



## Constitution Day 2024

**For Prelims:** [Constitution Day](#), [Supreme Court of India](#), [26/11 Mumbai Attacks](#), [Article 370](#), [Sarojini Naidu](#), [Basic Structure of the Constitution](#), [Right to Privacy](#), [Fundamental Right](#), [Directive Principles of State Policy](#), [Preamble](#)

**For Mains:** Constitution and Its Evolution, Global Influence on the Indian Constitution, Drafting of the Indian Constitution, Key Features of the Constitution of India

[Source: IE](#)

### Why in News?

On [Constitution Day, 26th November 2024](#), the Prime Minister of India joined celebrations organized by the [Supreme Court of India](#), marking 75 years since the adoption of the Indian Constitution. He emphasized the [Constitution as a living document](#) crucial for socio-economic progress and justice.

- The occasion also commemorated the victims of the [26/11 Mumbai attacks](#), underscoring India's resilience.

### What is Constitution Day?

- **About:** Constitution Day marks the adoption of the Indian Constitution on 26th November **1949**. It celebrates India's democratic values and promotes awareness of **justice, liberty, equality, and fraternity**.
  - In 2015, the **Ministry of Social Justice and Empowerment** declared 26th November as Constitution Day to deepen citizens' connection with the Constitution. Before 2015, 26th November was observed as **National Law Day**.
  - The day honours the **Constituent Assembly's** vision in drafting the Constitution and **Dr B.R. Ambedkar's** pivotal role as Chairman of the Drafting Committee, earning him the title "**Father of the Indian Constitution**."
- **Key Highlights of the Constitution Day 2024:**
  - **Constitution Day Celebrations in Jammu and Kashmir:** For the first time in 74 years, Jammu and Kashmir celebrated **Constitution Day**, following the abrogation of [Article 370 in 2019](#).
    - The event symbolized a new chapter in the Union Territory's alignment with India's legal and political framework.
  - **Hamara Samvidhan, Hamara Samman:** The Minister of Labour and Employment participated in the "**Hamara Samvidhan, Hamara Samman**" campaign.
    - The "Hamara Samvidhan, Hamara Samman" campaign, launched on 24th January 2024, aims to deepen citizens' understanding of the Constitution and its role in shaping Indian society.
      - This is a year-long initiative promoting constitutional awareness, legal rights, and responsibilities.
    - The campaign includes regional events, workshops, and seminars, along with sub-

campaigns like **Sabko Nyay, Har Ghar Nyay (justice for all), Nav Bharat, Nav Sankalp (new resolve for a new India), and Vidhi Jagriti Abhiyaan (legal awareness).**

- The campaign aligns with [India's vision for a developed nation by 2047.](#)
- **Women of India's Constituent Assembly:** The [President of India](#) highlighted the contributions of 15 women members in the Constituent Assembly, including [Sarojini Naidu](#), [Sucheta Kripalani](#), and [Vijaya Lakshmi Pandit](#).
  - Lesser-known members like **Ammu Swaminathan, Annie Mascarene, Begum Qudsia Aizaz Rasul, and Dakshayani Velayudhan** were also recognized for shaping India's Constitution.
  - **Ammu Swaminathan:** From Kerala, she entered politics after witnessing social restrictions on widows. Advocated for gender equality through the [Hindu Code Bill](#), enduring male-dominated ridicule in the Assembly.
  - **Annie Mascarene (1902-1963):** She campaigned for [universal adult franchise](#) against casteist opposition.
  - **Begum Qudsia Aizaz Rasul (1909-2001):** A member of the Muslim League, she opposed **religion-based electorates** despite complex views on Partition.
  - **Dakshayani Velayudhan (1912-1978):** The first Dalit woman graduate in science and the first Dalit woman in the Cochin Legislative Council. Opposed [separate electorates for Dalits](#), emphasising nationalism.

