

# Constitution of India

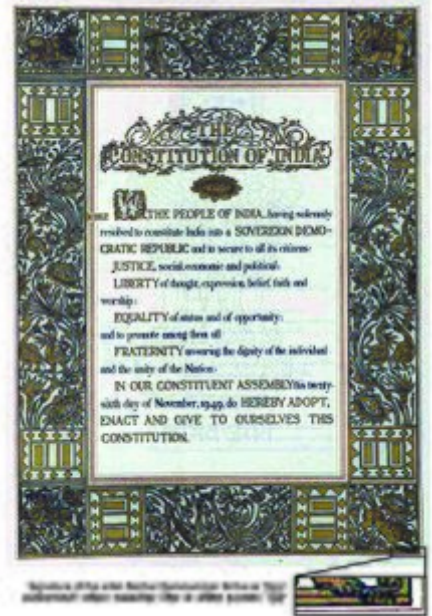
The **Constitution of India** is the supreme law of India.<sup>[1]</sup> It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers and duties of government institutions and sets out fundamental rights, directive principles and the duties of citizens. It is the longest written constitution of any sovereign country in the world.<sup>[Note 1]</sup><sup>[2]</sup> B. R. Ambedkar, the chairman of the Drafting Committee, is widely considered to be its chief architect.

It imparts constitutional supremacy and not parliamentary supremacy, as it is not created by the Parliament but, by a constituent assembly, and adopted by its people, with a declaration in its preamble.<sup>[3]</sup> Parliament cannot override the constitution

It was adopted by the Constituent Assembly on 26 November 1949, and came into effect on 26 January 1950.<sup>[4]</sup> With its adoption, the Union of India became the modern and contemporary Republic of India replacing the Government of India Act, 1935 as the country's fundamental governing document. To ensure constitutional autochthony, the framers of the constitution repealed the prior Acts of the British Parliament via Article 395 of the constitution.<sup>[5]</sup> India celebrates its coming into force on 26 January each year as Republic Day.<sup>[6]</sup>

It declares India a sovereign, socialist, secular,<sup>[7]</sup> democratic republic, assuring its citizens of justice, equality, and liberty, and endeavours to promote fraternity among them.<sup>[8]</sup>

## Constitution of India



The original text of the Preamble

|                       |                                                                            |
|-----------------------|----------------------------------------------------------------------------|
| <b>Ratified</b>       | 26 November 1949                                                           |
| <b>Date effective</b> | January 26, 1950                                                           |
| <b>Author(s)</b>      | B. R. Ambedkar and Drafting committee of the Constituent Assembly of India |
| <b>Signatories</b>    | 284 members of the Constituent Assembly                                    |
| <b>Purpose</b>        | To replace the Indian Independence Act                                     |

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## Background



Dr. Babasaheb Ambedkar chairman of the Drafting Committee, presenting the final draft of the Indian Constitution to Dr Rajendra Prasad on 25 November 1949

The major portion of the Indian subcontinent was under British rule from 1857 to 1947. When the Constitution of India came into force on 26 January 1950, it repealed the Indian Independence Act. India ceased to be a dominion of the British Crown and became a sovereign democratic republic. The date of 26 January was chosen to commemorate the Purna Swaraj declaration of independence of 1930.

Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392, 393 and 394 of the Constitution came into force on 26 November 1949 and the remaining articles on 26 January 1950.<sup>[9]</sup>

### Previous legislation used as sources

It is drawn from many sources. Keeping in mind the needs and conditions of India its framers borrowed different features freely from previous legislation viz. Government of India Act 1858, Indian Councils Act 1861, Indian Councils Act 1892, Indian Councils Act

1909, Government of India Act 1919, Government of India Act 1935 and the Indian Independence Act 1947. The last legislation which led to the creation of the two independent nations of India and Pakistan provided for the division of the erstwhile Constituent Assembly into two, with each new assembly having sovereign powers transferred to it, to enable each to draft and enact a new constitution, for the separate states.

## Constituent assembly

It was drafted by the Constituent Assembly which was elected by elected members of the provincial assemblies.<sup>[10]</sup> The 389 member Constituent Assembly took almost three years (two years, eleven months and eighteen days to be precise) to complete its historic task of drafting the Constitution for independent India, during which, it held eleven sessions over 165 days. Of these, 114 days were spent on the consideration of the draft Constitution. On 29 August 1947, the Constituent Assembly set up a Drafting Committee under the Chairmanship of Dr. B.R. Ambedkar to prepare a draft Constitution for India. While deliberating upon the draft Constitution, the assembly moved, discussed and disposed of as many as 2,473 amendments out of a total of 7,635 tabled.<sup>[11]</sup> Dr B.R. Ambedkar, Sanjay Phakey, Jawaharlal Nehru, C. Rajagopalachari, Rajendra Prasad, Sardar Vallabhbhai Patel, Kanaiyalal Munshi, Ganesh Vasudev Mavalankar, Sandipkumar Patel, Maulana Abul Kalam Azad, Shyama Prasad Mukherjee, Nalini Ranjan Ghosh and Balwantrai Mehta were some important figures in the assembly. There were more than 30 members of the scheduled classes. Frank Anthony represented the Anglo-Indian community, and the Parsis were represented by H. P. Modi. The Chairman of the Minorities Committee was Harendra Coomar Mookerjee, a distinguished Christian who represented all Christians other than Anglo-Indians. Ari Bahadur Gurung represented the Gorkha Community. Prominent jurists like Alladi Krishnaswamy Iyer, Benegal Narsing Rau and K. M. Munshi, Ganesh Mavalankar were also members of the Assembly. Sarojini Naidu, Hansa Mehta, Durgabai Deshmukh, Rajkumari Amrit Kaur and Vijayalakshmi Pandit were important women members.



