

Salient features of our Constitution

Introduction

The Constitution of India is one of the finest-crafted Constitutions in the World. The Constitution of India is a very dynamic creation of our lawmakers. The Constitution of India is a supreme law of the country and every citizen of our country has to abide by the constitution. According to Granville Austin, "Indian Constitution is the first and foremost social document".

Following are the salient features our Constitution:

1. **Longhithiest written Constitution in the World:**

The Constitution of India is the lengthiest written Constitution in the World. It is because not only the essential rights are given under it but detailed administrative instructions are also given under it. Our constitution has given the place to various organizations like Civil services (under Article 308-323). One of the other reasons why this Constitution is so huge is because there is a single Constitution for entire India. India is a huge country and it needed detailed rules to be applied to various parts of the States. Due to this a massive constitution is made.

2. **Adopted from many different sources:** Different parts of our Constitution are adopted from various countries. The maker of our Constitution took the structural part of the Constitution from the Government of India Act, 1935.

Following are the various sources of Indian Constitution:

- a. United States of America
 - Fundamental Rights,
 - Independence of Judiciary,
 - Judicial Review,
 - Impeachment of President and Supreme Court Judges.
- b. United Kingdom
 - Single Citizenship,

- Parliamentary system of Government,
- Rule of Law,
- Prerogative writs
- c. Canada Constitution
 - Quasi Federal Government system,
 - Appointment of Governors.
- d. Australia Constitution
 - Concurrent List,
 - Joint sitting of 2 houses of the Parliament,
 - Freedom of Trade.
- e. USSR
 - Fundamental duties,
 - Social, Economic and Political Justice.
- f. Ireland
 - Directive Principles of State Policy,
 - Election of President.
- g. Germany
 - Emergency provisions like Suspension of Fundamental Rights during an emergency.
- h. France:
 - Republic
- i. South Africa
 - Amendment of Constitution
 - Election of members of Rajya Sabha.
- j. Japan
 - Procedure established by law.

3. **Federal System with a Unitary Bias:** Indian Constitution is that it is a federation with a strong centralizing tendency. The constitution of India is neither federal nor unitary but is a mix of both.

4. **Blend of Rigidity and Flexibility:** The Indian Constitution is neither completely rigid nor completely flexible, but a mix of both. Article 368 provides for two types of amendments –

- Amendment through a special majority, i.e. two-

thirds majority of the members of each House present and voting, and a majority (50%) of the total membership of each House.

- Some other provisions can be amended by a special majority of the Parliament and with the ratification by half the states.

5. Parliamentary Form of Government: The framers of our Constitution preferred a Parliamentary system of government. Our newly christened democracy could not afford any confrontations between the executive and the legislature. This could happen only when they were separate and independent of each other. The Council of Ministers is collectively responsible to the Lok Sabha. The same is true of the relationship between the Governors and the Council of Ministers in the States.

6. Integrated and Independent Judiciary: The Judiciary ensures the proper functioning of the constitution and the enforcement of various provisions of the Constitution. The Constitution makers ensured that the Judiciary had to be independent and hence unbiased. There are various provisions in the Constitution that ensure the independence of the judiciary:

- The appointment of Judges is independent and there is no involvement of any executive authorities.
- The tenure of Judges is secured.
- The removal of judges from their tenures must be also based on the constitutional provisions.

7. Fundamental Rights: The Indian Constitution guarantees 6 Fundamental Rights:

1. Right to Equality (Article 14-18)
2. Right to Freedom (Article 19-22)
3. Right against Exploitation (Article 23-24)
4. Right to Freedom of Religion (Article 25-28)
5. Cultural and Educational Rights (Article 29-30)
6. Right to Constitutional Remedies (Article 32)

8. Directive Principles: Directive Principles of State Policy

- Part IV of the Indian Constitution deals with the Directive Principles of State Policy.
- It is the duty of every State to apply these

principles while making any new legislation.

- The Directive Principles of State Policy is similar to the 'Instrument of Instructions' that is in the Government of India Act 1935.
- They are basically instructions to the legislature and executive that have to be followed while framing new legislation by the State.

9. Fundamental Duties

- The Swaran Singh Committee of 1976 added a list of 11 Fundamental Duties in the constitution by adding a new Part-IVA and Article-51A in the constitution.
- Swaran Singh Committee was formed in 1976 after the internal emergency of 1975 which recommended adding a list of Fundamental Duties which every citizen of India should abide by.
- The 11 Fundamental Duties act as a moral obligation on every citizen of India and these Fundamental Duties are non-justiciable in nature i.e., one cannot move to court if someone is not obliging its duty as a citizen of India.
- The new Part IVA with Article 51A was added in the Constitution of India and it was inspired by the Constitution of the USSR.

10. Secularism

- The Constitution of India stands for a secular state, i.e. it gives equal importance to all religions.
- It also does not uphold any particular religion as the official state religion. The Western concept of secularism connotes a complete separation between religion and the State.
- This concept is inapplicable in the Indian situation where the society is multireligious.
- Hence, the Indian Constitution embodies the positive concept of secularism, i.e. giving equal respect to all religions and protecting all religions equally.

11. Universal Adult Franchise

- The concept of Universal Adult Franchise/ Adult suffrage allows every citizen of India who is above eighteen years the right to vote in

democratic elections.

- ❑ Any adult who is eligible to vote should not be discriminated against on the basis of gender, caste and religion.
- ❑ This provision was added in the 61st amendment which is also known as the Constitution Act, 1988, which changed the voting age from 21 to 18.

- ❑ Article 326 of the Indian Constitution guarantees this right.
 - ❑ The Constitution of India is a very dynamic creation of our lawmakers. The Constitution of India as we all know is a supreme law of the country and every citizen of our country has to abide by the constitution.
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