

SALIENT FEATURES OF INDIAN CONSTITUTION

Prepared by

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Introduction

- *Most of the constitution of the world has the legal frame work to define the power of the government and the rights of the people.*
- *In several respects the constitution of India is a unique constitution. The attempt of the constitution makers was to construct a strong secular and Democratic nation.*
- *Speaking in the Constituent Assembly, Dr. B. R. Ambedkar observed: “ I feel our constitution is workable, flexible and also strong to hold the country together both in peace time and in the war time.*

- *Indeed if I May say so, if things go wrong under the constitution, the reason will not be that we had a bad constitution, what we will have to say is that man was vile". It is understood that the problem lies in the people and not in the constitution.*
- *Following are the salient features of the constitution :*

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- **1) Written and detailed constitution:** *In the words of Jennings “ The Indian constitution is the longest and the most detailed, in the world”. It consists of 448 articles divided into 25 chapters with 12 schedules. Till today more than 104 amendments have been made in the constitution.*
- *Every aspect of the constitution is elaborately explained. For Example provisions of provinces, Fundamental rights, Emergency powers, Directive Principles of State Policy, Safeguards for the scheduled caste and tribes, linguistic minorities are discussed at length. Therefore it is not surprising that the constitution of India is a detailed document.*

- **2) Preamble of the Constitution:** *Preamble of any constitution explains the philosophy of the constitution. India's preamble declares that the people are the ultimate source of all authority. It declares India to be a sovereign, socialist, secular, democratic, Republic and a welfare state. The Supreme Court declared that the preamble is a part of the constitution.*

- **3) A Combination of rigidity and flexibility:** *The constitution of India is a unique combination of rigidity and flexibility. Few provisions can be amended by a joint action of the parliament and state legislatures. Eg: The election of the President, Centre-State relations, Union-state judiciary. To this extent the constitution is rigid. Some provisions regarding citizenship, formation of new states etc, can be amended by simple majority in the parliament.*

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4) Parliamentary form of government: *The Indian constitution provides for a parliamentary form of a government, both at the centre and the states. This system was borrowed from the British model. The feature of this system is its responsibility of the legislature the President is the Constitutional and Nominal head. The real power is vested in the Prime Minister and his cabinet. The cabinet and the prime minister is collectively responsible to the Lok Sabha which is directly elected by the people.*

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- **5) Division of Powers:** *The constitution of India divided powers between the central and the states. It divides subjects in three lists a) The union list contains 100 subjects b) The state list contains 66 subjects c) The concurrent list contains 52 subjects. In case of conflict between the union and the state legislatures, the law made by the union prevails.*

- ***6) Fundamental Rights and Duties: Under its Part III, Article 12-35, the constitution of India grants and guarantees fundamental rights to its citizens. Initially seven fundamental rights were granted, but by the deletion of the right to property (44th Amendment act 1979) their number has come down to six. They are***
 - *A} Right to equality (Art 14 – 18)*
 - *B} Right to Freedom (Art 19 – 22)*
 - *C} Right to against exploitation (Art 23 – 24)*

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- *D} Right to Freedom of religion (Art 25 – 28)*
- *E} Cultural and Educational rights (Art 29 – 30)*
- *F} Right to constitutional remedies (Art 32)*
- *The eleven fundamental duties included in the Art 51 A of the constitution by 42nd amendment act 1976. All the duties must be performed by the Indian citizens in the interest of unity, integrity and prosperity of the nation.*

- **7) Directive principles of state policy:** They are instructions to the state for securing socio-economic development objective through its policies because they are based on ideal of Justice, Liberty, Equality and Fraternity. These principles are not to be enforced by the courts but they are fundamental in the governance of the country.
- **8) Adult Suffrage:** The constitution introduces universal adult suffrage without any restriction or qualification and every person who is above 18 years of age irrespective of sex, caste, religion, colour etc is eligible to vote in elections.

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- **9) Single Citizenship:** *The constitution of India provides for a common all India citizenship and there is no double citizenship. India is a single sovereign independent state and all citizens enjoy a common uniform citizenship which entitles them to equal and freedom.*
- **10) Emergency Powers:** *The Constitution of India contains special provisions for dealing with emergencies. It provides for three types of emergencies. a) National Emergency (Art. 352)
b) State Emergency (Art. 356)*

- *c) Financial Emergency (Art. 360). The President of India has been empowered to declare an emergency and to take appropriate steps. Proclamation of emergency has to be approved by the parliament within six months.*
- **11) Single Integrated Judiciary:** *Though the constitution provides for a federal structure, it establishes a single integrated judicial system common for the union and the states with the Supreme Court at the union and the states with*

- The Supreme Court at the top, High courts at the state level and the lower courts under the high courts. The Supreme Court is the highest court of the Land. It controls and runs the judicial administration in India.
- ***12) Independence of the Judiciary: Judiciary in India is free from the control of the executive and legislature. The appointment of Judges, fixation of their salary is made by the President of India with the consultation of the Chief Justice of India.***

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- **13) Judicial Review:** *The Supreme Court acts as the guardian and interpreter of the constitution. If the laws made by the parliament violate the provisions of the constitution, the Supreme Court can declare them as “unconstitutional”. So, the policy of judicial review by courts is essential to protect the rights of people as well as the dignity sanctity of the constitution.*
- **14) Welfare State:** *The preamble promises to establish democratic principles of justice, liberty,*

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- Equality and fraternity in the country. So the constitution makes India a welfare state.
- **14) A Secular state:** *Indian republic is a secular democratic state. It means that the government of India is neutral in matters of religion and faith. It allows freedom of religion. It provides the guarantee of freedom of faith, worship and conscience.*