A meeting of the Constituent Assembly of India, 1950 CE

The first temporary 2-day president of the Constituent Assembly was Dr Sachchidananda Sinha Later, Rajendra Prasad was elected president of the Constituent Assembly<sup>[10]</sup> The members of the Constituent Assembly met for the first time on 9 December 1946.<sup>[10]</sup>

## Drafting

B. N. Rau was appointed as the Constitutional Adviser to the Constituent Assembly in formulating the Indian Constitution in 1946. He was responsible for the general structure of its democratic framework of the Constitution and prepared its initial draft in February 1948.<sup>[12]</sup> This draft was debated, revised and finally adopted by the Constituent Assembly of India on 26 November 1949.<sup>[13]</sup>

On 14 August 1947 meeting of the Assembly, a proposal for forming various committees was presented.<sup>[10]</sup> Such committees included a Committee on Fundamental Rights, the Union Powers Committee and Union Constitution Committee. 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. These members were Pandit Govind Ballabh Pant, Kanaiyalal Maneklal Munshi (K M Munshi, Ex- Home Minister, Bombay), Alladi Krishnaswamy Iyer (Ex- Advocate General, Madras State), N Gopalaswami Ayengar (Ex-Prime Minister, J&K and later member of Nehru Cabinet), B L Mitter (Ex-Advocate General, India), Md. Saadullah (Ex- Chief Minister of Assam, Muslim League member) and D P Khaitan (Scion of Khaitan Business family and a renowned lawyer). The constitutional advisor was Sir Benegal Narsing Rau (who became First Indian Judge in International Court of Justice, 1950–54). Later B L Mitter resigned and was replaced by Madhav Rao (Legal Advisor of Maharaja of Vadodara). On D P Khaitan's death, T T Krishnamachari was included in the drafting committee. A draft Constitution was prepared by the committee and submitted to the Assembly on 4 November 1947, which was debated and over 2000 amendments were moved over a period of two years. Finally on 26 November 1949, the process was completed and the Constituent Assembly adopted the Constitution. 284 members signed the document and the process of constitution making was complete.<sup>[14]</sup> This day is celebrated as National Law Day<sup>[15]</sup> or Constitution Day<sup>[16]</sup>

The assembly met in sessions open to the public, for 166 days, spread over a period of 2 years, 11 months and 18 days before adopting the Constitution, the 308 members of the assembly signed two copies of the document (one each in Hindi and English) on 24 January 1950. The original Constitution of India is hand-written with beautiful calligraphy, each page beautified and decorated by artists from Shantiniketan including Beohar Rammanohar Sinha and Nandalal Bose. The illustrations on the cover and pages represent styles from the different civilisations of the subcontinent, ranging from the prehistoric Mohenjodaro civilisation, in the Indus Valley, to the present. The calligraphy in the book was done by Prem Behari Narain Raizda. It was published in Dehra Dun, and photolithographed at the offices of Survey of India. The entire exercise to produce the original took nearly five years. Two days later, on 26 January 1950, the Constitution of India became the law of all the States and territories of India.<sup>[17]</sup> Rs.1,00,00,000 was official estimate of expenditure on constituent assembly. It has undergone many amendments since its enactment.<sup>[18]</sup>



Jawaharlal Nehru signing the Constitution

The original 1950 Constitution of India is preserved in helium cases in the Parliament house, New Delhi. There are two original versions of this – one in Hindi and the other in English. The original constitution can be viewed here.<sup>[19]</sup>

## Influence of other constitutions

### British Constitution

- Parliamentary form of government
- The idea of single citizenship
- The idea of the Rule of law

### Australian Constitution

- Freedom of trade and commerce within the country and between the states
- Power of the national legislature to make

### Other Constitutions

- Emergency Provision u/a 356, Weimar Constitution (Germany)
- Amendment of Constitution, South Africa

- Institution of Speaker and his role
- Lawmaking procedure
- Procedure established by Law

### United States Constitution

- United States Bill of Rights
- Federal structure of government
- Electoral College
- Independence of the judiciary and separation of powers among the three branches of the government
- Judicial review
- President as supreme commander of armed forces
- Equal Protection under law

### Irish Constitution

- Directive principles of state policy

laws for implementing treaties, even on matters outside normal Federal jurisdiction

- Concurrent List<sup>[20]</sup>
- Terminology for the Preamble

- Due Procedure of Law, Japan

### French Constitution

- Ideals of Liberty, Equality and Fraternity

### Canadian Constitution

- A quasi-federal form of government — a federal system with a strong central government
- Distribution of powers between the central government and state governments
- Residual powers retained by the central government<sup>[21][22]</sup>

### Constitution of the Soviet Union

- Fundamental Duties u/a 51-A
- A Constitutionally mandated Planning Commission to oversee the development of the economy

## Structure

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The Indian constitution is the world's longest.<sup>[Note 1]</sup> At its commencement, it had 395 articles in 22 parts and 8 schedules. It is made up of approximately 145,000 words, making it the second largest active constitution in the world.<sup>[23]</sup> In its current form (September 2012), it has a preamble, 25<sup>[Note 2]</sup> parts with 448<sup>[Note 3]</sup> articles, 12<sup>[Note 4]</sup> schedules, 5 appendices<sup>[24]</sup> and 101 amendments, the latest of which came into force on 8 September 2016.<sup>[25]</sup>

