

## CONSTITUTION OF INDIA

A constitution serves as the supreme legal framework of a nation, outlining the structure of government, distribution of powers, and fundamental rights of citizens. It acts as a binding contract that limits governmental authority and ensures democratic governance.

### Why do we need the Constitution?

India needs a constitution to establish a stable democratic framework after colonial rule. It ensures governance by the people, protects rights, and prevents power abuse.

### Key Reasons

India's diverse society required a unifying legal document to balance unity and regional autonomy. Post-independence, it replaced British-imposed laws with sovereign principles of justice, liberty, equality, and fraternity.

- **Defines government structure:** Separates powers among legislature, executive, and judiciary for checks and balances.
- **Safeguards fundamental rights:** Guarantees freedoms like speech, equality, and religion against state overreach.
- **Promotes social justice:** Addresses historical inequalities through directives for affirmative action and welfare.
- **Ensures rule of law:** Sets boundaries on authority, fostering accountability and citizen participation.
- **Provides stability:** Adapts to changes via amendments while maintaining core democratic values.

## Historical Context

Framed by the Constituent Assembly from 1946–1949 under Dr. B.R. Ambedkar, it drew from global models but suited India's needs. Adopted on November 26, 1949, it took effect January 26, 1950, marking the republic's birth.

## Indian Constitution Overview

- The Indian Constitution, adopted on November 26, 1949, and effective from January 26, 1950, is the world's longest written constitution, originally with 395 articles, now expanded to about 448 through 106 amendments as of 2024.
- It blends rigidity and flexibility, drawing from various global sources while establishing a federal structure with a strong center, single citizenship, and independent judiciary.
- Key features include the Preamble declaring India a sovereign, socialist, secular, democratic republic committed to justice, liberty, equality, and fraternity; fundamental rights (Part III); directive principles (Part IV); and fundamental duties (Part IVA).

## Parts of the Constitution

The Indian Constitution is divided into 25 Parts (originally 22, with some added and one repealed), each addressing specific aspects of governance, rights, and administration. These Parts contain 448 articles (as of recent amendments), providing a detailed framework for India's federal structure.

Parts	Subject Matter	Articles Covered
I	The Union and its territory	1 to 4
II	Citizenship	5 to 11
III	Fundamental Rights	12 to 35
IV	Directive Principles of State Policy	36 to 51
IV-A	Fundamental Duties	51-A
V	The Union Government	52 to 151
	Chapter I - The Executive	52 to 78
	Chapter II - Parliament	79 to 122
	Chapter III - Legislative Powers of President	123
	Chapter IV - The Union Judiciary	124 to 147
	Chapter V - Comptroller and Auditor-General of India	148 to 151
VI	The State Governments	152 to 237
	Chapter I - General	152
	Chapter II - The Executive	153 to 167

	Chapter III - The State Legislature	168 to 212
	Chapter IV - Legislative Powers of Governor	213
	Chapter V - The High Courts	214 to 232
	Chapter VI - Subordinate Courts	233 to 237
VII	The States in Part B of the First Schedule (deleted)	238 (deleted)
VIII	The Union Territories	239 to 242
IX	The Panchayats	243 to 243-0
IX-A	The Municipalities	243-P to 243-ZG
IX-B	The Co-operative Societies	243-ZH to 243-ZT
X	The Scheduled and Tribal Areas	244 to 244-A
XI	Relations between the Union and the States	245 to 263
	Chapter I - Legislative Relations	245 to 255
	Chapter II - Administrative Relations	256 to 263
XII	Finance, Property, Contracts and Suits	264 to 300-A
	Chapter I - Finance	264 to 291
	Chapter II - Borrowing	292 to 293
	Chapter III - Property, Contracts, Rights, Liabilities, Obligations and Suits	294 to 300
	Chapter IV - Right to Property	300-A
XIII	Trade, Commerce and Intercourse within the Territory of India	301 to 307
XIV	Services under the Union and the States	308 to 323
	Chapter I - Services	308 to 314

