Dutta
5. On Rowlatt Act Hunter Commission was appointed under the Chairmanship of Lord Hunter with Mr. Justice Rankin, Mr. Rice, Maj. General George Barrow, Chimanlal Setalvad, Sultan Ahmad, Pandit Jagat Narain and Thomas Smith in October 1919.
6. The Congress also constituted an inquiry with Gandhiji, Motilal Nehru, C. R. Das, Fazl-ul-Haq and Abbas Tyabji and M. R. Jayakara was President.

Constitutional History Regulating Act 1773: Provisions

- While the proprietary rights were safeguarded sovereignty over the settlement and the territories won by war was vested in the Crown.
- The Parliamentary supervision was introduced. Warren Hastings named Governor-General of India.
- Presidency of Bengal got supremacy over Madras and Bombay
- A Governor-General and his 4 Councilors were appointed:
 1. Barwell
 2. Clavering
 3. Philip Francis (wanted to replace Hastings)
 4. Monson (later replaced by Wheler) .
- A Supreme Court was set up at Calcutta; the Chief Justice, alongwith 3 Judges, was appointed by the Crown.

Powers of Supreme Court

- a. All the public servants the Company were made amenable to its jurisdiction;
- b. It could also entertain suit, actions and complaints against persons in the Company's service;
- c. The Court was given both original and appellate jurisdiction.
- d. Constitution of Supreme Court:
- e. The Supreme Court was constituted in 1774.

- f. Sir Elijah Impey was Chief Justice.
- g. Chambers, Lemaister and Hyde as the puisne judges.

The Amending Act of 1781

- a. This Act exempted the actions of the public servants of the company done by them in their official capacity from the jurisdiction of the Supreme Court.
- b. The Act further provided that appeals could be taken from the Provincial Courts to the Governor-General-in-Council.

Pitts India Act 1784

- Parliamentary intervention in the Company's affair enhanced.
- Parliament asserted sovereignty over Indian territories by appointing a Board of Control consisting of six members: Councilor of Exchequer, one of the Secretaries of States and 4 Privy Councilors. In practice, the power vested in the Board of Control was exercised by the senior commissioners.
- The number of Councilor of Governor-General was reduced to 3, including Commander-in-chief.
- The Board was empowered to superintend, direct and control all acts, operations and concerns, which are related to the civil or military government or revenue of British territorial possession of the East Indies.

Charter Acts: 1793, 1813, 1833, and 1853

The Charter Act of 1793

- The Company's commercial privileges were extended for another twenty years.
- The Commander-in-Chief was not to be a member of the Governor-General's ipso facto.

The Charter Act of 1813

- The monopoly of trade of the East India Company was abolished except in Tea and its trade with China.
- The Church establishment was placed under a Bishop maintained from Indian revenue.
- Provision was made for granting permission to English men to settle and hold land in India; to the missionaries for introducing useful knowledge and propagating religious and moral improvement and to traders for their lawful purposes, under a system of licences.
- Proclaimed sovereignty of crown over possessions (territorial and revenue) .
- One lakh grant for the improvement of education.

The Charter Act of 1833

- Company's monopoly to tea trade and China trade was abolished and it was required to wind up its commercial business. But administration and political powers were

continued and status quo was maintained;

- Fourth member was added to Governor General's Council for legislative purposes;
- Macaulay was the first incumbent.
- Demarcation between legislative and executive functions of Central Government;
- First time, the Governor-General was known as Government of India and his council as the Indian Council, the act vested the legislative power exclusively in Governor-General-in-Council and deprived of the Government of the Residencies of their legislative functions;
- Law Commission under Macaulay was constituted;
- Beginning of Central Legislative Council in India;
- The Indian Civil Services was founded.

The Charter Act of 1853

- Laid foundation of Parliamentary system of Government, the executive and legislative separated, Legislative Assembly functioned in the model of British Parliament;
- Renewed the term of East India Company for an indefinite period;
- Reduced the number of Board of Directors from 24 to 18 and 6 out of them were nominated;
- The 4th member became at par with other members as right to vote was conferred; and further added, 6 members known as 'Legislative Councillors' ; Six Members were the Chief Justice and a puisne judge of Calcutta Supreme Court, and four representatives, one each from Bengal, Madras, Bombay and NWFP. Therefore, the total number of members became 10.
- Now it became: Governor-General + 6 members (Legislative Councillors) + 4 members (Governor-General-in-Council) + Commander-in-Chief (C-in-C) ;
- Indian Civil Service became an open competition. Macaulay made Chairman of the Committee