## Parts

The individual articles of the constitution are grouped together into the following parts:

- Preamble<sup>[26]</sup>  
with the words "socialist" and "secular" added to it in 1976 by the 42nd constitutional amendment<sup>[27][28]</sup>
- Part I<sup>[29]</sup> – Union and its Territory
- 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 II**<sup>[30]</sup> – Citizenship.
- **Part III** – Fundamental Rights
- **Part IV**<sup>[31]</sup> – Directive Principles of State Policy
- **Part IVA** – Fundamental Duties
- **Part V**<sup>[32]</sup> – The Union
- **Part VI**<sup>[33]</sup> – The States
- **Part VII**<sup>[34]</sup> – States in the B part of the First schedule (*repealed*)
- **Part VIII**<sup>[35]</sup> – The Union Territories
- **Part IX**<sup>[36]</sup> – The Panchayats
- **Part IXA**<sup>[37]</sup> – The Municipalities
- **Part IXB** – The Co-operative Societies.<sup>[38]</sup>
- **Part X** – The scheduled and Tribal Areas
- **Part XI** – Relations between the Union and 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 categorise 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(3), 65(3), 75(6), 97, 125, 148(3), 158(3), 164(5), 186 and 221) This lists the salaries of officials holding public office, judges, and Comptroller and Auditor General of India
- **Third Schedule** (Articles 75(4), 99, 124(6), 148(2), 164(3), 188 and 219) – Forms of Oaths – This lists the oaths of offices for elected officials and judges.
- **Fourth Schedule** (Articles 4(1) and 80(2)) – This details the allocation of seats in the Rajya Sabha (the upper house of Parliament) per State or Union Territory.
- **Fifth Schedule** (Article 244(1)) – This provides for the administration and control of Scheduled Areas<sup>[Note 5]</sup> and Scheduled Tribes<sup>[Note 6]</sup> (areas and tribes needing special protection due to disadvantageous conditions).
- **Sixth Schedule** (Articles 244(2) and 275(1)) – Provisions made 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(1) and 351)—The official languages.
- **Ninth Schedule** (Article 31-B) – Validation of certain Acts and Regulations.<sup>[39]</sup>
- **Tenth Schedule** (Articles 102(2) and 191(2)) – "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).

## Appendices

- **Appendix I** – The Constitution (Application to Jammu and Kashmir) Order 1954.
- **Appendix II** – Re-statement, with reference to the present text of the Constitution, of the exceptions and modifications subject to which the Constitution applies to the State of Jammu and Kashmir
- **Appendix III** – Extracts from the Constitution (Forty-fourth Amendment) Act, 1978.
- **Appendix IV** – The Constitution (Eighty-sixth Amendment) Act, 2002.
- **Appendix V** – The Constitution (Eighty-eighth Amendment) Act, 2003.

## The constitution and the government

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Institutions of governance – the Parliament, the President, the Judiciary, the Executive, etc. get their power from the Constitution and are bound by it.<sup>[40]</sup> With the aid of the Constitution, India is governed by a parliamentary system of government with the executive directly accountable to the legislature. It states that there shall be a President of India who shall be the head of the executive, under Articles 52 and 53. The President's duty is to preserve, protect and defend the constitution and the law under Article 60 of the Indian constitution. Article 74 provides that there shall be a Prime Minister as the head of union cabinet which would aid and advise the President in performing his constitutional duty. Union cabinet is collectively responsible to the House of the People per Article 75(3).

The Constitution of India is federal in nature but unitary in spirit. The common features of a federation such as written Constitution, supremacy of Constitution, rigidity of Constitution, two government, division of powers, bicameralism and independent judiciary as well as unitary features like single Constitution, single citizenship, integrated judiciary, flexible Constitution, a strong Centre, appointment of state governor by the Centre, All-India Services, Emergency Provisions etc. can be seen in Indian Constitution. This unique combination makes it quasi-federal in form.<sup>[41]</sup>

Each state and each Union territory of India has its own government. Analogous to President and Prime Minister, each has a Governor (in case of states) or Lieutenant Governor (in the case of Union territories) and a Chief Minister. Article 356 permits the President to dismiss a state government and assume direct authority when a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution. This power, known as President's rule, was abused earlier as state governments came to be dismissed on the flimsiest of grounds, and more due to the political discomfiture of the party in power at the centre. Post – Bommai judgment,<sup>[42][43]</sup> such a course of action has been rendered rather difficult, as the courts have asserted their right to review it.<sup>[44]</sup> Consequently, very few state governments have been disbanded since.

The 73rd and 74th Amendment Act also introduced the system of Panchayati Raj in rural areas and Municipality in urban areas. Also, Article 370 of the Constitution gives special status to the State of Jammu and Kashmir.

