

Salient Features of Indian Constitution

- A constitution is a document of basic and essential principles or laid out points of reference that comprise the lawful premise of a commonwealth, association, or another sort of substance and generally decide how that element is to be governed.
- Most constitutions look to manage the connection between establishments of the state, from a fundamental perspective the connection between the Executive i.e. leaders, the Legislature-lawmaking body, and the Judiciary.
- The Constitution of India is one of the most extensive and significant constitutions in the world and represents the nation's commitment to equality, liberty, justice, and fraternity.
- In this article, we will look at what the Indian Constitution is, its history, important constitutional amendments, different features of Indian Constitution, and which constitutional features we have borrowed from other countries.

What is the Constitution of India?

- The Constitution of India is the most important law of India.
- The document lays out the framework for the demarcation of fundamental political code, structure, procedures, powers as well as the duties of the government institutions and also sets out the fundamental rights, directive principles, and also the duties of the citizens and also it is one of the longest written constitutions in the world.
- Initially, it consisted of approximately 145,000 words, making it the second-largest active constitution in the world, with 395 articles, 22 parts, and 8 schedules.
- Now, it has a preamble, 25 parts with 12 schedules, 5 appendices, 448 articles, and 101 amendments.
- It is constitutional supremacy as it was created by the constituent assembly rather than the parliament, and was adopted by the people with the declaration in its preamble and the Parliament hence cannot override the constitution.

History of the Indian Constitution:

- It was embraced by the Constituent Assembly of India on 26 November 1949 and became successful on 26 January 1950.
- The constitution supplanted the Government of India Act 1935 as the country's

principal administering report, and the Dominion of India turned into the Republic of India.

- To guarantee sacred autochthony, its designers canceled earlier demonstrations of the British parliament in Article 395.
- India commends its constitution on 26 January as Republic Day.
- It was adopted by the Constitution Assembly.
- The chairman was Dr. B.R. Ambedkar, who is widely considered to be the architect of the Constitution of India.
- With the adoption of the constitution, The Union of India became the contemporary and also the modern Republic of India.
- The constitution declares India to be a sovereign, socialist, secular, and also democratic republic, which assures its citizens justice, liberty, and equality and promotes fraternity.

Important Amendments of the Constitution of India :

- The constitution of India is not rigid by nature and can be amended by the Parliament, by keeping in mind certain rules.
- There have been changes adopted by the Constitution of India in a number of situations.

A few important amendments of the Indian Constitution are:

1. 42nd Amendment
 2. 44th Amendment
- **The 42nd Amendment** is also referred to as the “Mini Constitution” as it made some remarkable changes to the constitution.
 - It was during the Emergency of 1976.
 - The Amendment changed the description of India from “sovereign democratic republic” to that of “sovereign, socialist secular democratic republic” and also changed the words from “unity of the nation” to “unity and integrity of the nation”.
 - 44th Amendment of 1978 removed the right to property from the list of fundamental rights and Article 300-A, was added to the constitution; which stated “no person shall be deprived of his property save by authority of law”.

Why Constitution of India is called Bag of Borrowing?

- The Constitution of India has borrowed many of its features.

- The founding fathers of the country borrowed good features from different nations and formulated the constitution which is best suited for India.

The table below gives an idea of the same:

Constitution	Features
British	It borrowed the Parliamentary system, the Constitutional Head of the State, the Lower House being more powerful than the Upper House, the Responsibility of the Council of Ministers towards Parliament, and the prevalence of the rule of Law
US	It has borrowed the Preamble, Fundamental Rights, Fundamental Rights, Functions of the Vice-president, amendment of the constitution, the nature and also functions of the Supreme Court, and independence of the Judiciary.
Australia	List of Concurrent powers and procedures for solving deadlock over concurrent subjects between the center and the states.
Irish	Directive principles of State Policy and method of nomination of members to the Rajya Sabha
Weimer Constitution of Germany	Powers of the President
Canadian	It adopted provisions of a strong nation, the name of the Union of India, and the vesting of the residual powers.
South Africa	The procedure of amendment with a 2/3rd majority in Parliament and election of members of Rajya Sabha on the basis of proportional representation by the State legislatures.

Features of the Indian Constitutions

The following list and a brief explanation of the features of the Indian Constitution-

1. Longiest Written Constitution:

- The Constitution of India is the lengthiest and also detailed constitutional document present in the world so far.
- It is a very comprehensive, elaborate, and also detailed document.
- A few reasons for its lengthy nature is because of geographical factors, historical factors, a single constitution for both center and states and dominance of legal luminaries in the Constituent Assembly.

