

List of All Salient features of Indian Constitution

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hari

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Introduction:- Salient Features of Indian Constitution

The **Indian Constitution** is exclusive in its **content** and **spirit** through borrowed from almost every constitution of the world. several **salient features of Indian Constitution** that distinguish it from the **constitution** of other countries.

It should be noted at the outset that a number of original **Salients of Indian constitution** (as adopted in 1949) have undergone a considerable change, on account of several amendments particularly **7th, 42nd, 44th, 73rd, 74th, and 97th amendment**.

In fact, the **42nd amendment act (1976)** is known as ‘**mini-constitution**’ due to the important and large number of changes made by it in various parts of the **Constitution**. however, within the **kesavananda Bharati case (1973)**, the Supreme Court ruled that the constituent power of Parliament under **Article 368** doesn't enable it to change the ‘**basic structure**’ of the constitution.



salients features of indian constitution

List of all Salient Features of Indian Constitution

The **salient of features Indian constitution**, as it stands today, are as follows:

Longhiest Written Constitution

Drawn from various sources

Blend of rigidity and flexibility Federal system with unitary bias

Parliamentary Form of Government

Synthesis of parliamentary Sovereignty and Judicial Supremacy

Integrated and Independent Judiciary

Fundamental Rights

Directive Principles of State Policy

Fundamental Duties

A Secular State

Universal Adult Franchise

Single Citizenship

Independent Bodies

Emergency Provision

Three-tier Government

Co-operative Societies

Salient Features of Indian Constitution in details –

Longhiest Written Constitution

constitution are classified into written like **America constitution** or unwritten like the **British constitution** the **constitution of India** is **longhiest** of all the written **constitution of the world**. it is very comprehensive elaborate and detailed document.

Originally, In 1949 the **constitution** contains a **preamble 395 articles** (divided into 22 parts) and eight schedules presently (2016) it consists of a **preamble**, about 465 articles (divided into 25 parts) and 12 schedules the various amendment administered since 1951 have deleted about 20 articles and

one part(VII) and added about 90 articles, four parts (IVA, IXA, IXB, and XIVA) and four **schedules** (9, 10, 11 and 12). no other**constitution** in the world so many **articles and schedules**.

Four factors have contributed to the elephantine size of our constitution are as follow :

- **Geographical factors**, it is the vastness of the country and its diversity .
- **Historical factors** ,e.g – the influence of the **government of india act of 1935**, which was bulky.
- Single **constitution** for both the centre and states except **Jammu and Kasmir**.
- Dominance of legal luminaries in the **constituent assembly** . the **constitution** contains not only the **fundamental principles** of governance but also detailed administrative provisions. further, those matters which in other modern democratic countries are left to the standard legislation or established political conventions have also been included within the constitutional document itself in India

Also read:

Article 15 of indian constitution

article 16 of indian constitution

Article 21 of Indian Constitution

Preamble of Indian Constitution

Drawn From Various Sources

The **constitution of India** has borrowed most of its provisions from the constitution of various other countries as well as from the **Government of India Act**

Government of India Act of 1935

- **Federal Scheme**
- **Office of governor**
- **Judiciary**
- **Public Service Commissions**
- **Emergency provisions and administrative details**

British Constitution

- **Parliamentary government**
- **Rule of law**
- **legislative procedure**
- **single citizenship**
- **cabinet system**
- **prerogative writs**
- **parliamentary privileges and bicameralism**

US Constitution

- **Fundamental rights**
- **independence of judiciary**
- **judicial review**
- **impeachment of the president**
- **removal of supreme court and high court judges and post of vice-president**

Irish Constitution

- **Directive principles of state policy**
- **nomination of members to Rajya Sabha and method of election of president**

Canadian Constitution

- **Federation with a strong centre**
- **vesting of residuary powers in the centre**
- **appointment of state governors by the centre and advisory jurisdiction of the supreme court**

Australian Constitution

- **Concurrent list**
- **freedom of trade ,commerce and inter-course**
- **joint sitting of the two Houses of Parliament**

Weimar Constituion of Germany

Suspension of Fundamental Rights during Emergency

Soviet Constitution (USSR, now Russia)

Fundamental duties and ideal of justice (social, economic and political) in the preamble

French Constitution

Republic and ideals of liberty, equality and fraternity in the preamble

South African Constitution

Procedure for amendment of the Constitution and election of members of Rajya Sabha

Japanese Constitution

Procedures established by law

Blend of Rigidity and Flexibility

- A rigid constitution is one that requires a special procedure for its amendment for example American constitution,
- a flexible constitution can be the same manner as the ordinary laws are constitution .
- The Constitution of India is neither rigid nor flexible it is synthesis of both types.
- Article 368 provides for two types of amendments are as follow:-

(a). some provisions can be amended by a special majority of the parliament.

(b). some other provisions can be amended by a special majority of the Parliament with the satisfaction by half of the total states.