## The constitution and the legislature

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### Amendment

The process of addition, variation or repeal of any part of the constitution by the parliament under its constituent powers, is called amendment of the constitution.<sup>[45]</sup> The procedure is laid out in Article 368. An amendment bill must be passed by each House of the Parliament by a majority of the total membership of that House when at least two-thirds members are present and voted. In addition to this, certain amendments which pertain to the federal nature of the Constitution must be ratified by a majority of state legislatures. Unlike the ordinary bills under legislative powers of Parliament as per Article 245 (with exception to money bills), there is no provision for joint sitting of the two houses (Lok Sabha and Rajya Sabha) of the parliament to pass a constitutional amendment bill. During recess of Parliament, President can not promulgate ordinances under his legislative powers per Article 123, Chapter III which needs constitutional amendment. Deemed amendments to the constitution which can be passed under legislative powers of Parliament, are no more valid after the addition of Article 368 (1) by Twenty-fourth Amendment of the Constitution of India.<sup>[45]</sup>

As of September 2015, there have been 120 amendment bills presented in the parliament, out of which 100 have been passed to become Amendment Acts.<sup>[46]</sup> Despite the supermajority requirement for amendments to pass, the Constitution of India is the most frequently amended national governing document in the world.<sup>[47]</sup> The Constitution is so specific in spelling out government powers that many of these amendments address issues dealt with by ordinary statute in other democracies. As a result, the document is amended roughly twice a year and three times every two years.

In 2000, the National Commission to Review the Working of the Constitution (NCRWC) was set up to look into updating the constitution.<sup>[48]</sup> Government of India, establishes term based law commissions to recommend law reforms for maximising justice in society and for promoting good governance under the rule of law.

### Limitations

The Supreme Court has ruled in Kesavananda Bharati v. State of Kerala case that an amendment cannot destroy what it seeks to modify, which means, while amending anything in the Constitution, it cannot tinker with the "basic structure" or its framework, which is immutable. Such an amendment will be declared invalid even though no part of the constitution is explicitly prevented from being amended, nor does the *basic structure* doctrine protect any single provision of the Constitution. Yet, this "doctrine of basic features" lays down that, the Constitution when "read as a whole", that what comes to be understood as its basic features cannot be abridged, deleted or abrogated. What these "basic features" are, have not been defined exhaustively anywhere,<sup>[40]</sup> and whether a particular provision of the Constitution of India is a "basic feature" is decided as and when an issue is raised before a court in an instant case.<sup>[49]</sup>

The judgment in the Kesavananda Bharati v. State of Kerala case laid down the following as the basic structure of the constitution of India:<sup>[50]</sup>

1. The Supremacy of the Constitution
2. Republican and Democratic form of the Government
3. Secular Character of the Constitution
4. Maintenance of Separation of powers
5. The Federal Character of the Constitution<sup>[50]</sup>

This implies that the Parliament, while amending the Constitution, can only amend it to the extent so as to not destroy any of the aforesaid characters. The Supreme Court/High Court(s) may declare the amendment null and void if this is violated, by performing Judicial review. This is typical of Parliamentary governments, where the Judiciary has to exercise an effective check on the exercise of the powers of the Parliament, which in many respects is supreme.

In the Golak Nath v. State of Punjab case of 1967, the Supreme Court ruled that the State of Punjab could not restrict any of the Fundamental rights protected by the basic structure doctrine.<sup>[51]</sup> Extent of land ownership and practice of profession, in this case, were held to be a fundamental right.<sup>[52]</sup> The ruling of the Golak Nath v. State of Punjab case was eventually overturned with the ratification of the 24th Amendment in 1971.<sup>[52]</sup>

## The constitution and the judiciary

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The Judiciary interprets the Constitution as its final arbiter.<sup>[53]</sup> It is its duty as mandated by the Constitution, to be its watchdog, by calling for scrutiny any act of the legislature or the executive, who otherwise, are free to enact or implement these, from overstepping bounds set for them by the Constitution.<sup>[54]</sup> It acts like a guardian in protecting the fundamental rights of the people, as enshrined in the Constitution, from infringement by any organ of the state. It also balances the conflicting exercise of power between the centre and a state or among states, as assigned to them by the Constitution.

While pronouncing decisions under its constitutional mandate, it is expected to remain unaffected by pulls and pressures exerted by other branches of the state, citizens or interest groups. And crucially, independence of the judiciary has been held to be a basic feature of the Constitution,<sup>[55][56]</sup> and which being inalienable, has come to mean – that which cannot be taken away from it by any act or amendment by the legislature or the executive.<sup>[57]</sup>

### Judicial review

Judicial review is adopted in the Constitution of India from judicial review in the United States.<sup>[58]</sup> In the Indian constitution, Judicial review is dealt with under Article 13. Judicial Review refers that the Constitution is the supreme power of the nation and all laws are under its supremacy Article 13 states that:

1. All pre-constitutional laws, if in part or completely in conflict with the Constitution, shall have all conflicting provisions deemed ineffective until an amendment to the Constitution ends the conflict. In such situation the provision of that law will again come into force, if it is compatible with the constitution as amended. This is called the Doctrine of Eclipse.<sup>[59]</sup>
2. In a similar manner, laws made after adoption of the Constitution by the Constituent Assembly must be compatible with the constitution, otherwise the laws and amendments will be deemed to be void ab initio.

3. In such situations, the Supreme Court or High Court interprets the laws to decide if they are in conformity with the Constitution. If such an interpretation is not possible because of inconsistency and where a separation is possible, the provision that is inconsistent with constitution is considered to be void. In addition to article 13, articles 32, 226 and 227 provide a constitutional basis to judicial review in India.<sup>[60]</sup>

Due to the adoption of the thirty-eighth amendment, the Indian Supreme Court was not allowed to preside over any laws adopted during a state of emergency that infringes upon fundamental rights under article 32 i.e. Right to Constitutional Remedies.<sup>[61]</sup> Later with the Forty-second Amendment of the Constitution of India, article 31 C was widened and article 368(4) and 368(5) were added, which stated that any law passed by the parliament can't be challenged in the court on any ground. The Supreme court in the Minerva Mills v. Union of India case said that Judicial Review is one of the basic character of the constitution and therefore can't be taken away quashing Article 368(4)&(5) as well as 31 C.

