



Digital Constitution Museum, Digital History Lab
Advanced Study Institute of Asia, SGT University

Teaching Module

Module 2

Structure and Design – How the Constitution of India Works

I. Why Structure Matters in a Constitution

A constitution is not only about ideals; it is about **architecture**. How power is arranged, divided, limited, and coordinated determines whether principles like liberty and equality can survive in practice. The framers of the **Constitution of India** understood this clearly. They were not writing for a small, homogeneous polity, but for a vast, diverse, and unequal society emerging from colonial rule.

Structure, in this sense, is political foresight. A poorly designed constitution can turn noble values into empty promises. An over-centralised system can slide into authoritarianism. A weak centre can collapse into chaos. The Indian Constitution's structure reflects a careful attempt to avoid both extremes.

The document therefore reads less like a philosophical manifesto and more like a **manual for governing disagreement**.

II. Parts, Articles, and Schedules: The Anatomy of the Constitution

The Indian Constitution is often described as the longest written constitution in the world. This is not accidental verbosity. It is a deliberate response to India's social complexity and historical experience.

The Constitution is divided into:

- **Parts**, which group related themes such as fundamental rights, the executive, the judiciary, and federal relations
- **Articles**, which lay down specific rules and principles
- **Schedules**, which provide detailed lists, classifications, and administrative arrangements

This layered design allows the Constitution to operate at multiple levels: moral, institutional, and procedural. Foundational ideas are stated early, while technical details are placed where they can be amended more easily if required.

Interesting Fact

Many matters that other democracies leave to ordinary legislation, such as civil services, elections, or tribal administration, are constitutionalised in India. This reflects the framers' fear that future governments might misuse ordinary law to consolidate power.

III. Parliamentary Democracy: Executive Power and Accountability

India adopted a **parliamentary system** rather than a presidential one. In this system, executive authority flows from the legislature, and the executive remains accountable to it.

The President is the formal head of state, while real executive power lies with the Council of Ministers led by the Prime Minister. This separation between ceremonial authority and political power was designed to prevent the concentration of authority in a single office.

This model reflects continuity with colonial administrative experience, but with a crucial difference: accountability now flows to elected representatives rather than imperial administrators.

The choice of parliamentary democracy was also pragmatic. It allowed for flexibility, collective decision-making, and the possibility of removing governments without destabilising the constitutional order.

IV. Federalism with a Strong Centre

India is often described as a "Union of States." This phrase signals an important constitutional choice. Indian federalism does not arise from an agreement among sovereign states, but from a single constitutional source.

Legislative powers are divided into three lists:

- **Union List:** subjects of national importance, such as defence, foreign affairs, and currency
- **State List:** matters of local concern, such as police and public health
- **Concurrent List:** areas where both levels can legislate, with central law prevailing in case of conflict

This arrangement reflects historical anxiety. The trauma of Partition and the integration of princely states made unity a constitutional priority. Federalism was embraced, but cautiously.

What this really means

Indian federalism is not symmetrical. States are not equal in power or status. Special provisions exist for certain regions, especially in the North-East, reflecting historical, cultural, and geographical realities.

V. The Judiciary: Guardian of the Constitutional Order

The Constitution places extraordinary responsibility on the judiciary, especially the **Supreme Court of India**. Unlike in parliamentary sovereignty systems, Indian courts have the power to review legislation for constitutional validity.

This was a bold choice. It meant trusting unelected judges with the authority to invalidate acts of elected representatives. The framers justified this on the ground that democracy requires limits on majority power.

Judicial review serves two functions:

- Protecting individual rights
- Preserving the constitutional balance between institutions

Over time, the judiciary has emerged as one of the most powerful interpreters of the Constitution, often expanding its meaning beyond the text through interpretation.

VI. Emergency Powers: Governing in Crisis

One of the most debated aspects of the Constitution is its emergency provisions. These allow the central government to assume extraordinary powers during national, state, or financial emergencies.

These provisions were shaped by colonial precedents and wartime experiences. The framers believed that the Constitution must be able to survive crises without collapsing.

However, history has shown that emergency powers are vulnerable to misuse. The Emergency of 1975–77 demonstrated how constitutional mechanisms can be used to suspend democratic freedoms while remaining technically legal.

The existence of emergency provisions reminds us that constitutions are not only instruments of liberty, but also tools of control. Their legitimacy depends on restraint as much as authority.

VII. Amendment and Flexibility

A rigid constitution risks becoming obsolete. A constitution that is too flexible risks losing its identity. The Indian Constitution attempts to balance both concerns.

Amendments can be made through varying procedures, depending on the subject matter. Some changes require only parliamentary approval, while others demand ratification by states.

This graded system reflects a constitutional hierarchy. Not all provisions are equally foundational. Some are structural pillars; others are adjustable supports.

Later judicial doctrine introduced the idea that even Parliament cannot amend certain core features of the Constitution. This reinforces the idea that constitutional power is ultimately limited.

VIII. Design as Political Philosophy

Taken together, the structure of the Constitution reflects a distinctive political philosophy:

- Democracy with safeguards
- Federalism with unity
- Rights with responsibilities
- Power with restraint

The framers did not assume ideal citizens or benevolent rulers. They assumed conflict, ambition, disagreement, and failure. The Constitution was designed not to eliminate these forces, but to manage them without violence or collapse.

This realism is perhaps its greatest strength.

Questions for Discussion and Reflection

1. Why did the framers choose a long and detailed constitution rather than a brief one?
 2. How does India's parliamentary system shape executive accountability?
 3. In what ways is Indian federalism different from classical federal models?
 4. Why was judicial review considered essential in the Indian context?
 5. How do emergency provisions challenge the idea of constitutional liberty?
 6. Should courts have the power to invalidate laws passed by elected representatives?
 7. Does constitutional flexibility strengthen democracy or weaken constitutional authority?
 8. What assumptions about human behaviour seem to underlie the Constitution's design?
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