## What Makes the Indian Constitution a "Living Document"?

- **Amendability:** The [Indian Constitution can be amended](#) to address changing needs and circumstances. This flexibility allows it to evolve over time while maintaining its core principles.
  - **Provision for Amendments: Article 368 in Part XX** grants Parliament the power to amend the Constitution by addition, variation, or repeal of any provision, following the laid-down procedure.
    - Parliament cannot amend the ['basic structure' of the Constitution](#), as ruled in the **Kesavananda Bharati vs State of Kerala case, 1973** by the Supreme Court.
  - **Types of Amendments:** Amendments to the Constitution can be made in 3 different ways, by a **simple majority of Parliament, by a special majority of Parliament, and special majority + state ratification for some amendments.**
    - Amendments under the simple majority category do not fall under Article 368.

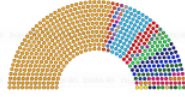
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## Types of Majority in Parliament (II)

### Special Majority

- Majority of the total membership (irrespective of vacancies/absentees) of each House and a majority of 2/3rd of the members of each House present and voting



### Const. Provisions – Amended by Special Majority

- Fundamental Rights
- Directive Principles of State Policy
- All other provisions not covered under Simple Majority or under Special Majority + Consent of States

For the removal of Vice President and the Speaker/Deputy Speaker of Lok Sabha, effective majority is required (more than 50% of the total strength minus vacancies)



### Special Majority + Consent of States

- Const. provisions related to the federal structure of the polity - amended by a special majority + the consent of 50% of the state legislatures by a simple majority

### Const. Provisions – Amended by Special Majority + Consent of States

- President - election and its manner
- Union and States - Distribution of legislative powers and Extent of the executive power
- Supreme Court and High Courts
- GST Council
- All 3 lists in 7<sup>th</sup> Schedule
- Parliament - Representation of states, Power to amend the Constitution and its procedure (Article 368 itself)



## MAJOR CONSTITUTIONAL AMENDMENTS THAT CHANGED THE COURSE OF INDIA

### 1951 (1<sup>ST</sup> AMENDMENT)

Introduced 9th Schedule to keep certain laws beyond the scope of judicial review

### 1956 (7<sup>TH</sup> AMENDMENT)

States reorganised by language; Union Territories introduced

### 1976 (42<sup>ND</sup> AMENDMENT)

'Socialist' and 'Secular' added in the Preamble; fundamental duties prescribed

### 1978 (44<sup>TH</sup> AMENDMENT)

Right to Property knocked off from the list of fundamental rights

### 1985 (52<sup>ND</sup> AMENDMENT)

Defection becomes illegal

### 1989 (61<sup>ST</sup> AMENDMENT)

Voting age reduced to 18 from 21 years

### 1992 (73<sup>RD</sup> AND 74<sup>TH</sup> AMENDMENT)

Direct election for Panchayats and urban local bodies

### 2002 (86<sup>TH</sup> AMENDMENT)

Free and compulsory education for children between 6 to 14 years

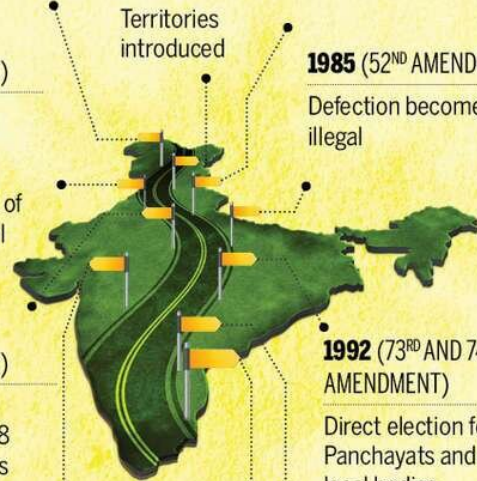
### 2019

### (103<sup>RD</sup> AMENDMENT)

10% reservation for economically weaker upper castes

### 2016 (101<sup>ST</sup> AMENDMENT)

Introduction of the Goods and Services Tax (GST)