## The constitution – a living document

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"The Indian Constitution is first and foremost a social document, and is aided by its Parts III & IV (Fundamental Rights & Directive Principles of State Policy, respectively) acting together, as its chief instruments and its conscience, in realising the goals set by it for all the people."<sup>[Note 7]</sup><sup>[62]</sup>

The Constitution's provisions have consciously been worded in generalities, though not in vague terms, instead of making them rigid and static with a fixed meaning or content as in an ordinary statute, so that they may be interpreted by coming generations of citizens with the onward march of time, to apply to new and ever-changing and demanding situations, making the Constitution a living and an organic document.<sup>[63]</sup> Justice Marshall asserts: "It is the nature of (a) Constitution that only its great outlines be marked". It is a document intended "to endure for ages" and therefore, it has to be interpreted not merely on the basis of the intention and understanding of the its framers but on the experience of its working effectively, in the existing social and political context.

For instance, "right to life" as guaranteed under Article 21,<sup>[nb 1]</sup> has by interpretation been expanded to progressively mean a whole lot of human rights<sup>[nb 2]</sup>

In the conclusion of his *Making of India's Constitution*, Justice Khanna writes:

"If the Indian constitution is our heritage bequeathed to us by our founding fathers, no less are we, the people of India, the trustees and custodians of the values which pulsate within its provisions! A constitution is not a parchment of paper, it is a way of life and has to be lived up to. Eternal vigilance is the price of liberty and in the final analysis, its only keepers are the people."<sup>[67]</sup>

## See also

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- Constitution Day (India)
- Constitutional economics
- Constitutionalism
- History of democracy
- List of national constitutions
- Magna Carta
- Rule according to higher law
- Uniform civil code of India

## Notes

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1. The Constitution of Yugoslavia briefly held this position from 1974 till the nation split up in 1990.
2. The Constitution was in 22 Parts originally Part VII & IX (older) was repealed in 1956, whereas newly added Part IVA, IXA, IXB & XIVA by Amendments to the Constitution in different times (lastly added IXB by the 97th Amendment).

3. Although the last article of the Constitution is Article 395, the total number as of March 2013 is 465. New articles added through amendments have been inserted in the relevant location in the original constitution. In order not to disturb the original numbering, the new articles are inserted with alpha numeric enumerations. For example, Article 21A pertaining to Right to Education was inserted by the 86th Amendment Act.
4. By 73rd & 74th Amendment, the lists of administrative subjects of Panchayat raj & Municipality included in the Constitution as Schedule 11 & 12 respectively in the year 1993.
5. Scheduled Areas are autonomous areas within a state, administered federally, usually populated by a predominant Scheduled Tribe.
6. Scheduled Tribes are groups of indigenous people, identified in the Constitution, struggling socioeconomically.
7. These lines by Granville Austin from his book *The Indian Constitution: Cornerstone of a Nation* at p. 50, have been authoritatively quoted many times

## Notes on Article 21

1. Art. 21 – "No person shall be deprived of his life or personal liberty except according to procedure established by law"
2. Right to speedy trial<sup>[64]</sup>  
 Right to water<sup>[65]</sup>  
 Right to livelihood  
 Right to health  
 Right to education<sup>[66]</sup>

## References

1. "Preface, The constitution of India"([http://india.gov.in/sites/upload\\_files/npi/files/coi\\_preface.pdf](http://india.gov.in/sites/upload_files/npi/files/coi_preface.pdf)) (PDF). Government of India. Retrieved 5 February 2015.
2. Pylee, M.V. (1997). *India's Constitution*. S. Chand & Co. p. 3. ISBN 81-219-0403-X
3. "Constitutional supremacy vs parliamentary supremacy"(<http://www.cesruc.org/uploads/soft/1303061-130306154F7.pdf>) (PDF). Retrieved 12 October 2015.
4. "Introduction to Constitution of India"(<http://indiacode.nic.in/coiweb/introd.htm>) Ministry of Law and Justice of India. 29 July 2008. Retrieved 14 October 2008.
5. Swaminathan, Shivprasad (26 January 2013). "India's benign constitutional revolution"(<http://www.thehindu.com/opinion/lead/indias-benign-constitutional-revolution/article4345212.ece>) *The Hindu: opinion*. Retrieved 18 February 2013.
6. Das, Hari (2002). *Political System of India*. Anmol Publications. p. 120. ISBN 81-7488-690-7.
7. WP(Civil) No. 98/2002 (12 September 2002): "Aruna Roy & Ors. v Union of India & Ors."([http://www.ncert.nic.in/html/pdf/schoolcurriculum/ncfsc/judge51\\_80.pdf#page=18](http://www.ncert.nic.in/html/pdf/schoolcurriculum/ncfsc/judge51_80.pdf#page=18)) (PDF). Supreme Court of India. p. 18/30 Retrieved 11 November 2015.
8. "Preamble of the Constitution of India"(<http://lawmin.nic.in/olwing/coi/coi-english/Const.Pock%20Pg.Rom8Fsss%283%29.pdf>) (PDF). Ministry of Law & Justice Retrieved 29 March 2012.
9. "Commencement" (<http://www.constitution.org/cons/india/p2239.html>).
10. "The Constituent Assembly Debates (Proceedings): (9th December 1946 to 24 January 1950)"(<http://parliamentofindia.a.nic.in/ls/debates/debates.htm>) The Parliament of India Archive Retrieved 22 February 2008.
11. "Archived copy" (<https://web.archive.org/web/20110511104514/http://parliamentofindia.nic.in/ls/debates/facts.htm>) Archived from the original (<http://parliamentofindia.nic.in/ls/debates/facts.htm>) on 11 May 2011 Retrieved 12 May 2014.
12. "Archived copy" (<https://web.archive.org/web/20120220030736/http://arunshourie.voiceofdharma.com/articles/ambedkar.htm>). Archived from the original (<http://arunshourie.voiceofdharma.com/articles/ambedkar.htm>) on 20 February 2012. Retrieved 13 June 2013.
13. "Celebrating Constitution Day"(<http://www.thehindu.com/specials/in-depth/november-26-celebrating-constitution-day/article7918507.ece>) 26 November 2015 Retrieved 2 December 2015.

