

SALIENT FEATURES OF CONSTITUTION



* **Indian Constitution:** Longest written Constitution in the world

Written Constitution

- Compiled and structured in systematic form by few members
- Formally constituted
- Not easy to amend
- Ex: India

Unwritten Constitution

- Not structured
- Not formally constituted
- Easy to amend
- Ex: UK

- Originally (26th Nov 1949) Constitution contained: 395 Articles, 22 Parts, 8 Schedules
- Presently it contains: 470 Articles, 25 Parts, 12 Schedules
- Part 7 has been deleted and new Parts: 4A, 9A, 9B, and 14 A has been added

Federalism

- This refers to the existence of more than one level of government in the country
- Three tier of government exists in India → Union/Centre

↓
States

↓
Local Bodies

- **Amendment:** a formal change to law, contract, constitution, or other legal document

Federation with a unitary bias
Federation with a strong Centre

- Under federalism, the states are not nearly agents of federal government, but draw their authority from Constitution as well

Federal Features

- Written Constitution
- Supremacy of the Constitution
- Rigidity of Constitution
- Independence of Judiciary
- Bicameralism
- Dual Government

Unitary Features

- Single Constitution
- Single Citizenship
- Integrated Judiciary
- All India Services
- Emergency provisions
- Appointment of Governors by Centre

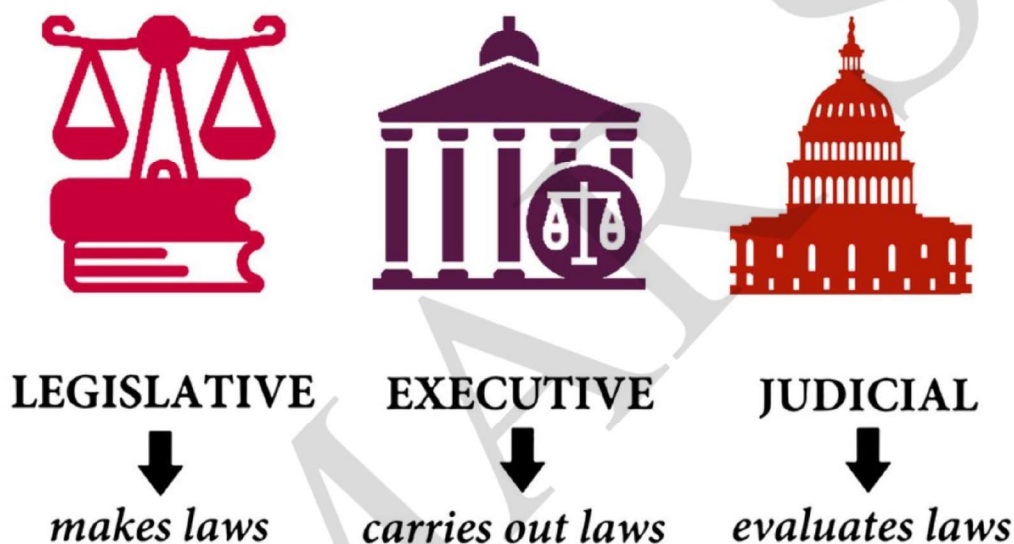
Comments on Indian Federalism

- **Quasi-Federal:** By K. C. Wheare
- **Cooperative Federalism:** By Granville Austin
- **Bargaining Federalism:** By Morris Jones

* India has Parliamentary form of Government

Separation of Powers between

The 3 Branches of Government



Fundamental Rights

- The section of Fundamental Rights has often been referred to as “conscience” of the Indian Constitution
- Fundamental Rights, therefore, protect citizens against the arbitrary and absolute exercise of power by the State

Secularism

- A secular state is one in which the does not officially promote any one religion as the State religion

Two types of Secularism

- **Negative:** State is not involved in religious matter → Ex: USA
- **Positive:** State is involved in religious matter → Ex: India

- The idea of our Constitution is borrowed from many sources

Schedules of Indian Constitution

- **Schedule 1:** Names of States and UTs and their territorial jurisdiction
- **Schedule 2:** Provisions relating to emoluments and allowances → President, VP, Governor, Speaker + Deputy Speaker (LS + LA), Chairman + Deputy Chairman (RS + LC), Judges (SC + HC), CAG
- **Schedule 3:** Oaths and affirmation (Union + State) → Ministers, MPs, MLA, Judges, CAG
- **Schedule 4:** Allocation of seats in Rajya Sabha
- **Schedule 5:** Provisions relating to administration of scheduled areas and scheduled tribes → Andhra Pradesh, Chhattisgarh, Maharashtra, Madhya Pradesh, Gujarat, Himachal Pradesh, Jammu and Kashmir, Rajasthan, Telangana

• President can declare any area as scheduled area after consulting Governor

- **Schedule 6:** Provisions relating to administration of tribal areas → Assam, Meghalaya, Mizoram, Tripura

Tribal population more than 50%

They can set up their own District or Regional Autonomous Council

- **Schedule 7:** 3 lists containing subject in which Union and States can make laws (Federal Provisions) → Union list, State list, Concurrent list
- **Schedule 8:** Official languages

8 Schedule: Official languages

- **Originally:** 14
- **At present:** 22
- **21st CA:** Sindhi added (1967)
- **71st CA:** Konkani, Manipuri, Nepali (1992)
- **92nd CA:** Bodo, Dogri, Maithili, Santhali (2003)
- **96th CA:** Odia → This CA changed the spelling of "Oriya" to "Odia" language

Classical Languages

TRICK

- | | | |
|--------------------------|-----------------------------|--------------------------|
| • Tu: Tamil | +
<u>5 new languages</u> | • Shuru: Sanskrit |
| • Toh: Telugu | | • Pali |
| • Kar: Kannada | | • Prakrit |
| • Main: Malayalam | | • Marathi |
| • Aariya: Odia | | • Assamese |
| | | • Bengali |

- **Schedule 9:** Provisions related to land reforms and Zamindari system → **1st CA:** 1951
- **Schedule 10:** Provisions relating to disqualification of MPs and MLAs on ground of defection → **52nd CA:** 1985
- **Schedule 11:** Provisions relating to Panchayat → **73rd CA:** 1992, 29 functional matters
- **Schedule 12:** Provisions relating to municipalities → **74th CA:** 1992, 18 functional matters

3 Lists

- **Union List Subjects:** Defence, arms, and ammunition, atomic energy, citizenship, Airways, inter-state trade and commerce, banking, insurance, foreign affairs, regulation of labour and mines, Census
- **State List Subjects:** Public order, local government, health, pilgrimage, liquor, agriculture, fisheries, betting and gambling
- **Concurrent List Subjects:** Marriage and divorce, insolvency and bankruptcy, trade and labour disputes, electricity, education, weights and measure

Both Union and State can make laws

Residuary List

- Union/State/Concurrent **X**
- Parliament has lawmaking power

Subjects Transferred through 42nd Amendment (State list to Concurrent list)

- Education
- Forests
- Weights and measures
- Protection of wild animal animals and birds
- Administration of justice

TRICK (for Schedules)

- **T:** Territory
- **E:** Emoluments
- **A:** Affirmation and oath
- **R:** Rajya Sabha
- **S:** Scheduled areas
- **O:** Other scheduled areas
- **F:** Federal provision
- **O:** Official languages
- **L:** Land provision
- **D:** Defection
- **P:** Panchayat
- **M:** Municipality

*TEARS OF OLD PM