- Judicial Interpretation:** The judiciary, particularly the Supreme Court, plays a crucial role in interpreting the Constitution.
  - Landmark judgments and evolving interpretations ensure that the Constitution remains relevant and responsive to contemporary issues.
  - Courts have interpreted provisions to meet contemporary needs, such as recognising the **Right to Privacy as a Fundamental Right in the *K.S. Puttaswamy v. Union of India, 2017***
- Federal Structure:** The federal structure of the Indian Constitution **balance of power** between the central and state governments, addressing regional needs and diversity.
  - Article 246 outlines three lists in the Seventh Schedule: Union, State, and Concurrent.** The Centre legislates on the Union List, states on the State List, and both on the Concurrent List, with Union laws prevailing in case of conflict.
- Hybrid Structure of the Constitution:** Certain provisions are rigid, protecting fundamental values like **federalism**, and **secularism**.
  - Other provisions, such as the **Directive Principles of State Policy (DPSP)**, allow for flexible adaptation to meet the welfare needs of society.
- Responsive to Social Change:** The Constitution of India has provisions that allow it to respond to social changes, such as the inclusion of new laws to protect **marginalized communities and promote social justice**.
  - For example, the **89th Amendment Act of 2003** made the **National Commission for Scheduled Tribes (NCST)** a constitutional body under **Article 338A**, and the **National Commission for Scheduled Castes (NCSC)** a separate constitutional body under **Article 338**, enhancing their roles in creating a **more inclusive society**



## What are the Key Facts about the Constitution of India?

- **Constituent Assembly:** The Constituent Assembly took nearly three years (2 years, 11 months, 17 days) to **draft the Constitution**. Initially, it had 389 members, with 292 elected from Provincial Legislative Assemblies, 93 from Princely States, and 4 from Chief Commissioners' Provinces.
  - However, following the **partition of India in 1947** and the creation of **Pakistan, a separate Constituent Assembly was formed for Pakistan**, reducing the membership of **India's Assembly to 299**.

### Important Committees of Constituent Assembly and Their Chairmen

S. No	Name of Committee	Chairman
1	Committee on the Rules of Procedure	Rajendra Prasad
2	Steering Committee	Rajendra Prasad
3	Finance and Staff Committee	Rajendra Prasad
4	Credential Committee	Alladi Krishnaswami Ayyar
5	House Committee	B. Pattabhi Sitaramayya
6	Order of Business Committee	K.M. Munsi
7	Ad hoc Committee on the National Flag	Rajendra Prasad
8	Committee on the Functions of the Constituent Assembly	G.V. Mavalankar

- **Original Structure (1949):** Initially, it contained a **Preamble, 395 Articles (divided into 22 Parts)**, and **8 Schedules**.
  - **Current Structure:** It now includes a Preamble, more than 450 Articles (divided into 25 Parts), and 12 Schedules.
- **Amendments:** As of September 2024, there have been **106 amendments** of the Constitution of India since it was first enacted in 1950.
- **Length:** The Constitution of India is the **longest written Constitution** in the world.
  - It was handwritten by **Prem Behari Narain Raizada** in calligraphy, with pages decorated by artists from **Shantiniketan under Nandalal Bose's guidance**.
- **Reason for Extensive Size:** The vastness and diversity of India have necessitated a detailed constitutional document.
  - The influence of the **Government of India Act of 1935**, which itself was a comprehensive document, has contributed to the Constitution's size.
  - India's single unified Constitution, which **governs both the central and state governments, also added to its size**.
  - The Constituent Assembly, led by legal experts, crafted a Constitution that is both thorough in **legal and administrative aspects**, encompassing fundamental governance principles as well as detailed administrative provisions.
  - Furthermore, the Constitution draws from various **global sources**, with provisions inspired by the **American, Irish, British, Canadian, Australian, German**, and other constitutions, reflecting the broader international influence on its design.



**Government of India Act of 1935**

- Federal Scheme
- Office of governor
- Judiciary
- Emergency provisions
- Administrative details
- Public Service commissions



**British Constitution**

- Parliamentary government
- Rule of Law
- Legislative procedure
- Single citizenship
- Cabinet system
- Prerogative writs, parliamentary privileges and bicameralism.