Government of India Act 1858

- All powers of Board of Directors and Court of Proprietors transferred to Secretary of States;
- The Governor-General got title of Viceroy and became direct representative of the crown.
- **Secretary of State**
 - will be a member of the British Cabinet;
 - drawing salaries and emoluments from Indian revenue;
 - was responsible to British Parliament
- **Secretary of State's Indian Council**

Out of 15 members 8 would be nominated by crown and 7 elected by outgoing Board of Directors

Indian Council Act -1861

- The three separate presidencies were brought into a common system
- It inaugurated the system of legislative devolution in India;
- The Act added to the Viceroy's Executive Council a fifth member-a jurist.
- For purposes of legislation, the Viceroy's Executive Council was expanded by the addition of not less than six and not more than 12 additional members, who would be nominated by the Governor-General and would hold office for two years. Therefore, the total membership increased to 17.
- Not less than half of these members were to be non-officials.
- The legislative power was to be restored to the Council of Bombay and Madras, while Councils were allowed to be established in other Provinces in Bengal in 1862 and North West Frontier Province (NWFP) in 1886, Burma and Punjab in 1897;

Indian Council Act: 1892

- Provincial Legislative Councils were to be introduced;
- The number of Executive Council increased to 6.
- Governor-General-in Council expanded for legislative purposes with additional members whose number was not less than 10 and not more than 16;
- 06 Officials
- 05 Nominated Non-officials
- 04 Nominated by Provincial
- Legislative Councils
- 01 Nominated by Calcutta
- Power to ask questions in the Council was allowed;
- Empowered to discuss the annual financial statement under certain restrictions.
- No supplementary were allowed.

Indian Council Act: 1909 Morley-Minto Reforms

- It successfully maintained relentless constitutional autocracy;
- Councils were enlarged and their functions extended-they constituted of members elected by constituencies small and narrow indeed;
- In the Provincial Legislative Councils (PLCs) , the Indian elements increased. The maximum members increased from 16 to 60, excluding the executive councillors-who were ex-officio members;

- An Indian was to be appointed member of Governor General's Executive Council; therefore, the total numbers would be Governor-General + 1 Extraordinary Member + 7 Members of the Executive Council
- 60 additional members increased: 28 officials nominated and 32 Non-officials and out of 32 Non-officials 5 were nominated and 27 elected (2 by Special Electorates, 13 by General Electorates, 12 by Class Electorates) and out of 12 class electorates 6 were elected by Landholders Constituencies and 6 by Muslim Constituencies.
- Powers on Budget: Greater powers on Budget discussions putting question and sponsoring resolutions to members of legislative councils;
- They can ask supplementary questions but subject to disallowance by the President;
- Elections were for the first time, formally, introduced.
- Concept of Separate Electorate was introduced.

Government of India Act: 1919 Montagu-Chelmsford Reforms

- The salary of Secretary of State (SOS) was transferred from Indian to British Exchequer.
- Some of the functions of SOS were taken away and given to the High Commissioner of India who was to be appointed and paid by the Government of India.
- The number of the Indians in the Governor-General's Executive Council was raised to three in a Council of 8. The Indian members were entrusted with departments like that of law, education, labor, health and industries.
- The new scheme of Government envisaged a division of subjects into the Central List and the Provincial List.
- Instead of single-bicameral house was created: the Council of State and the Legislative Assembly,

Dyarchy Was Introduced in Provinces

Subject of Administration was divided into two lists: (i) Transferred and (ii) Reserved

1. The Transferred list was administered by the Governor acting with ministers appointed by him from among the elected members of the legislature and who were to be responsible to the legislature and was to hold office during his pleasure. The Transferred Lists are

- i. Education
- ii. Libraries
- iii. Museums
- iv. Local Self-Government
- v. Medical Relief
- vi. Public Health and Sanitation
- vii. Agriculture

viii. Cooperative Societies

ix. Public Works

x. Veterinary

xi. Fisheries

xii. Excise

xiii. Industries

xiv. Weights and Measure

xv. Public Entertainment

xvi. Religion and Charitable Endowments, etc.

2. The reserved subjects were administered by the Governor with the help of the members of the Executive Council who were nominated by him and who were not responsible to the legislature. The Reserved Items are:

3. Land Revenue

4. Famine Relief

5. Justice

6. Police

7. Pensions

8. Criminal Tribes

9. Printing Presses

10. Irrigation and Waterways

11. Mines

12. Factories

13. Electricity

14. Labour Welfare and Industrial Disputes

15. Motor Vehicles

16. Minor Ports, etc.

Changes on the Legislative Side

- Now the Provincial Legislatures was to be called Legislative Councils.
- Of the total number of members of a Provincial Council, at least 70% were to be elected, while not more than 20% were to be officials; the remaining 10% were to be nominated non-officials.

