

Salient Features of Indian Constitution

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INTRODUCTION

The Constitution of India is a unique constitution. It is the largest written liberal democratic constitution of the world. It provides for a mixture of federalism and Unitarianism, and flexibility and with rigidity. Since its inauguration on 26th January 1950, the Constitution India has been successfully guiding the path and progress of India. Each and every institution functions according to certain basic rules. State is a political institution. The basic rules of the state are called constitution. As a citizen of India and the student of political science every person should know about the constitution. It make the learners enlightened citizen of this country.

The constitution of India is made by constituent Assembly. According to the cabinet Mission plan, the legislative Assemblies of the provinces were to elect their representatives to the constituent Assembly. Total members of the constituent Assemblies were 389. Dr. Rajendra Prasad was elected as the President of the constituent Assembly. Pt. Jawaharlal Nehru moved the objective Resolution which reflected the ideals and philosophy that shaped the Indian constitution. The constituent Assembly completed the work in two years eleven months and eighteen days. From 26th January 1950 constitution of India came in force. Hence, 26th January is celebrated as the Republic day.

BASIC FEATURES :

The basic rules for the behaviour of members of a state are called the constitution of the state. In India it is the highest law of the land, constitution establishes rule of law and give political stability to the state. The constitution of India is both evolved and enacted. It is evolved out of various Acts made during the British period. It is enacted and prepared by the constituent Assembly. The constituent Assembly was composed as per the cabinet mission Plan. Its first session began in 1945. Dr. Rajendra Prasad with the chairman of the constituent Assembly, Dr. B.R. Ambedkar was the chairman of the Drafting committee. The constituent Assembly prepared the constitution in two years eleven months and eighteen days. In its original form, the constitution had 395 Articles and 8 schedules. Now it has 397 Articles and 12 schedules.

Salient Features of the constitution are as follows:

1. Longest constitution in the world.

2. Sovereignty resides in the people
3. Parliamentary form of Government.
4. Unique blend of rigidity and flexibility.
5. Fundamental Rights.
6. Directive principles of the state policy.
7. Quasi – federal in nature.
8. Adult suffrage.
9. Independence of Judiciary
10. Judicial Review.
11. Fundamental duties
12. Sovereign.
13. Democracy.
14. Republic.
15. Secular.
16. Single citizenship.
17. Uniformity in Basic Administration.
18. Revolutionary.
19. Lawyer’s paradise.
20. Judicial Review and parliament sovereignty.

1. Longiest constitution in the world:

Indian constitution adopted by the constituent Assembly on November 2, 1949 is the longest constitution originally containing 395 Articles, divided into 22 parts and 9 schedules. It is described as ‘elephant size’ constitution. We have incorporated 93 Amendments to the constitution on January 2003. It has been a model, for many developing countries. Now it has 397 Articles and 12 schedules.

The length of the constitution is because of several factors: -

1. It incorporates the experience of all leading constitution.
2. It prescribes constitution for the union as well as for the states.
3. It incorporates detailed provisions regarding centre – state relations.
4. It incorporates special provisions for Jammu Kashmir.
5. It includes justifiable and non – justifiable rights.
6. It contains special provisions to meet regional problems.

2. Sovereignty resides in the people:

The introduction of the constitution declares that the constitution of India was adopted and enacted by the people of India and they are the custodians of the republic.

3. Parliamentary form of Government:

The constitution of India establishes parliamentary form of government both at the centre and the states. In a Parliamentary form of government, the Prime Minister and council of Ministers are responsible for all their actions to the government, particularly to the Lower house, Lok Sabha. The Parliament keep control on executives by various means i.e. by asking questions by no confidence motion etc. Also in Parliamentary system there are two types of head; one is nominal and one is real. In India President is nominal and Prime- Minister is real head.

4. Unique blend of Rigidity and Flexibility:

Though India has a written constitution; the Indian constitution is not as rigid as the American constitution. It has incorporated the flexible nature in the procedures for amendments. There are three methods by which the constitution is amended. The procedure for amendment is simple.

5. Fundamental Rights:

The fundamental Rights are guaranteed by the constitution to all its citizens through Part III of the constitution. The fundamental Rights. It guarantees Right to Equality, Right to freedom, Freedom of religion, Right against Exploitation, Educational and Cultural right and Right to constitutional Remedies. One can approach the Supreme Court directly in case of violation of Fundamental Rights. There are certain restrictions on fundamental rights in the interests of public order, the sovereignty and integrity of India, public decency, morality etc.