**US Constitution**

- Fundamental rights
- Judicial review
- Impeachment of the president
- Independence of judiciary
- Removal of Supreme Court and high court judges and post of vicepresident.



**Irish Constitution**

- Directive Principles of State Policy
- Nomination of members to Rajya Sabha
- Method of election of president



**Canadian Constitution**

- Federation with a strong Centre
- Vesting of residuary powers in the Centre
- Appointment of state governors by the Centre
- Advisory jurisdiction of the Supreme Court

# Sources of the Constitution



**Australian Constitution**

- Concurrent List
- Freedom of trade
- Commerce and inter-course
- Joint sitting of the two Houses of Parliament



**Weimar Constitution of Germany**

- Suspension of Fundamental Rights during Emergency.



**Soviet Constitution (USSR, now Russia)**

- Fundamental duties
- The ideal of justice (social, economic and political) in the Preamble.



**French Constitution**

- Republic and the ideals of liberty, equality and fraternity in the Preamble.



**South African Constitution**

- Procedure for amendment of the Constitution
- Election of members of Rajya Sabha.



**Japanese Constitution**

- Procedure established by Law

▪ **Criticisms of the Indian Constitution:**

Criticism	Debunking
<b>Borrowed Constitution</b>	The framers adapted and modified borrowed features <b>to suit Indian conditions</b> , avoiding their faults.
<b>Carbon Copy of the Government of India Act, 1935</b>	While many provisions were borrowed, the Constitution is not a mere copy. It incorporates <b>significant changes</b> and additions.
<b>Un-Indian or Anti-Indian</b>	The Constitution <b>reflects Indian values</b> and aspirations, despite borrowing from foreign sources.
<b>Un-Gandhian</b>	While not explicitly Gandhian, the Constitution <b>aligns with many of Gandhi's principles, particularly in the DPSP.</b>
<b>Elephantine Size</b>	The Constitution's detailed nature is essential for managing India's diversity and complexity.
<b>Paradise of the Lawyers</b>	The legal language is essential for <b>clarity and enforceability.</b>

## SCHEDULES IN THE INDIAN CONSTITUTION

*Originally (1949), the Constitution had 8 schedules. Now, it comprises 12 Schedules; various amendments carried out since 1951 have added 4 Schedules (9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup>).*

**First Schedule**

- Articles: 1 & 4
- States and Union Territories with their territorial jurisdiction

**Second Schedule**

- Articles: 59, 65, 75, 97, 125, 148, 158, 164, 186 & 221
- Emoluments, allowances and privileges of various constitutional posts (President, Governor, Judges of the SC & High Courts, CAG etc.)

**Third Schedule**

- Articles: 75, 84, 99, 124, 146, 173, 188 & 219
- Forms of oaths or affirmations (Union ministers, MPs, Judges of the SC & High Courts, CAG etc.)

**Fourth Schedule**

- Articles: 4 & 80
- Allocation of seats in the Rajya Sabha

**Fifth Schedule**

- Article: 244
- Administration and Control of scheduled areas and scheduled tribes

**Sixth Schedule**

- Articles: 244 & 275
- Administration of tribal areas in the states of Assam, Meghalaya, Tripura & Mizoram

**Seventh Schedule**

- Article: 246
- Union List (98 subjects), State List (59 subjects), & Concurrent List (52 subjects)

**Eighth Schedule**

- Articles: 344 & 351
- 22 recognised languages by the Constitution

**Ninth Schedule (1<sup>st</sup> Amendment Act, 1951)**

- Article: 31-B
- Validation of certain acts and regulations

**Tenth Schedule (52<sup>nd</sup> Amendment Act, 1985)**

- Articles: 102 & 191
- Anti-defection law

**Eleventh Schedule (73<sup>rd</sup> Amendment Act, 1992)**

- Article: 243-G
- Powers, authority and responsibilities of Panchayats

**Twelfth Schedule (74<sup>th</sup> Amendment Act, 1992)**

- Article: 243-W
- Powers, authority and responsibilities of Municipalities

## PARTS IN THE INDIAN CONSTITUTION

**Part I (Article 1 - 4)**  
The Union and Its Territory

**Part IV (Article 36 - 51)**  
Directive Principles of State Policy

**Part V (Article 52 - 151)**  
The Union (Executive, Parliament, President, Legislative Powers of the President, Union Judiciary, CAG)