	Chapter II - Public Service Commissions	315 to 323
XIV-A	Tribunals	323-A to 323-B
XV	Elections	324 to 329-A
XVI	Special Provisions relating to Certain Classes	330 to 342-A
XVII	Official Language	343 to 351-A
	Chapter I - Language of the Union	343 to 344
	Chapter II - Regional Languages	345 to 347
	Chapter III–Language of the Supreme Court, High Courts, and so on	348 to 349
	Chapter IV–Special Directives	350 to 351
XVIII	Emergency Provisions	352 to 360
XIX	Miscellaneous	361 to 367
XX	Amendment of the Constitution	368
XXI	Temporary, Transitional and Special Provisions	369 to 392
XXII	Short title, Commencement, Authoritative Text in Hindi and Repeals	393 to 395

**Note:** Part VII (dealing with Part-B states) was deleted by the 7<sup>th</sup> Amendment Act (1956). On the other hand, both Part IV-A and Part XIV-A were added by the 42<sup>nd</sup> Amendment Act (1976), while Part IX-A was added by the 74<sup>th</sup> Amendment Act (1992), and Part IX-B was added by the 97<sup>th</sup> Amendment Act (2011).

## **SCHEDULES OF INDIAN CONSTITUTION**

The Indian Constitution originally included 8 Schedules when adopted in 1950, later expanded to 12 through amendments. These Schedules provide detailed lists supporting constitutional articles on territories, powers, languages, and governance.

### **Overview**

Schedules organize key administrative and legislative details not fully covered in the main articles. They evolved from the Government of India Act, 1935, with additions like the Ninth (1951), Tenth (1985), Eleventh, and Twelfth (1992)



		Covered
<b>First Schedule</b>	1. Names of the States and their territorial jurisdiction.	1 and 4
	2. Names of the Union Territories and their extent.	
<b>Second Schedule</b>	Provisions relating to the emoluments, allowances, privileges and so on of:	59, 65, 75, 97, 125, 148, 158, 164, 186 and 221
	1. The President of India	
	2. The Governors of States	
	3. The Speaker and the Deputy Speaker of the Lok Sabha	
	4. The Chairman and the Deputy Chairman of the Rajya Sabha	
	5. The Speaker and the Deputy Speaker of the Legislative Assembly in the states	
	6. The Chairman and the Deputy Chairman of the Legislative Council in the states	
	7. The Judges of the Supreme Court	
	8. The Judges of the High Courts	
	9. The Comptroller and Auditor-General of India	
	Forms of Oaths or Affirmations for:	75, 84, 99, 124, 146, 173, 188 and 219
<b>Third Schedule</b>	1. The Union ministers	
	2. The candidates for election to the Parliament	
	3. The members of Parliament	



	4. The judges of the Supreme Court	
	5. The Comptroller and Auditor-General of India	
	6. The state ministers	
	7. The candidates for election to the state legislature	
	8. The members of the state legislature	
	9. The judges of the High Courts	
<b>Fourth Schedule</b>	Allocation of seats in the Rajya Sabha to the states and the union territories.	4 and 80
<b>Fifth Schedule</b>	Provisions relating to the administration and control of scheduled areas and scheduled tribes.	244
<b>Sixth Schedule</b>	Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.	244 and 275
<b>Seventh Schedule</b>	Division of powers between the Union and the States in terms of List I (Union List), List II (State List) and List III (Concurrent List). Presently, the Union List contains 98 subjects (originally 97), the State List contains 59 subjects (originally 66) and the Concurrent List contains 52 subjects (originally 47).	246
<b>Eighth Schedule</b>	Languages recognized by the Constitution. Originally, it had 14 languages but presently there are 22 languages. They are:	344 and 351



Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by the 21<sup>st</sup> Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71<sup>st</sup> Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92<sup>nd</sup> Amendment Act of 2003. Oriya was renamed as 'Odia' by the 96<sup>th</sup> Amendment Act of 2011.

