

Indian Constitution and Salient Features

The Constitution of India is the supreme law of India. It is a living document, an instrument which makes the government system work. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers and duties of government institutions and sets out fundamental rights, directive principles and the duties of citizens.

The **salient features** of the constitution are analysed below.

1. Preamble

The Preamble, the preface to the constitution, describes the source nature, ideology, goals and objectives of the constitution. It describes India as a sovereign socialist, secular, democratic republic and underlines the national objective of social just economic and political justice as well as fraternity. It emphasizes the dignity of the individual and the unity and integrity of the nation.

2. Written and Detailed

The first modern written constitution was the American constitution. On the other hand, the British constitution is unwritten. It consists of customs and conventions which have grown over the years. In India, we have a written constitution. The framers of our constitution tried to put everything in black and white.

The Constitution of India is the longest one in the world. As of 2015, Indian constitution has 448 articles in 25 parts, 12 schedules, 5 appendices and 98 Amendments

3. Partly Rigid, Partly Flexible

A constitution is rigid or flexible depends on the nature of amendment. If the constitutional laws and ordinary laws are amended separate ways, it is a rigid constitution. On the contrary, in a flexible constitution constitutional laws and ordinary laws are amended in the same way. Some provisions of the Constitution of India can be amended by the Indian Parliament with simple majority. The amendment of most other provisions of the constitution requires a special majority in both houses of the parliament. The amendment procedures make our constitution partly flexible and rigid. In fact, there is a balance between rigidity and flexibility in our constitution.

4. Bi-Cameral Union Parliament

In India, there is a parliamentary form of government. The Constitution of India, the council of the Parliament of the Union Sabha consists of the President and two Houses known as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha) In India, the President is only the nominal head. In Britain, the monarchy is hereditary. But in India, the post of President is elective our founding fathers adopted the parliamentary model for two reasons.

Firstly, they believed that a parliamentary form of government would be more responsible democratic than the presidential form of government.

Secondly, they were, to so extent, familiar with the parliamentary form of government during the British rule particularly after the implementation of the Government of India Act, 1935.

5. Fundamental Rights

The Fundamental Rights are guaranteed to the individuals by our constitution. These rights are fundamental because they are basic to the moral and spiritual development of the individual and these rights cannot be easily abridged by the parliament.

The six fundamental rights are - (1) **Right to Equality**, (2) **Right to Freedom**, (3) **Right against Exploitation**, (4) **Right to Freedom of Religion**, (5) **Cultural and Educational Rights** (6) **Right to Constitutional Remedies**.

The Fundamental Rights are subject to some restrictions. Any citizen of India can seek the help of High Court or Supreme Court of India if any of his fundamental rights is undermined by the government or any institution or any other government. The fundamental rights, granted to the citizen, cannot be amended in the normal manner. They can be amended with two-third majority in each house of the Parliament.

6. Secularism

India is a country of several religions and each individual has fundamental profess any religion he likes. The state cannot force him to accept any specific India is a secular state. In India, there is no State Religion. In matters relating to the state is neutral and non-interfering. It does not patronize any religion. Nor discriminate against any religion.

7. Federal Government with Unitary Bias

India is a federation, although word 'federation' does not find a place in the whole text of the Indian Constitution. The elements of federation are present in the Indian Constitution. It is a written and rigid constitution. There is dual polity and there is constitutional division of powers between the centre and the states. There is also an independent judiciary. The Supreme Court arbitrates the disputes between the centre and the states.

The Governor acts as the agent of the centre. The centre can reorganize a state, but a state cannot reorganize the centre. In other words, the centre is indestructible while the states are destructible.

8. An Independent and Integrated Judiciary

An independent judiciary is a none of any federation. The judiciary in India is independent and impartial. It is an integrated judiciary with the Supreme Court at the apex of the hierarchy. The High Courts stand in its middle, and the lower courts are located at its bottom. The Supreme Court and the High Court have the power of Judicial Review.

9. Directive Principles of State Policy

They are instructions or directives from the constitution to the state (aimed at building a Welfare State) and the government. It is the duty of the government to implement them.

Some of the important Directive Principles are: (1) There should not be concentration of wealth and means of production to the detriment of common man; (2) There should be equal pay for equal work for both men and women; (3) Workers should be paid adequate wage; (4) Weaker sections of the people, Scheduled Caste and Scheduled Tribe people should be given special care; (5) The state should promote respect for international law and international peace.

These principles provide the criteria with which we can judge the performance of the government.

10. Single Citizenship

In the United States of America, there is double citizenship. In India, there is only single citizenship. He is not a citizen of any Indian state. Single citizenship is meant to national unity and national integration.

11. Fundamental Duties

The Constitution describes the Fundamental Duties of a citizen.

Some of the important Fundamental Duties are: (1) To abide by the constitution and respect the ideals and institutions, the national flag and the national anthem; (2) To uphold and protect the sovereignty, unity and integrity of India; (3) To defend the country and render national service; (4) To protect and improve the natural environment; (5) To safeguard public property and to abjure violence.

12. Democratic System

Our constitution lays a lot of emphasis on democratic values, and a number of democratic institutions have been established to give shape to these values. The centre, states and local self-governing bodies follow democratic principles, and all elections from gram panchayat to parliament are democratically held. Citizens of 18 years age and more, irrespective of their caste, religion and gender, are eligible to vote in elections. Indian constitution has granted a number of valuable fundamental rights to the citizens.

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