

SALIENT FEATURES OF THE CONSTITUTION OF INDIA

MA SEM I PAPER V: CONSTITUTION AND ADMINISTRATION

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The Constitution of India is remarkable in terms of its length, provisions and spirit. Even though its content has been borrowed from various constitutions of the world, it has many outstanding features. It has stood the test of time and continues to provide a strong legal and ethical framework for governance and administration in India.

The salient features of the Constitution of India are as follows:

WRITTEN

- The Constitution of India is a written document like the American Constitution and unlike the British Constitution.

LENGTHIEST

- The Constitution of India is the longest Constitutional document in the world. It is very comprehensive as it not only contains the fundamental principles of governance but also the administrative provisions in detail. As on 9th September, 2020, and up to the 104th Amendment Act 2020, it contains 470 Articles, 25 Parts, 12 Schedules and 4 Appendices .

DRAWN FROM VARIOUS SOURCES

- The Constitution of India has borrowed from constitutions of various other countries as Dr. Ambedkar claimed that it has been framed by ransacking all known constitutions of the world. However, all the provisions have been added after suitable modifications as per Indian conditions.

BLEND OF RIGIDITY AND FLEXIBILITY

- Some provisions of the Indian Constitution can be amended by special procedure (by special majority) while some can be amended just like ordinary laws (by simple majority). Hence, the Constitution of India is a synthesis of rigidity and flexibility. 104th Constitutional Amendment Act was passed in 2020.

FEDERAL SYSTEM WITH UNITARY BIAS

- The Constitution of India does not mention the term "federation" and calls India a Union of States. It contains features of federation like division of power, written constitution etc. as well as Unitary features like strong centre, single citizenship etc. Hence, as K C Wheare said, it is quasi-federal.

PARLIAMENTARY FORM OF GOVERNMENT

- The Constitution makers opted for the British parliamentary form of government wherein the executive is part of the legislature as well as responsible to the legislature. However, unlike the British Parliament, the Indian Parliament is not a sovereign body as there is judicial supremacy as well, and the head of the state is elected and not hereditary.

PARLIAMENTARY SOVEREIGNTY AND JUDICIAL SUPREMACY

- The Parliament can amend the constitution as long as it does not alter the basic structure of the constitution and the judiciary can declare a law made by the parliament null and void if it is unconstitutional through the power of judicial review.

INTEGRATED AND INDEPENDENT JUDICIARY

- There is integrated judicial system in India. The Supreme Court is at the top and below it there is the High Court and a hierarchy of subordinate courts. Also there Constitution has various provisions to ensure its independence such as security of tenure of judges, power of punishment for contempt etc.

BOTH JUSTICIABLE AND NON-JUSTICIABLE RIGHTS INCLUDED

- The Constitution of India provides for justiciable Fundamental Rights as well as Directive Principles of State Policy which do not confer justiciable rights upon individuals.

“The Indian Constitution is the world’s longest national charter... it is the greatest political venture since the adoption of the US Constitution in 1787”

- Granville Austin