**Part VIII (Article 239 - 242)**  
The Union Territories

**Part IX-B (Article 243-ZH - 243-ZT)**  
The Co-operative Societies

**Part XII (Article 264 - 300-A)**  
Finance, Property, Contracts and Suits

**Part XIV-A (Article 323-A - 323-B)**  
Tribunals

**Part XVII (Article 343 - 351)**  
Official Language

**Part XX (Article 368)**  
Amendment of the Constitution

**Part II (Article 5 - 11)**  
Citizenship

**Part IV-A (Article 51-A)**  
Fundamental Duties

**Part VI (Article 152 - 237)**  
The State (Executive, State Legislature, Legislative Power of Governor, High Courts, Subordinate Courts)

**Part IX (Article 243 - 243-O)**  
The Panchayats

**Part X (Article 244 - 244-A)**  
The Scheduled and Tribal Areas

**Part XIII (Article 301 - 307)**  
Trade, Commerce and Intercourse within the Territory of India

**Part XV (Article 324 - 329-A)**  
Elections

**Part XVIII (Article 352 - 360)**  
Emergency Provisions

**Part XXI (Article 369 - 392)**  
Temporary, Transitional and Special Provisions

**Part III (Article 12 - 35)**  
Fundamental Rights

**Part IX-A (Article 243-P - 243-ZG)**  
The Municipalities

**Part XI (Article 245 - 263)**  
Relations between the Union and the States (Legislative and Administrative)

**Part XIV (Article 308 - 323)**  
Services under the Union and the States

**Part XVI (Article 330 - 342-A)**  
Special Provisions Relating - Certain Classes (SCs, STs, Backward Classes)

**Part XIX (Article 361 - 367)**  
Miscellaneous

**Part XXII (Article 393 - 396)**  
Short title, Commencement, Authoritative Text in Hindi Language, Repells

**Part VII (Article 238) - Omitted**

**Drishti Mains Question:**

The Indian Constitution is often referred to as a 'living document.' Analyse its ability to adapt to changing circumstances.

**UPSC Civil Services Examination, Previous Year Questions (PYQs)**

**Prelims**

**Q. What was the exact constitutional status of India on 26th January, 1950? (2021)**

- (a) A Democratic Republic
- (b) A Sovereign Democratic Republic
- (c) A Sovereign Secular Democratic Republic
- (d) A Sovereign Socialist Secular Democratic Republic

**Ans: (b)**

**Q) Who among the following was the chairman of the Union Constitution Committee of the Constituent Assembly? (2005)**

- (a) B.R. Ambedkar
- (b) J. B. Kripalani
- (c) Jawaharlal Nehru
- (d) Alladi Krishnaswami Ayyar

**Ans: (c)**

**Q. The distribution of powers between the Centre and the States in the Indian Constitution is based on the scheme provided in the (2012)**

- (a) Morley-Minto Reforms, 1909
- (b) Montagu-Chelmsford Act, 1919
- (c) Government of India Act, 1935
- (d) Indian Independence Act, 1947

**Ans: (c)**

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### **Mains**

**Q.** It would have been difficult for the Constituent Assembly to complete its historic task of drafting the Constitution for Independent India in just three years but for the experience gained with the Government of India Act, 1935. Discuss. **(2015)**

**Q.** Examine the scope of Fundamental Rights in the light of the latest judgement of the Supreme Court on Right to Privacy. **(2017)**

**Q:** Though the federal principle is dominant in our constitution and that principle is one of its basic features, but it is equally true that federalism under the Indian Constitution leans in favour of a strong Center, a feature that militates against the concept of strong federalism. Discuss. **(2014)**