2. Drawn from Various Sources:

- The Constitution of India has borrowed most of its provisions from the constitutions of many countries as well as from the Government of India Act of 1935.
- The structural part of the Constitution is borrowed from the Government of India Act of 1935. The philosophical aspect of the constitution is derived from the American and Irish constitutions respectively.
- Political portions of the Constitution have been largely taken from the British Constitution.

3. Blend of Rigidity and Flexibility:

- The Indian constitution is a mixed and unique example of both rigidity and flexibility, which is based on its amending procedure.
- Some provisions can be amended by a special parliamentary majority.

4. Preamble of the Constitution:

- The preamble of the Indian Constitution consists of the ideals, objectives, and also basic principles of the Constitution.
- The objectives which flow from the Preamble direct the salient features of the Constitution.

- It asserts that India is a Sovereign Socialist Secular Democratic Republic and a welfare state committed to securing justice, liberty, and equality for people and also the promotion of fraternity, dignity, and unity of individuals and the country.

5. Rule of Law:

- Law is sovereign in a democracy.
- There is no room for arbitrariness and the individuals enjoy some fundamental rights.
- The highest judiciary is the final authority in maintaining the sanctity of the law.
- The promotion of Lok Adalats and the venture of the Supreme Court also known as “public interest litigation” have been implemented.

6. Federalism:

- The Constitution of India establishes a federal form of government system in India.
- The features of the federal government like that of two government levels, divisions of power, supremacy, and also rigidity of written constitution and bicameralism are present in it.
- Features of a unitary form of government such as that of single citizenship, strong center, single constitution, flexibility of constitution, all-India services, integrated judiciary, emergency provisions, and so on are included.

Article 1 says India is a “Union of States“, which implies:

1. Indian Federation is not the result of agreements by the states.
2. States do not have the right to secede from the federation.

7. Parliamentary Form of Government:

- The parliament form, which is mostly borrowed from the British system, is on the principles of cooperation and coordination of legislative and executive.
- It is a responsible and cabinet government.
- Not only in the center but parliamentary forms of government are also followed in the states.

Some features of the parliamentary form of government are as follows:

- Nominal and real executives.
- Rule of the majority party

- Collective responsibility of the executive to the legislature
- Membership of the ministers in the legislatures.

8. Integrated and Independent Judiciary:

- India has a single integrated judicial system and the Constitution also establishes an independent judiciary by enabling the Indian judiciary to be free from the influences of both executive and the legislature.
- Supreme Court stands as the main body of the judicial system and below the Supreme Court is the high courts at the state level.
- The Supreme Court is a federal court, with the highest court of appeal, the guarantor of fundamental rights for citizens and guardian of the Constitution.

9. Directive Principles of State Policy:

- The directive principles of state policies aimed at making India a welfare state.
- They are enumerated in Part IV of the Constitution.
- This was included to provide social and economic justice to the people.
- Their usefulness lies in the moral obligation to apply them to the states in making the laws and is hence fundamental for the country's governance.

10. Parliamentary Sovereignty and Judicial Supremacy:

- The framers of the Indian Constitution have prepared a proper synthesis of the British principle of parliamentary sovereignty and also the American principle of Judicial supremacy.
- The Supreme Court of India can declare the parliamentary laws as being unconstitutional through the power of judicial review and the parliament can amend the major portion of the constitution through constituent power.

11. Fundamental Rights:

- They refer to the basic human rights which are enshrined in the Constitution of India, guaranteed to all citizens, and are applied without discrimination on the basis of race, religion, etc., and are enforceable by the courts, subject to certain conditions.

- Fundamental rights are meant for the promotion of the idea of political democracy and operate as limitations on the tyranny of the executive and arbitrary laws of the legislature and are justiciable in nature.

There are six fundamental rights as mentioned below:

1. Right to Equality (Article 14-18)
2. Right to Freedom (Article 19-22)
3. Right against Exploitation (Article 23-24)
4. Right to Freedom and Religion (Article 15-28)
5. Cultural and Educational Rights (Article 29-30)
6. Rights to Constitutional Remedies (Article 32)

12. Secularism:

- The constitution of India is a secular state and does not hold any particular religion as the official religion.
- No discrimination is shown by the state against any person on account of religion. Constitution has also overcome the earlier system of communal representation.
- However, temporary reservations of seats for the scheduled castes and scheduled tribes are to ensure adequate representation of them.

13. Universal Adult Franchise:

- Indian democracy functions on the basis of “one person one vote”.
- Every citizen of the country, above 18 years of age or above is entitled to vote in the elections, which is mostly irrespective of caste, sex, race, and so on.

The constitution tries to establish equality in India through the method of universal adult franchise