14. "Some Facts of Constituent Assembly"(<https://web.archive.org/web/20110511104514/http://parliamentofindia.nic.in/ls/debates/facts.htm>) *Parliament of India* National Informatics Centre. Archived from the original (<http://parliamentofindia.nic.in/ls/debates/facts.htm>) on 11 May 2011. Retrieved 14 April 2011. "On 29 August 1947, the Constituent Assembly set up a Drafting Committee under the Chairmanship of B. R. Ambedkar to prepare a Draft Constitution for India"
15. On National Law Day saluting two remarkable judges (<http://www.firstpost.com/india/on-national-law-day-saluting-two-remarkable-judges-140748.html>) Firstpost, 26 November 2011.
16. PM Modi greets people on Constitution Day(<http://www.dnaindia.com/india/report-pm-modi-greets-people-on-constitution-day-2149048>) DNA India, 26 November 2015.
17. "Original unamended constitution of India, January 1950" (<https://www.wdl.org/en/item/2672/view/1/9/>) Retrieved 17 April 2014.
18. "THE CONSTITUTION (AMENDMENT) ACTS"(<http://indiacode.nic.in/coiweb/coifiles/amendment.htm>) *India Code Information System* Ministry of Law Government of India Retrieved 9 December 2013.
19. "The Constitution of India"(<https://www.wdl.org/en/item/2672/>) *www.wdl.org*. World Digital Library. Retrieved 4 March 2016.
20. Sridhar, Madabhushi. "Evolution and Philosophy behind the Indian Constitution (page 22)"(<http://www.hrdiap.gov.in/87fc/images11/4.pdf#page=22>)(PDF). Dr.Marri Channa Reddy Human Resource Development Institute (Institute of Administration), Hyderabad Retrieved 22 October 2015.
21. "Borrowed features of Constitution"(<http://www.facts-about-india.com/borrowedfeatures-of-constitution.php>) Retrieved 15 February 2014.
22. Miglani, Dr. Deepak. "Constitution of India: A 'Bag of Borrowings'" ([http://www.legalpoint.in/constitution\\_of\\_india.php](http://www.legalpoint.in/constitution_of_india.php)). Retrieved 15 February 2014.
23. "California's Constitution is Not the Longest"(<http://scocablog.com/californias-constitution-is-not-the-longest/>) *scocablog.com*.
24. "Constitution of india"(<http://lawmin.nic.in/coi/contents.htm>) Ministry of Law and Justice, Govt. of India
25. "Constitution (Ninety-ninth Amendment) Act, 2014"(<http://onelawstreet.com/wp-content/uploads/2015/01/Gazette-Constitution-Ninety-ninth-Amendment-Act-2014.pdf>)(PDF). 1, *Law Street*. Retrieved 23 June 2015.
26. Baruah, Aparijita (2007). *Preamble of the Constitution of India: An Insight and Comparison with Other Constitutions* ([https://books.google.co.in/books?id=aPujAJ1UVqUC&pg=PR177&redir\\_esc=y#v=onepage&q&f=true](https://books.google.co.in/books?id=aPujAJ1UVqUC&pg=PR177&redir_esc=y#v=onepage&q&f=true)) New Delhi: Deep & Deep. p. 177. ISBN 81-7629-996-0 Retrieved 12 November 2015.
27. Chishti, Seema; Anand, Utkarsh (30 January 2015). "Legal experts say debating Preamble of Constitution pointless, needless" (<http://indianexpress.com/article/india/india-others/legal-experts-say-debating-preamble-pointless-needless>). *The Indian Express* Retrieved 12 November 2015.
28. "Forty-Second Amendment to the Constitution"(<http://indiacode.nic.in/coiweb/amend/amend42.htm>) Ministry of Law and Justice of India. 28 August 1976 Retrieved 14 October 2008.
29. Part I
30. Part II
31. Part IV
32. Part V
33. Part VI
34. Part VII
35. Part VIII
36. Part IX
37. Part IXA
38. <http://indiacode.nic.in/coiweb/amend/amend97.pdf>
39. Originally Articles mentioned here were immune from judicial review on the ground that they violated fundamental rights. but in a landmark judgement in 2007, the Supreme Court of India held in I.R. Coelho State of Tamil Nadu and others that laws included in the 9th schedule can be subject to judicial review if they violated the fundamental rights guaranteed under Article 14, 15, 19, 21 or the basic structure of the Constitution {(ambiguous)} – I.R. Coelho (dead) by L.Rs. v State of Tamil Nadu and others(2007) 2 S.C.C. 1
40. Menon, N.R. Madhava (26 September 2004). "Parliament and the Judiciary"(<http://www.thehindu.com/2004/09/26/stories/2004092600481600.htm>) *The Hindu*. Retrieved 21 November 2015.

