

CONSTITUTION OF INDIA- STRUCTURE AND FEATURES

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FLOW OF PRESENTATION

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2. Drafting
3. Structure: Parts, Schedules and System of Government
4. Salient features of the constitution of India
5. Changing the constitution

BACKGROUND

- The Constitution of India was adopted on 26 November 1949 and came into effect on 26 January 1950, proclaiming India to be a sovereign, democratic republic
- The federal structure of government, provincial autonomy, a bicameral central legislature consisting of a federal assembly and a Council of States and the separation of legislative powers between the centre and states are some of the provisions of the Act which are present in the Constitution of India.

DRAFTING

- The Constitution was drafted by the Constituent Assembly, which was elected by the elected members of the provincial assemblies.
- Dr B.R. Ambedkar, Sanjay Phakey, Jawaharlal Nehru, C. Rajagopalachari, Rajendra Prasad, Sardar Vallabhbhai Patel, Maulana Abul Kalam Azad were some important figures in the Assembly.
- The members of the Constituent Assembly met for the first time on 9 December 1946
- On 29 August 1947, the Drafting Committee was appointed, with Dr B. R. Ambedkar as the Chairman along with six other members assisted by a constitutional advisor.

STRUCTURE

- The Constitution, in its current form (September 2012), consists of a preamble, 25 parts containing 463 articles, 12 schedules, 2 appendices and 97 amendments to date (latest being related to co-operative societies added in part IX(B) in 2012).
- Indian constitution is federal in nature and also has a strong unitary bias.
- 22 PARTS
- 395 ARTICLES
- 12 SCHEDULES
- 2 APPENDICES
- 92 AMENDMENTS

- **Parts:**

- The individual Articles of the Constitution are grouped together into the following Parts:

- **Preamble**

- **Part I** – Union and its Territory

- **Part II** – Citizenship.

- **Part III** – Fundamental Rights.

- **Part IV** – Directive Principles of State Policy.

- **Part IVA** – Fundamental Duties.

- **Part V**– The Union.

- **Part VI**– The States.

- **Part VII** – States in the B part of the First schedule(*Repealed*).

- **Part VIII** – The Union Territories

- **Part IX**– The Panchayats.

- **Part IXA** – The Municipalities.
- **Part IXB** – The Cooperative Societies
- **Part X** – The scheduled and Tribal Areas
- **Part XI** – Relations between the Union and the States.
- **Part XII** – Finance, Property, Contracts and Suits
- **Part XIII** – Trade and Commerce within the territory of India
- **Part XIV** – Services Under the Union, the States.
- **Part XIVA** – Tribunals.
- **Part XV** – Elections
- **Part XVI** – Special Provisions Relating to certain Classes.
- **Part XVII** – Languages
- **Part XVIII** – Emergency Provisions
- **Part XIX** – Miscellaneous
- **Part XX**– Amendment of the Constitution
- **Part XXI**– Temporary, Transitional and Special Provisions
- **Part XXII** – Short title, date of commencement, Authoritative text in Hindi and Repeals

- **Schedules:**

- Schedules are lists in the Constitution that categorize and tabulate bureaucratic activity and policy of the Government.
- **First Schedule** (Articles 1 and 4)- This lists the states and territories of India, lists any changes to their borders and the laws used to make that change.
- **Second Schedule** (Articles 59, 65, 75, 97, 125, 148, 158, 164, 186 and 221)- This lists the salaries of officials holding public office, judges, and Comptroller and Auditor-General of India.
- **Third Schedule** (Articles 75, 99, 124, 148, 164, 188 and 219)—Forms of Oaths – This lists the oaths of offices for elected officials and judges.

- **Fourth Schedule** (Articles 4 and 80) – This details the allocation of seats in the Rajya Sabha (the upper house of Parliament) per State or Union Territory.
- **Fifth Schedule** (Article 244) – This provides for the administration and control of Scheduled Areas and Scheduled Tribes (areas and tribes needing special protection due to disadvantageous conditions).
- **Sixth Schedule** (Articles 244 and 275)— Provisions for the administration of tribal areas in Assam, Meghalaya, Tripura, and Mizoram.
- **Seventh Schedule** (Article 246)—The union (central government), state, and concurrent lists of responsibilities.
- **Eighth Schedule** (Articles 344 and 351)—The official languages.

- **Ninth Schedule** (Article 31-B) – Articles mentioned here are immune from judicial review.
- **Tenth Schedule** (Articles 102 and 191)—"Anti-defection" provisions for Members of Parliament and Members of the State Legislatures.
- **Eleventh Schedule** (Article 243-G)—*Panchayat Raj* (rural local government).
- **Twelfth Schedule** (Article 243-W)—Municipalities (urban local government).

- **System of government:**

- The basic form of the Union Government envisaged in the Constitution

- **Federal Structure**

- Three subject lists, the Union list, the State list, and the Concurrent list, define the legislative powers of each level of government.
- The Union government reserves the right to make laws in areas specified on the Union list, the state governments allowed to make laws in areas specified on the State list.

- **Parliamentary Democracy**

- The President of India is elected by the Parliament and State Legislative Assemblies, and not directly by the people. The President is the head of state, and all the business of the Executive and Laws of the Parliament are in his/her name
- The Prime Minister and the Council of Ministers exercise their offices only as long as they enjoy a majority support in the Lok Sabha, the lower house of the Parliament, which consists of members directly elected by the people
- A similar structure is present in States, where the directly elected Legislative Assembly enjoys control over the Chief Minister and the State Council of Ministers

- **Independent Judiciary**

- The Judiciary of India is free of control from either the executive or the Parliament.
- The judiciary acts as an interpreter of the constitution, and as an intermediary in case of disputes between two States, or between a State and the Union.
- An act passed by the Parliament or a Legislative Assembly is subject to judicial review, and can be declared unconstitutional by the judiciary if it feels that the act violates the provisions of the Constitution.

Salient Features of the constitution of India

1. Longest Written Constitution
2. Best Constitution
3. A Written and Rigid Constitution
4. Based on Adult Suffrage
5. It makes India a Sovereign Democratic Republic
6. It gives India a Federal Policy
7. It establishes Parliamentary form of Govt. in India

8. Fundamental Rights

9. Fundamental Duties

10. Directive principles of State Policy

11. Secular Democracy

Changing the Constitution

- Amendments to the Constitution are made by the Parliament, the procedure for which is laid out in Article 368.
- An amendment bill must be passed by both the Houses of the Parliament by a two-thirds majority and voting.
- In addition to this, certain amendments which pertain to the federal nature of the Constitution must be ratified by a majority of state legislatures.
- As of January 2012 there have been 115 amendment bills presented in the Parliament, out of which 97 have been passed to become Amendment Acts.

- Most of these amendments address issues dealt with by statute in other democracies.
- The Supreme Court has ruled in *Kesavananda Bharati v. State of Kerala* case that not every constitutional amendment is permissible, the amendment must respect the "basic structure" of the constitution, which is immutable.
- In 2000 the National Commission to Review the Working of the Constitution (NCRWC) was set up to look into updating the constitution

Thank
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