6. Directive Principles of the state Policy:

Part IV of the constitution deals with Economic and cultural Rights. However, they are not justifiable in the court of law. The idea of a 'welfare state' envisaged in our constitution can only be achieved if the states try to implement them with a high sense of moral duty.

7. Quasi – federal in nature:

The nature of the Indian state is federal, in the sense that the powers are distributed between the Union and the state. But in times of emergency Government assumes a unitary character.

It is federal because:

1. It has two sets of government.
2. There is division of powers between the centre and the states.
3. There is independent judiciary.

It is unitary because:

1. It is described as “union of states”.
2. There is single citizenship.
- 3 There is single integrated judicial and administrative system.
4. There is integrated machinery for elections, audits.
5. State Governors are appointed and removed by President,
6. States depend upon the union’s grant – in – aid.
7. During emergency, it can be converted into unitary system.

8. Adult Suffrage:

All adult citizens above 18 are given the right to vote. There are no separate electorates for people belonging to different communities. Thus in India there is Universal Adult Franchise without Communal Representation.

9. Independence of Judiciary:

The constitution has made Judiciary independent from legislature and executive. Judges are free from the interference of other organs of the government, so that judges can give judgement without fear and favour. The Indian Judiciary is independent as per the norms of separation of powers. The feature that goes with the independence of judiciary are direct appointment by the President, given decent salaries and perks, judges can not be removed simply by executive.

10. Judicial Review:

It means the power of the courts to declare any law passed by the legislature and any act of executive as void, if it violates any provision of the constitution. It emphasise supremacy of judiciary.

11. Fundamental Duties:

The Fundamental Duties are incorporated in the constitution through the 42nd amendment. A set of ten duties are incorporated as fundamental Duties under Article 51.

12. Sovereignty :

India is a free and independent country. India is no more under the domination of any foreign country and any external force cannot influence its decisions. India is a member of commonwealth Nation. But its membership does not affect the sovereignty of India.

13. Democracy:

India has representative and responsible government. Democracy has been introduced with a view to realize the political, economic and social democracy.

14. Republic:

It means that the head of the state, president, will be periodically elected by the people. Citizens' partnership in the affairs of the state is ensured.

15. Secular:

The constitution of India has created a secular state. It means

- 1) The state gives equal protection to all religions.
- 2) The state does not uphold any particular religion as the state religion.
- 3) Freedom of Religion is guaranteed in the constitution.
- 4) Equal respect for all religions.

16. Single Citizenship:

The constitution of India confers single Indian citizenship. This helps in creating feeling of oneness.

17. Uniformity in Basic Administration:

There is uniformity in most important matters of administration. e.g. single integrated judicial system, uniformity in civil and criminal laws, All India services.

18. Revolutionary:

The constitution of India has abolished several unjust practices and at the same time has provided special opportunities for the upliftment of the weaker sections.

19. Lawyer's paradise:

The constitution of India is very complex for the common man to understand. The complexity gives rise to litigation and constitutional amendments. Lawyers gain importance from this.

20. Judicial Review and Parliamentary Sovereignty

Compromised:

The constitution of U.S.A. recognized judicial supremacy. The British system recognizes Parliamentary sovereignty i.e. the court can not declare any law of parliament as cancelled on any ground.

The constitution of India compromises between the two, it empowers the judiciary the power of declaring any law as null and void if it violets the Basic framework of the constitution. But the judiciary does not have the power of judicial review over the

wisdom of any legislative policy i.e. important questions of public policy are to be decided on the floor of the House. Constitution gives the legislature the power to amend the constitution without destroying the basic structure.

The constitution of India is one of the most remarkable constitutions in the world. It is a confluence of East and the West. With all these features, the Indian Constitution is a constitution best suited to the Indian environment. The Constitution has been helping India to organise and run her government and administration in an effective way both in times of peace and war. The basic structure of the Constitution i.e. its most fundamental features can be described as: Preamble, Fundamental Rights, Directive Principles, Secularism, Federalism, Republicanism, Independence of Judiciary, Rule of Law, and Liberal Democracy.