1. Describe the nature and basic features of the Constitution of Canada.

Ans: The Canadian Constitution encompasses a wide set of principles and values that govern key political relations in the Canadian society.

Salient Features

Constitutional Monarchy

1. It is the central component of Canada’s constitutional framework.
2. The Constitution Act, 1867 states that executive government and authority in Canada is vested in the Canadian Monarchy (which Canada shares with Great Britain and some other former British colonies).
3. The British Queen is the formal head of the state. The Act further provides for the offices of the Governor General of Canada (at the federal level) and Lieutenant Governors (at the provincial level), recognized as the Monarch’s representatives in Canada.

It is important to note, however, that while the written constitution explicitly places executive authority in the hands of the Monarch and his/her representatives, the unwritten constitutional convention holds that this authority is actually exercised by the Prime Minister and his/her Cabinet.

Parliamentary Government

The Canadian Constitution also provides for a Parliamentary system of government. Features of Parliamentary Government as given in Constitution Act, 1867:

1. The Act established a federal Parliament, consisting of the Monarchy and two legislative chambers, the House of Commons (or Lower House) and the Senate (or Upper House).
2. The Act further states that the powers and authority of these legislative chambers are to be modeled upon those found in the British Parliament.

Further, the Act also established legislative chambers at the provincial level.

In addition to the written provisions of the Act, there also exist several unwritten constitution conventions that are fundamental to the operation of Canada’s parliamentary system.

These include executive dominance by the Prime Minister and the Cabinet (at the federal level) and by the Premier and the Cabinet (at the provincial level), as well as the practice of responsible government.

The House of Commons

In the Canadian political system, the lower chamber is the House of Commons, which takes its name from the lower house in the British political system. The Commons consists of 308 members known as – like their British counterparts – Members of Parliament (MPs).

Manner of Election

Members are elected by the first-past-the-post system (as in Britain) in each of the country’s electoral districts, which are colloquially known as ridings (known as ‘constituencies’ in Britain). Seats in the House of Commons are distributed roughly in proportion to the population of each province and territory, but some ridings are more populous than others and the Canadian constitution contains some special provisions regarding provincial representation.

Term and Tenure

The maximum term of MPs is four years, but it is common for a general election to be called earlier.

Powers

As in the British political model, the House of Commons is much the more powerful of the two chambers. Although all legislation has to be approved by both chambers, in practice the will of the elected House usually prevails over that of the appointed Senate. The processes and conventions of the Commons reflect very much those of its British namesake.

The Senate

In the Canadian political system, the upper chamber is the Senate, which takes its name from the upper house in the American political system. The Senate consists of 105 members, appointed by the Governor General on the advice of the Prime Minister. Seats are assigned on a regional basis, with each of the four major regions receiving 24 seats, and the remaining nine seats being assigned to smaller regions.

Federalism

The Constitution also provides for a federal system in Canada; meaning there are two key levels of government: the federal (or national) government and the provincial (or regional) governments. Canada is a federation with a strong Centre, wherein residuary powers lie with the Centre.

The Constitution Act, 1867 outlines specific powers and jurisdictions for each of these levels of government, such as what public policy fields each may legislate in, as well as how each level of the government may raise revenue. Over the years, these constitutional provisions have been further clarified and evolved by judicial decisions (first by the British Judicial Committee of the Privy Council, and later by the Supreme Court of Canada).

Changes in the nature of Canadian Federalism

There have also been several constitutional amendments that have had significant consequences for Canada’s federal system. Over the years there has been a shift towards giving greater powers to the states. For example, the Constitution Act, 1930, transferred ownership of natural resources in Western Canada from the federal government to the Western provinces. Another significant amendment was the Constitution Act, 1982, which committed the federal government and provinces to ensuring some level of