

# SALIENT FEATURES OF THE INDIAN CONSTITUTION – AT A GLANCE

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## Abstract

The aim of this article is to highlight the Salient Features of Indian Constitution. 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. It provides lot of benefits to the Indian Citizens. Constitution drafting committee analyse various constitutions all over the world finally an Indian Constitution successfully drafted. It came into force on 26<sup>th</sup> January 1950.

## Key words

Constitutions, Preamble, Fundamental Rights, Quasi-federation, Fundamental Duties.

## Introduction

Each constitution has salient features. Some features are unique to some constitutions. The Indian constitution is said to be a borrowed constitutions as it has borrowed many good aspects from different constitutions of the world. A survey of the Salient features of the Indian constitution would give an idea of the important aspects of the great constitution of the biggest democracy in the world. The constitution of India is an interesting document. It has proved to be a working constitution as it has successfully with stood many challenges it has met in the past of years of its operation.

## The Longiest Constitution of the World

The Indian Constitution is one of the lengthiest constitutions in the world and it is very detailed. There are 12 schedules and 448 articles in our Constitution. The Indian Constitution has incorporated various articles by taking inspiration from the various constitutions around the world. As we all know, India is a very diverse country and it was necessary to draft a long Constitution incorporating various provisions in order to accommodate various differences. The parent document for drafting the Indian Constitution was the Government of India Act 1935, and that document itself was very lengthy. The Constitution makers found it necessary to incorporate various provisions to provide special attention to States like Assam, Mizoram, and Nagaland. Various provisions were also incorporated to uplift the Scheduled Castes and Scheduled Tribes.

## The Preamble

The Indian constitution has a preamble. Generally, the Preamble is added to an Act or a constitution with an objective to express the objectives and principles of the constitution briefly. The Preamble consists of the essence of the constitution. The preamble of the Indian constitution declares that India is a Sovereign, Socialist, Secular, Democratic, Republic. In 1950, when the constitution came into force there was no mention about the socialist or secular nature of the State. However, in 1976, the 42<sup>nd</sup> constitutional amendment inserted the two words 'Socialist' and 'secular' in the Preamble. India is a sovereign state. There is no doubt about that. However, doubts have been raised about the socialist and secular nature of the state. Socialism and secularism are two concepts that have been given different definitions by different nations. At the time of insertion of the two terms, questions were raised on the relevance and need for inserting the two terms. India is a democracy as the people indirectly elect the Government. It is also a Republic as its President; the head of the state is indirectly elected. The Preamble also declares the

objectives to provide liberty and justice to the people through the operation of the constitution. Though the preamble does not form part of the constitution, it is a valuable piece of document. The judges may look into it for guidance while delivering judgments' on important cases involving constitutional matters.

### **Establishment of a Sovereign, Socialist, Secular, Democratic Republic**

The Preamble of our Constitution provides India to be a Sovereign, Socialist, Secular, Democratic and Republic Country. There are also various other terms in the Preamble which ensure equality and protect people. The various other terms are Justice, Liberty, Equality, and Fraternity.

#### **Sovereignty**

The term Sovereignty was incorporated in the Preamble to provide supreme power to the Government. The term Sovereignty is the backbone of our Indian Constitution that protects the authority of the people. Sovereignty is an essential factor of every State. The term "sovereignty" as applied to states implies 'Supreme, absolute, and uncontrollable power by which any state is governed, and which resides within itself, whether residing in a single individual or a number of individuals, or in the whole body of the people'. The Sovereignty in India is of two types:

- Internal Sovereignty- The States have the power to govern themselves and make laws in certain matters.
- External Sovereignty- The Government is the supreme authority and can acquire or cede any part of the territory for proper reasons.

#### **Secularism**

It is mandatory to incorporate this term to promote peace between various communities in our country. Secularism promotes the development and unity of various religions. The term "Secular" was added by the 42nd amendment in the Preamble. In the case of S.R Bommai v Union of India, it was held that "in matters of State, religion has no place" and also said that secularism is one of the basic features of the Constitution. In the famous case of Nehru vs Shri Raj Narain & Anr, held that the State should not discriminate against any citizen on the grounds of religion.

#### **Democracy**

Democracy is an ancient concept that is followed by many south Indian rulers from time immemorial. Democracy provides people with the power to govern. The representative form of the Government is suitable for governing our country due to the huge population. In the case of Mohan Lal Tripathi vs District Magistrate, the meaning of the term "Democracy" was discussed and according to the case it was held that "Democracy is a concept, a political philosophy an ideal which is practiced by many nations that is culturally advanced and politically mature via resorting to governance by representatives of the people elected directly or indirectly". The main reason for incorporating democracy is to provide freedom to the people to choose their own representatives and to save them from the tyrant leaders.

#### **Socialist**

The system of socialism promotes equality among people and ensures the welfare of people. The term "Socialist" was incorporated by the 42<sup>nd</sup> amendment. The term Socialist was discussed in the case of Samantha v State of Andhra Pradesh, and according to the case," the term socialist is used to lessen the inequalities in income and status and to provide equality of opportunity and facilities". Many leaders were interested in the concept of socialism; especially Jawaharlal Nehru was very much interested in this concept as the Russian Revolution inspired him. There were also other famous leaders like Jay Prakash Narayan who helped in the development of this concept. The concept of Socialism expels capitalism that is considered a threat to the economy. There were developments in economic policies to promote the concepts of Socialism.

