

## **Indian Constitution: Salient Features**

The Constitution provides for a Parliamentary form of government which is federal in structure with certain unitary features. 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**

#### **1. Written and Detailed Constitution**

Indian Constitution is wholly written very detailed constitution law of India. It consists of 395 Articles divided into 22 Parts with 12 Schedules and 94 constitutional amendments.

#### **2. Self-made and Enacted Constitution**

Indian Constitution is a constitution made by the people of India acting through their duly elected and representative body. The constitution became fully operational with effect from 26th January 1950. We celebrate this day as our Republic Day.

#### **3. Preamble of the Constitution**

It declares India to be a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people and for promoting fraternity, dignity the individual, and unity and integrity of the nation.

#### **4. Democratic Socialist State**

India is committed to secure social, economic and political justice for its entire people by ending all forms of exploitation and by securing equitable distribution of income, resources and wealth. This is to be secured by peaceful, constitutional and democratic means.

#### **5. Secular State**

India gives special status to no religion. There is no such thing as a state religion of India. The Constitution grants the Right to Religious Freedom to all the citizens.

#### **6. Democratic State**

The people enjoy equal political rights. On the basis of these rights, the people freely participate in the process of politics. They elect their government.

#### **7. Republic**

The Preamble declares India to be a Republic. India has an elected head of state (President of India) who wields power for a fixed term of 5 years.

#### **8. Union of States**

India that is Bharat is a Union of States. Indian Union has now 29 States and 7 Union Territories. The term 'Union of State' shows two important facts:

- i. That Indian Union is not the result of voluntary agreement among sovereign states, and
- ii. That states of India do not enjoy the right to secede from the Union.

#### **9. Mixture of Federalism and Unitarianism:**

The Constitution provides for a federal structure with a unitary spirit. Like a federation, the Constitution provides

- i. A division of powers between the centre and states,
- ii. A written, rigid and supreme constitution,
- iii. Independent judiciary with the power to decide centre-state disputes and
- iv. Dual administration i.e. central and state administrations.

However, by providing a very strong centre, a common constitution, single citizenship, emergency provisions, common election commission, common all India services etc. the Constitution clearly reflects its unitary spirit.

#### **10. Mixture of Rigidity and Flexibility:**

It has been the nature of the amending process itself in federations which had led political scientists to classify federal Constitution as rigid.

### **11. Fundamental Rights:**

The Constitution of India grants and guarantees Fundamental Rights to its citizens. It is called the Indian Bill of Rights. 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

### **12. Fundamental Duties of the Citizens:**

The fundamental duties are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India.

### **13. Directive Principles of State Policy:**

The Directive Principles are instructions to the state for securing socio-economic developmental objectives through its policies. These are to be implemented by both the Union for the States.

### **14. Bi-Cameral Union Parliament:**

The Constitution provides for a Bicameral Legislature at the Union level and names it as the Union Parliament. Its two Houses are: The Lok Sabha and the Rajya Sabha. The Lok Sabha is the lower, popular, powerful, directly elected house of the Parliament. It represents the people of India.

### **15. Parliamentary System:**

The Constitution of India provides for a parliamentary system of government at the Centre as well as in every state of the Union. The President of India is the constitutional head of state with nominal powers. The Union Council of Ministers headed by the Prime Minister is the real executive. Ministers are essentially the members of the Union Parliament.

### **16. Adult-Suffrage:**

Each adult man and woman of India above the age of 18 years has the right to vote.

### **17. Single integrated State with Single Citizenship:**

India is the single Independent and Sovereign integrated state. Presently it has 29 states and 7 Union Territories. All citizens enjoy a common uniform citizenship. They are entitled to equal rights and freedoms, and equal protection of the state.

### **18. Single Integrated Judiciary:**

The Constitution provides for a single integrated judicial system common for the Union and the states. The Supreme Court of India works at the apex level, High Courts at the state level and other courts work under the High Courts.

### **19. Independence of Judiciary and Review:**

The Indian Constitution makes judiciary truly independent. It is clear from the following facts:

- a) Judges are appointed by the President,
- b) Only persons with high legal qualifications and experience are appointed as judges,
- c) Judges of the Supreme Court cannot be removed from office except through an extremely difficult process of impeachment.
- d) The Supreme Court has its own staff. Indian judiciary has an autonomous organisation and status. It works as an independent and powerful judiciary.

The Supreme Court acts as the guardian protector and interpreter of the Constitution. It is also the guardian of the Fundamental Rights of the people.

### **20. A Constitution Drawn from several Sources**

In formulating the Constitution of India, the founding fathers used several sources. The values and ideals of the national movement guided their path. The national movement influenced to adopt secularism; British Constitution influenced adopting parliamentary system and bicameralism; US Constitution influenced in favour of republicanism, independence of judiciary, judicial review and bill of rights; USSR influenced them to adopt socialism. Likewise, they were influenced by the constitutions of Canada, Australia, Weimar Republic (Germany) and Ireland.

**Conclusion**

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.

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