**Ninth Schedule** Acts and Regulations (originally 13 but presently 282)<sup>32</sup> of the state legislatures dealing with land reforms and abolition of the zamindari system and of the Parliament dealing with other matters. This schedule was added by the 1<sup>st</sup> Amendment (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights. However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to judicial review.

**Tenth Schedule** Provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection. This schedule was added by the 52<sup>nd</sup>

102 and 191

Amendment Act of 1985, also known as Anti-defection Law.

**Eleventh Schedule** Specifies the powers, authority and responsibilities of Panchayats. It has 29 matters. This schedule was added by the 73<sup>rd</sup> Amendment Act of 1992. 243-G

**Twelfth Schedule** Specifies the powers, authority and responsibilities of Municipalities. It has 18 matters. This schedule was added by the 74<sup>th</sup> Amendment Act of 1992. 243-W

## SOURCES OF INDIAN CONSTITUTION

Sources	Features Borrowed
1. Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
2. British Constitution	Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.
3. US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president.
4. Irish Constitution	Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of president.

5.	Canadian Constitution	Federation with a strong Centre, vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
6.	Australian Constitution	Concurrent List, freedom of trade, commerce and inter-course, and joint sitting of the two Houses of Parliament.
7.	Weimar Constitution of Germany	Suspension of Fundamental Rights during Emergency.
8.	Soviet Constitution (USSR, now Russia)	Fundamental duties and the ideal of justice (social, economic and political) in the Preamble.
9.	French Constitution	Republic and the ideals of liberty, equality and fraternity in the Preamble.
10.	South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha.
11.	Japanese Constitution	Procedure established by Law.

## **SALIENT FEATURES OF INDIAN CONSTITUTION**

The Indian Constitution is the supreme law of India and has several distinctive features that make it unique among written constitutions. Below is a concise discussion of its main salient features.

### **1. Longest written constitution**

It is the lengthiest written constitution in the world, originally containing a Preamble, 395 Articles, and 8 Schedules (now more after amendments). This detailed structure covers governance, rights, emergency provisions, and special provisions for different regions.

### **2. Federal with unitary bias**

India is described as a “Union of States” (Article 1) and has a federal structure with two levels of government (Centre and States) and a division of powers. At the same time, it has strong unitary features such as a powerful Centre, single Constitution, single citizenship, and emergency powers.

### **3. Parliamentary form of government**

The Constitution establishes a parliamentary system like Britain, where the real executive (Council of Ministers headed by the Prime Minister) is responsible to the lower house of Parliament. The President is the nominal head of state, while real power lies with the Prime Minister and Cabinet.

### **4. Fundamental Rights and DPSP**

Part III guarantees Fundamental Rights (Articles 12–35), including equality, freedom, protection against exploitation, and religious freedom. Part IV contains Directive Principles of State Policy, which

guide the State toward social and economic justice, though they are non-justiciable.

## **5. Secular, democratic, and sovereign republic**

India is a sovereign, socialist, secular, democratic, republic, as stated in the Preamble. It means the State has no official religion, citizens choose their government through elections, and there is no hereditary head of State

## **6. Single citizenship and universal adult franchise**

The Constitution provides single citizenship for all citizens of India, regardless of the State they reside in. Universal Adult Franchise gives every citizen 18 years and above the right to vote, strengthening its democratic character

## **7. Independent judiciary and judicial review**

The Constitution sets up an integrated and independent judiciary, with the Supreme Court at the top. It has judicial review power to examine laws and strike down those that violate the Constitution.

## **8. Rigid yet flexible**

The Constitution is a blend of rigidity and flexibility: some provisions require a special majority in Parliament and State ratification, while others can be amended by ordinary majority. This allows it to be stable yet adaptable to changing needs.

## **9. Emergency provisions and independent bodies**

Special Emergency provisions (Articles 352, 356, 360) allow the Centre to assume greater powers during national, state, or financial crises. It also establishes independent bodies like the Election

Commission, UPSC, and others to safeguard democracy and public service.