## **Republic**

The concept of “Republic” was borrowed from the Constitution of France. The term republic provides the people power to elect their own representatives. The term republic is the basis of our constitution as it ensures there would be no hereditary rulers and ensures that the election would be happening in our country. The President of India is an elected head of the State for a fixed tenure.

## **Quasi-Federation**

India is a union of 28 States (up to 2019) and 7 Union Territories. The constitution provides for federal system of government. There are some important federal features in the Indian constitution. However, there are many unitary features in it. Many federal features found in the constitutions of Switzerland and the U.S.A. is violated in Indian constitution. Hence, the Indian federation is called a Quasi-federation.

## **Parliamentary Form**

Based on the British model, the Indian constitution provides for Parliamentary System of Government. The President is the nominal head and the Prime Minister is the real head. The cabinet is responsible to the Parliament. The Parliamentary features found in the constitution of England have been adapted to a maximum extent. This form of government has been proved successful for the past fifty-six years.

## **Fundamental Rights**

The people of India are provided with Fundamental Rights by the constitution. They are found in Part III of the constitution. The rights are based on the American model. The Fundamental Rights are justifiable. The constitution provides for some writs as remedies to protect these rights. The judiciary stands as the guardian of these rights. These rights enable the people to enjoy the fruits of democracy.

## **Directive Principles of State Policy**

The Directive Principles of State Policy are found in Part IV of the Indian constitution. They are based on the Irish model. They aim to establish a welfare state in India. These are directives to the state to be kept in mind while formulating policies and implementing them. In this context, the word ‘State’ includes not only the Government at the Union level but also the Governments at the state level and even the local governments. These principles are not justifiable. There is no constitutional guarantee for these principles.

## **Fundamental Duties**

When the constitution came into force, there were no Fundamental Duties mentioned in it. In 1976, these were included in the Indian constitution by the 42<sup>nd</sup> amendment. These duties were drafted on the model of the Soviet constitution that existed then. These duties are prescribed to the people. The people are expected to perform these duties. However, there is no constitutional compulsion to enforce them on the people.

## **Independent and Powerful Judiciary**

The Indian Judiciary is powerful and independent. The constitution has made provision for the independent functioning of the judiciary without interference from the Legislature and the Executive. The judiciary without interference from the Legislature and the Executive. The judiciary in a federation is expected to be provided with the power of Judicial Review. The Indian judiciary enjoys the power of judicial review.

## **Bi-cameral Parliament**

The Indian constitution provides for a bi-cameral Parliament. The Council of States is the Upper House and the House of People is the Lower House. The Upper House represents the states, which are the units of Indian Federation. The House of People represents the People. The Indian Parliament is constituted in such a way to implement parliamentary democracy.

## **Provision for Emergency**

The framers of the constitution foresaw eventualities of situations of crises and disorder. Hence, they have provided for powers to the Government to tackle such situations. The Indian President could declare Emergency if there is any threat of security from external forces. Similarly, he could also declare Emergency in case of any armed internal rebellion. At times of unmanageable financial crisis, the President has the power to declare Financial Emergency. During emergency, the President gets vast executive powers.

## **Method of Constitutional Amendment**

The procedure of constitutional amendment is mentioned in Article 368 of the Indian constitution. Generally, constitutions are classified as Flexible and Rigid on the nature of the procedure of constitutional amendment provided in them. The Indian constitution combines the qualities of rigidity and Flexibility. It provides for three methods of constitutional amendment on different subjects. The flexibility of the Indian constitution could be seen from the large number of constitutional amendments, which have been carried out in its fifty-six years of operation.

## **Independent Authorities**

The Indian constitution provides for some independent constitutional authorities for the benefit of the people. The Election Commission is an independent authority to conduct the elections fairly. Auditor and Comptroller General is an independent authority to ensure proper spending and accounting of public money. The Union Public Service Commission and State Public Service Commissions are provided by the constitution in order to recruit personnel to the public services at the Union and state level.

## **The Schedules**

There are twelve schedules to the constitution at present. These schedules serve different purposes. Some of them carry some forms of oaths to be taken by those who occupy key positions in the Governments. Some of them contain some important details, which could not be included in the body of the constitution in the form of articles. The schedules also play an important role.

## **Single, Integrated, Independent Judiciary**

The Indian Constitution provides for a single, integrated independent judiciary. The Supreme Court is at the apex. There are inferior Courts under its control. The Judiciary is provided with the power of judicial review. It is the final interpreter of the constitution of India.

## **Universal Adult Franchise**

A bold experiment made by the framers of Indian Constitution is the introduction of Universal adult Franchise.

## **Conclusion**

The Indian Constitution has many salient features, which makes it special. Scientific and social developments have complicated human life. A modern society has to exist under a well-organized state. The people and the nation are expected to aim at the achievement of certain objectives and principles. A constitution sets this goal. As the goal is clear, it is easy for the nation to

move towards that goal. The people can make a periodical assessment of the political achievements of their nation. Constitution prevents misuse of power. Constitution enables political education of the people. In the present context, it has become almost impossible to rule a state without a constitution. The lawmakers have considered all the factors and have tried to accommodate all the differences in our Country. The Constitution and various rights provided in the Constitution acts as a guardian to our citizens.

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