

SALIENT FEATURES OF THE INDIAN CONSTITUTION

The Constitution of India is remarkable for many outstanding features which will distinguish it from other constitutions. The most important features of the constitution are:

1. An elaborately written document: Brevity has been a normal feature of most of the constitutions of the world and it is thought, as K.C. Wheare observes that "one essential characteristic of the ideally best form of the constitution, is that it should be as short as possible". Contrary to this the Indian constitution is the lengthiest constitution in the world this is due to the reason that the framers of the constitution included all the accumulated experiences gathered from the working of all the constitutions in the world.

2. Combination of rigidity and flexibility: Lord Bryce said that that "procedure of Amendment makes the constitution the flexible or rigid". Dynamism of human society necessitates an evolving constitution. This evolution can be brought about by a formal change or Amendments Article 4, 169, 368 deals with the Indian constitution. Our constitution can be amended in three ways (1) By simple majority of both houses of parliament (2) By 2/3 majority of both houses of parliament (3) By 2/3 majority of both houses of parliament with ratification by half of the state legislatures. In the first procedure it is flexible and in the 3rd category it is rigid. So our constitution is a combination of rigidity and flexibility.

3. Parliamentary form of government: The constitution of India is said to be a parliamentary form of government in the Indian soil. The Preamble to the constitution provides that India will be a "Sovereign, Socialist, Secular, Democratic, Republic". Thus the Preamble provided that India shall be a democracy, but the pattern of government as outlined in the constitution indicates that India shall be having a Parliamentary form of government.

4. A Federal system with Unitary Bias: Perhaps the most remarkable achievement of the Indian constitution is to confer up on a federal system the strength of a unitary government. Though normally the system of government is federal, the constitution enables the federation to transform itself into a unitary state. Such a combination of federal and unitary system is the constitution it is unique in the world. To K.C.Wheare, "India is a unitary state with subsidiary federal features rather than a federal state with unitary features".

5. Fundamental Rights: Rights are the conditions given to the individuals for the development of the personality. Part III (Article 12-35) of the constitution provides for 6 Fundamental Rights for the citizens of the country. According to M.A.Ayyangar, "the Fundamental Rights guaranteed to the people of India as non electorate need these formed in the constitution of secured other countries in the world".

6. Directive Principles of State Policy: The Preamble to the constitution provides the operational perspective of constitution whereas the Directive Principles of State Policy highlight the organizational philosophy. Part IV (Art 36-51) of the constitution provides for a set of positive instructions in shape of Directive Principles of State Policy. They are non legal provision not enforceable in the court of law, but as fundamental instruction for the country and legislation. They may be divided into 4 groups- Economic Principles, Socialist Principles, Gandhian Principles and Liberal Principles.

7. Single Citizenship: The constitution of India does not recognize dual citizenship as in USA. It follows a single citizenship as basic principle of attainment of national integration and solidarity irrespective of caste, creed and colour.

8. Republic: Republic is the form of state when the head of the state is elected. India got Republic on 26 Jan 1950. Our constitution

provides for a President as the Head of the state, who is elected indirectly by the people for a period of 5 years.

9. Secular State: India is indeed in the principle of Secularism. India is neutral in religious affairs and it does not accept any religion as state religion.i.e state has no official religion.

10. Integrated Judiciary: Indian judicial system inherits the trendiest set forth by the British for more than a century in this country. Our Judicial system is integrated in a hierarchical manner with the Supreme Court in the apex. The Directive Principles of State Policy however provide for separation of judiciary from Executive but not vice versa.

11. Judicial Review: An independent judiciary having a powerful Judicial Review is an important feature of the Indian constitution. The Supreme Court of India has the power to declare a law as unconstitutional, if it is beyond the mandatory provision of the constitution.

12.Welfare State: Welfare State is a Post II World War phenomenon, which has come to existence because of recommendation of Lord Beveridge in England. Welfare state is essentially a planned state in which deliberately guided actions for the most profitable utilization of the available natural resources for the community.

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