41. M Laxmikanth. "3". *Indian Polity* (4th ed.). McGraw Hill Education. p. 3.2. ISBN 978-1-25-906412-8
42. Krishnakumar, R. "'Article 356 should be abolished'" (<http://www.frontline.in/static/html/fl1514/15140240.htm>). *Frontline* (Vol. 15 :: No. 14 :: 4–17 July 1998) Retrieved 9 November 2015.
43. Rajendra Prasad, R.J. "'Bommai verdict has checked misuse of Article 356'" (<http://www.frontline.in/static/html/fl1514/15140220.htm>) *Frontline* (Vol. 15 :: No. 14 :: 4–17 July 1998) Retrieved 9 November 2015.
44. Swami, Praveen. "Protecting secularism and federal fair play" (<http://www.frontline.in/static/html/fl1422/14220170.htm>). *Frontline* (Vol. 14 :: No. 22 :: 1–14 Nov 1997). Retrieved 9 November 2015.
45. "Pages 311 & 312 of original judgement: A. K. Roy Etc vs Union Of India And Anr on 28 December 1981" (<http://indiankanoon.org/doc/875590/>) Retrieved 23 August 2014.
46. name="amendments"
47. Krishnamurthi, Vivek (2009). "Colonial Cousins: Explaining India and Canada's Unwritten Constitutional Principles" ([https://web.archive.org/web/20160304075730/http://www.yale.edu/yjil/files\\_PDFs/vol34/Krishnamurthy.pdf](https://web.archive.org/web/20160304075730/http://www.yale.edu/yjil/files_PDFs/vol34/Krishnamurthy.pdf)) (PDF). *Yale Journal of International Law* **34** (1): 219. Archived from the original ([http://www.yale.edu/yjil/files\\_PDFs/vol34/Krishnamurthy.pdf](http://www.yale.edu/yjil/files_PDFs/vol34/Krishnamurthy.pdf)) (PDF) on 2016-03-04.
48. Kuri's blog: National Commission to review the working of the Constitution (NCRWC) (<http://kurishravan.blogspot.in/2011/02/national-commission-to-review-working.html>) Kurishravan.blogspot.in (23 February 2011). Retrieved on 2013-07-28.
49. Dhamija, Dr. Ashok (2007). *Need to Amend a Constitution and Doctrine of Basic Features* (<https://books.google.com/?id=YHxUPgAACAAJ&dq=ashok+dhamija>) Wadhwa and Company p. 568. ISBN 9788180382536 Retrieved 17 June 2014.
50. aDvantage. "Doctrine of Basic Structure – Constitutional Law" (<http://www.legalserviceindia.com/articles/thy.htm>). *www.legalserviceindia.com* Retrieved 26 January 2016.
51. Jacobsohn, Gary J. (2010). *Constitutional Identity*. Cambridge, Massachusetts: Harvard University Press. p. 52. ISBN 9780674047662
52. Dalal, Milan (2008). "India's New Constitutionalism: Two Cases That Have Reshaped Indian Law" (<http://lawdigitalcommons.bc.edu/iclr/vol31/iss2/4>) *Boston College International Comparative Law Review* **31** (2): 258–260. Retrieved 5 March 2015.
53. Mehta, Pratap Bhanu (2002). Hasan, Zoya; Sridharan, E.; Sudarshan, R., eds. *Article – The Inner Conflict of Constitutionalism: Judicial Review and the 'Basic Structure' (Book – India's Living Constitution: Ideas, Practices, Controversies)* ([https://books.google.co.in/books?id=MO3NiIV\\_4bUC&pg=PA187&redir\\_esc=y#v=onepage&q&f=true](https://books.google.co.in/books?id=MO3NiIV_4bUC&pg=PA187&redir_esc=y#v=onepage&q&f=true)) ((2006) Second Impression (2002) First ed.). Delhi: Permanent Black. p. 187. ISBN 81-7824-087-4 Retrieved 9 November 2015.
54. Bhattacharyya, Bishwajit. "Supreme Court Shows Govt Its LoC" ([https://web.archive.org/web/20160505192102/http://www.dayafterindia.com/magz\\_detail\\_news.php?id=4202](https://web.archive.org/web/20160505192102/http://www.dayafterindia.com/magz_detail_news.php?id=4202)). *the day after* (1–15 Nov 2015). Archived from the original ([http://www.dayafterindia.com/magz\\_detail\\_news.php?id=4202](http://www.dayafterindia.com/magz_detail_news.php?id=4202)) on 5 May 2016. Retrieved 10 November 2015.
55. National Commission to Review the Working of the Constitution. "A Consultation Paper on the Financial Autonomy of the Indian Judiciary" (<http://lawmin.nic.in/ncrwc/finalreport/v2b2-1.htm>) Chapter 1. New Delhi (26 September 2001). Retrieved 5 November 2015.
56. Chakrabarty, Bidyut (2008). *Indian Politics and Society Since Independence: Events, Processes and Ideology* (<https://books.google.com/?id=kOGWI1BOjOUC&pg=PA103#v=onepage&q&f=true>) (First ed.). Oxon (UK), New York (USA): Routledge. p. 103. ISBN 978-0-415-40867-7. Retrieved 5 November 2015.
57. Sorabjee, Soli J. (1 November 2015). "A step in the Wrong Direction" (<http://www.theweek.in/theweek/current/invalidating-then-jac-act.html>) *The Week*. Retrieved 12 November 2015.
58. V. Venkatesan – *A fresh look at the relevance of three early doctrines that have defined the Indian Constitution over the years*. (<http://www.frontline.in/static/html/fl2905/stories/20120323290507900.htm>) *Front-line* (Vol. 29 – Issue 05 :: 10–23 Mar. 2012)
59. Jain, M.P. (2010). *Indian Constitutional Law* LexisNexis Butterworths Wadhwa Nagpur. p. 921. ISBN 978-81-8038-621-3.
60. Lectures By Professor Parmanad Singh, Jindal Global Law School.
61. Jacobsohn, Gary (2010). *Constitutional Identity*. Cambridge, Massachusetts: Harvard University Press. p. 57. ISBN 9780674047662