Federal System with Unitary Bias

(a). Unitary Constitution included all power in a single government like as Central Government and state government depends on Centre Government.

Features of Unitary Constituion –

1. Strong centre government

2. Single citizenship
3. Emergency provisions
4. Integrated Judiciary
5. All India services
6. Flexibility of Constitution
7. Appointment of State Governor by the centre

(b). In Federal constitution power is divided in two government (centre and state) and both government function independently in their field.

Features of Federal Constitution-

1. Division of powers
2. Supremacy of Constitution
3. Written Constitution
4. Independent judiciary
5. Irrevocability of Constitution
6. Rigidity of Constitution
7. Two types of Government

Parliamentary form of Government

The **constitution of India** has opted for the **British parliamentary system** of Govt instead of **the American presidential system of Govt**. the **parliamentary system** is predicated on the **principle of cooperation and co-ordination** between the legislative and executive organs while the **presidential system** is predicated on the doctrine of separation of powers between two organs.

the **parliamentary** system is additionally referred to as the **Westminster model of government, responsible Government and cabinet government**

Features of Parliamentary System

1. Presence of nominal and real executive
2. Majority party rule
3. Collective responsibility of the executive to the legislature
4. Membership of the ministers in the legislature
5. The leadership of the prime minister or the chief minister

6. Dissolution of the lower house (Lok Sabha or assembly)

Synthesis of Parliamentary Sovereignty and Judicial Supremacy

The doctrine of the **sovereignty of Parliament** is associated with the **British** while the **principle of judicial Supremacy** has been taken from the **American Supreme Court**.

the **Indian parliamentary system** differs from the **British system**.

the scope of **Judicial review** power of the **supreme court in India** is narrower than the **USA** because **American constitution** provides for '**due process of law**' against of procedures established by law, therefore, **the farmers of Indian Constitution** have preferred proper synthesis between **British principle of parliamentary, sovereignty** and **American principle of judicial Supremacy**.

Integrated and Independent Judiciary

The **supreme court** stands at the top of the **integrated judicial system** in the country below it there is **high court** at the **state level** under a **high court** there is a **hierarchy of subordinate court** that is **District Court** and other **Lower court**.

this **single system of court** enforces both the **central laws** as well as the **state laws**, unlike in the **USA**, where the federal law are enforced by the **federal Judiciary**,

and the State Laws are enforced by the **state Judiciary**. the **supreme court** is a federal court, the **highest court of appeal** the guarantor the **fundamental rights of the citizen** and the **guardian of the Constitution**. hence the **constitution** has made various provision to ensure its independence – **security of tenure of the judges**, **fixed service condition for the judges**, all the expenses of the supreme court charged on the **consolidated fund of India** prohibition on the discussion on the conduct of judges in the **legislature**, ban on practice after retirement power to punish for its **contempt** vested in the **supreme court** separation of **Judiciary** from the **executive**.

Fundamental Rights

Part (III) of the Indian Constitution guarantees six fundamental rights to all the citizens.

1. Right to Equality under Article (14 – 18)
 2. right to freedom under article (19 – 22)
 3. right against exploitation under article (23 – 24)
 4. right to freedom of religion under article (25 – 28)
 5. cultural and educational right under article (29 – 30)
 6. right to constitutional remedies under article (32)
- They are justiciable in nature that is there enforceable by the courts for their violation.
 - The aggrieved person can directly attend the supreme court which may issue the writs of habeas, Corpus, mandamus prohibition certiorari, and quo-warranto for the restoration of his rights.
 - However, fundamental rights aren't absolute and subject to reasonable restrictions.
 - Further, they're not sacrosanct and are often curtailed or repealed by the Parliament through a Constitutional Amendment.
 - They will even be suspended during the operation of a national emergency except the proper guaranteed by articles 20 and 21.

Directive principles of states policy

- Enumerated in **part IV of the Constitution** .
- They can be classified into three broad categories **socialist Gandhian and liberal intellectual**.
- The **directive principle** are meant for promoting the ideal of **social and economic democracy**.
- They seek to determine a state in India however unlike the **fundamental rights** Directives aren't justiciable nature that's they're not enforceable by the courts for their violation.
- Hence, they impose a moral obligation on the state authorities for there application.
- In the **Minerva Mills case (1980) Supreme Court** held that the **Indian constitution** founded on the bedrock of the balance between the **fundamental rights** and **Directive principles**.

Fundamental duties

The **original constitution** didn't provide for the **fundamental duties** of citizens were added during the operation of **internal emergency in (1975 - 77)** by the **42nd Constitutional Amendment Act 1976** on the advice of **Swaran Singh committee 86th amendment act 2002** added another **fundamental duty** the **part (IV-A)** of the **constitution** (which consists of just one **article 51-A**) specifies the **eleven fundamental duties** viz., to respect the **constitution national flag and Read more....**

Also, read about it:

List of 12 schedules of Indian Constitution

Article 20 of Indian Constitution