Powers of Governor-General

- The prior sanction was required to introduce Bills relating to certain matters;

- He had the power to veto or reserve for the consideration of crown any Bill passed by the Indian legislature;
- He had the power of certifying any Bill or any grant refused to be passed or made by the legislature;
- He could make ordinances;
- He had the power to amend, refuse, accent but Governor General in Council could restore it by simply declaring that it was essential to discharge of his responsibilities;
- So far as transferred subjects in the provinces were concerned, the power of superintendence, direction and over local Governments, vested in the Governor General in Council could be exercised only by specific purposes mentioned in die rules.

Government of India Act: 1935 Provincial Autonomy

This Act had three important features:

- i. An All-India Federation;
- ii. Responsible Government with safeguards;
- iii. Separate representation of communal and other groups; and

It had 321 sections with 10 Schedules.

- Aimed at federal structure, the Governor General was to have a Council of Ministers, not exceeding 10 in number, "to aid" and "advise him" in the exercise of his functions in his discretion or in his individual judgment.
- Dyarchy was rejected by the Simon Commission, was provided for in the Federal Executive.
- The administration of Defence, External Affairs, Ecclesiastical affairs and Tribal areas, was to be made by Governor General in his discretion with the assistance of maximum three councillors appointed by him, who were not responsible to the legislature;
- With regard to matters other than the reserved subjects, the Governor General was to act on the advise of a Council of Ministers, who were responsible to legislature;
- As regards the special responsibilities and Governor General was to act under the control and directions of the SOS.

Federal Structure

1. The Council of State was to be a permanent body with one-third of its membership being vacated and renewed triennially.
2. The Federal Assembly whose duration was fixed . for five years.

Features of Federal Legislature

- a. Ironically, in the Upper House the election was to be direct while in the Lower and theoretically more popular house was indirect.

- b. The princes were to nominate 1/3rd of the representatives in the Lower House and 2/5ths in the Upper House.
- c. There was a provision of Dyarchy at the Centre, As regards the subject matter of Federal and Provincial laws, there were three lists:
 - a. Federal Legislative Lists; consisted of 59 items like External Affairs, Defence, Currency and Coinage, Naval, Census, Ecclesiastic Affairs, etc.
 - b. Provincial Legislative Lists; consisted of 54 items of local interest like, Education, Public Services, Police, etc., and
 - c. Concurrent Legislative Lists; consisted of 26 subjects like Criminal Law, Criminal Procedure, Civil Procedure, Marriage and Divorce, Arbitration, etc.
- d. Residuary Legislative powers were vested in The Governor-General to decide in his sole discretion as to under which list a particular subject fell.

Federal Lists

Federal Subjects were divided into two categories: (a) the reserved and (b) transferred

- a. the reserved subjects like defence, external affairs, ecclesiastic affairs, and tribal areas, was to be made by the Governor-General in his discretion with the help of the Councillors appointed by him who were not responsible to the legislature.
- b. the transferred subjects were to be administered by the Governor-General who was to act on the advice of the Council of Ministers who were responsible to the Legislature.

Federal Court

- The Act establishes Federal Court with a Chief Justice and not more than six judges. The retiring age of these judges was sixty-five years.
- The Judges were appointed by the Crown.

Provincial Government

- The Provincial Executive was to consist of the Governor and a Council of Ministers to advise him. In all Provincial legislative Assemblies all members were directly elected by the people. In six provinces (Madras, Bombay, Bihar, Assam, the United Provinces and Bengal) there was a bicameral Legislature.

Results

- Elections held in the winter of 1936 - 37.
- Congress found absolute majority in five provinces
 1. Madras
 2. C. P
 3. UP
 4. Bihar
 5. Orissa.

- In Bengal, Fazlul Haq of Praja Party with the help of Congress formed the Government.
- In Punjab, Sir Sikander Hyat Khan of National Unionist Party formed the Government.
- In Assam, Congress won 35 seats out of 108 seats; initially Syed Muhammad Saadulla formed the ministry and later Gopinath Bardoloi of Congress formed the ministry.
- In Sindh, Sir Gulam Hussain Hidayatullah of United Party formed a coalition ministry.
- In NWFP, the ministry was formed by Muslim League.

August Offer: 1940

- Came out in 1940. Provisions:
- Expansion of Governor General's council. From 8 members to 12.
- Advocated for war council
- Minister of opposition was advised to be respected.
- Subject to fulfillment of obligation, British government offered to the framing of the constitution which was to be the responsibility of the Indians, on the basis of the consensus.
- Because *of* war constitutional issue could not be resolved and it would be taken up after the war.
- Sought cooperation of Indian community.
- Promise of dominion status.
- Jawahar Lal Nehru said that it is "Dead as a doornail"