62. Raghavan, Vikram (2010). "The biographer of the Indian constitution"([http://www.india-seminar.com/2010/615/615\\_comment.htm](http://www.india-seminar.com/2010/615/615_comment.htm)). *Seminar*. Retrieved 13 November 2015.
63. Dharmadhikari, Justice D. M. "Principle of Constitutional Interpretation: Some Reflections"(<http://www.ebc-india.com/lawyer/articles/2004v4a1.htm>) (2004) 4 SCC (Jour) 1 Retrieved 6 November 2015.
64. Gaur, K. D. (2002). *Article – Law and the Poor: Some Recent Developments in India (Book – Criminal Law and Criminology)* (<https://books.google.com/?id=LL4dMTWMPc4C&pg=PR564#v=onepage&q&f=true>) New Delhi: Deep & Deep. p. 564. ISBN 81-7629-410-1 Retrieved 9 November 2015.
65. Narain, Vrinda. "Water as a Fundamental Right: A Perspective from India" (<http://lawreview.vermontlaw.edu/files/2012/02/narain.pdf#page=4>)(PDF). *Vermont Law Review*. 34:917: 920. Retrieved 9 November 2015.
66. Khosla, Madhav (2011). "Making social rights conditional: Lessons from India"([http://www.jura.uni-hamburg.de/public/personen/albers/Seoul\\_National\\_University/Khosla\\_2011\\_making\\_social\\_rights\\_conditional.pdf#page=28](http://www.jura.uni-hamburg.de/public/personen/albers/Seoul_National_University/Khosla_2011_making_social_rights_conditional.pdf#page=28))(PDF). *I·con* (2010). 8 (4): 761. doi:10.1093/icon/mor005(<https://doi.org/10.1093/icon/mor005>) Retrieved 10 November 2015.
67. H. R. Khanna. *Making of India's Constitution*. Eastern Book Co, Lucknow, 1981. ISBN 978-81-7012-108-4

## Bibliography

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- Khanna, Justice H.R.(2015). *Making of India's Constitution*(2nd Edition 2008, (Reprinted 2015) ed.). Eastern Book Company. ISBN 978-81-7012-188-6
- Austin, Granville(1999). *The Indian Constitution: Cornerstone of a Nation*(2nd ed.). Oxford University Press. ISBN 978-01-9564-959-8
- Austin, Granville(2003). *Working a Democratic Constitution: A History of the Indian Experience*(2nd ed.). Oxford University Press. ISBN 978-01-9565-610-7.
- Baruah, Aparajita (2007). *Preamble of the Constitution of India : An Insight & Comparison* Eastern Book Co. ISBN 978-81-7629-996-1
- Basu, Durga Das (1965). *Commentary on the constitution of India : (being a comparative treatise on the universal principles of justice and constitutional government with special reference to the organic instrument of India)*–2. S. C. Sarkar & Sons (Private) Ltd.
- Basu, Durga Das (1984). *Introduction to the Constitution of India*(10th ed.). South Asia Books. ISBN 0-8364-1097-1
- Basu, Durga Das (1981). *Shorter Constitution of India* Prentice-Hall of India. ISBN 978-0-87692-200-2
- Das, Hari Hara (2002). *Political System of India* Anmol Publications. ISBN 81-7488-690-7.
- Dash, Shreeram Chandra (1968). *The Constitution of India; a Comparative Study* Chaitanya Pub. House.
- Dhamija, Dr. Ashok (2007). *Need to Amend a Constitution and Doctrine of Basic Features* Wadhwa and Company ISBN 9788180382536
- Ghosh, Pratap Kumar (1966). *The Constitution of India: How it Has Been Framed* World Press.
- Jayapalan, N. (1998). *Constitutional History of India* Atlantic Publishers & Distributors. ISBN 81-7156-761-4
- Khanna, Hans Raj(1981). *Making of India's Constitution* Eastern Book Co. ISBN 978-81-7012-108-4
- Rahulrai, Durga Das (1984). *Introduction to the Constitution of India*(10th ed.). South Asia Books. ISBN 0-8364-1097-1.
- Pylee, M.V. (1997). *India's Constitution*. S. Chand & Co. ISBN 81-219-0403-X
- Pylee, M.V. (2004). *Constitutional Government in India* S. Chand & Co. ISBN 81-219-2203-8
- Sen, Sarbani (2007). *The Constitution of India: Popular Sovereignty and Democratic Transformations*. Oxford University Press. ISBN 978-0-19-568649-4
- Sharma, Dinesh; Singh, Jaya; Maganathan, R.; et al. (2002) *Indian Constitution at Work* Political Science, Class XI. NCERT.
- "The Constituent Assembly Debates (Proceedings): (9th December 1946 to 24 January 1950)": The Parliament of India Archive. Retrieved 22 February 2008.

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