

TEXT

Introduction

Constitutional law is a fundamental law of the land. Indian constitution is considered to be one of the best constitutions of the world. The Indian constitution does not only provide for the structure of governance but also provides for requirements of diversified social values. A constitution can perform so many functions in a modern state. Despite so many odds, the Indian constitution has successfully sowed the seeds of socio-economic revolution.

Salient Features of the Constitution

The Indian constitution possesses certain principal features these are as under :

1. Comprehensive, Written and Lengthiest Constitution.
2. A Sovereign, Socialist, Secular, Democratic Republic.
3. Possess intrinsic capabilities and express provision for Social change.
4. Indian constitution has federal features blended with strong unitary qualities.
5. Rigid and Flexible.
6. Fundamental Rights.
7. Directive principles.
8. Fundamental Duties.
9. Adult Suffrage.
11. National Unity and single citizenship.
12. Parliamentary form Democracy.
13. Judicial review and Independence of judiciary.

Now we will be discussing the above mentioned salient features of constitutional law one by one.

1. Comprehensive ,Written and Longest Constitution

The Indian constitution is the most comprehensive document. it is the longest, written and the most detailed constitutions of the world. The first modern written constitution was the American constitution. In India, we have a written constitution. The framers of our constitution tried to put everything in black and white. It consists of 395 articles divided into 22 parts and 12 Schedules. The framers of the constitution have gained experience from working of common law and continental legal systems in the world. The framers of the constitution wanted to incorporate good provisions of the other constitutions and to prevent defects, demerits and loopholes that may come in the smooth working of the constitution. The comprehensive nature of the Indian constitution can be attributed to the following factors these are:

- a) Indian constitution not only deals with the organisation and the structure of the central government but also of the states.
- b) Indian constitution prescribes detailed norms regarding federal scheme.
- c) Various British conventions related to various aspect like collective responsibility of ministers, parliamentary procedure, has been reduced into writing.
- d) There are diverse religions, communities, cultures and groups in india. In order to maintain the unity in diversity the framers of the constitution thought it necessary to include detailed provisions of fundamental rights, safeguards to minorities , scheduled tribes, schedule castes and other backward classes.

e) In order to attain the objective of Welfare State as enshrined in the preamble of the constitution, list of directive principles is also provided in the Indian constitution.

f) Constitution of India contains not only the fundamental rules of governance but also many administrative details in order to carry on the democratic Nation smoothly and efficiently.

2. A Sovereign, Socialist, Secular, Democratic Republic India.

The preamble of constitution declares India to be sovereign, socialist, democratic republic. The word 'sovereign' has been derived from a Latin word '*Supernus*' which literally means paramount or supreme. The sovereignty describes India as fully independent and is no more under the control of any outside authority. The people in India are sovereign.

The word socialist is used in democratic sense. The words socialist and secular were inserted in the preamble of the constitution in by 42nd Amendment Act, 1976. Socialism in general stands for equality. It means some form of ownership of the means of production and distribution by the state.

The expression secularism means that there is no state religion. India is multi religious country and it is neutral in the matters of religion. The state treats all the religions equally. States interference in the religions is only with the objective of coordinating religious activities.

The term democracy denotes a form of government which gets authority from the will of the people. Thus in a democracy the absolute sovereignty vest with the people. In democracy voice of the government is the choice of the people.

The term republic denotes that there shall be an elected head of the state as the chief executive head. In India the chief Executive Head of the country is the president. Republic head is against the concept of hereditary monarch.

3. Possess implied capabilities and Express provisions for Social change.

Keeping into consideration the diversity in terms of culture, religion, languages and ethnic groups in India, provisions for amendment are expressly provided in the constitution with a view to overcome the difficulties which may come in the future working of the constitution. Constitution being a living and dynamic document, it has to keep pace with the changing circumstances. The provisions of amendment for amending the constitution are expressly provided in the constitution itself. The constitution of India can be amended under article 368. Thus the constitution can be amended but subject to the limitation that the basic structure of the constitution cannot be altered.

4. Indian Constitution has federal features blended with strong unitary qualities

India is a federation, there is distribution of powers between the centre and the state. Although word 'federation' does not find a place in the whole document of the Indian Constitution. The federal features of constitution are : dual polity; distribution of powers; written constitution, constitutional supremacy; rigidity and judicial review however in Indian Federation, the centre is strong as compared to the states. The centre has more financial powers and the states largely depend upon it for their economic development K. C. Wheare has described the Indian constitution as quasi-federal'. India has also been characterised as 'a federal state with unitary spirit.'

Dr. B.R. Ambedkar, the chairman of the drafting committee observed as;

'i think it is agreed that the constitution notwithstanding many provisions of it where by the centre has been given over riding powers over the provinces nonetheless, is a federal constitution'. The constitution thus do not follow the orthodox scheme of federalism, the constitution in the normal circumstances follows federal scheme but during emergencies assumes the character of unitary nature.

5. Flexible and Rigid

A constitution is said to be flexible if it provides a simple procedure for its amendment. A rigid constitution on the other hand is one which requires a special, complex and more technical procedure for its amendment thus in order to determine the rigidity or flexibility of the constitution we have to see the nature of amendment. Indian constitution is both rigid and flexible. The framers of the constitution were keen to avoid both excessive rigidity or flexibility of the constitution. The same is evident from the following statement of Pandit Jawahar Lal Nehru,

While we want this constitution as solid and permanent as we can make it, there is no permanence in the constitution. There should be certain flexibility. If you make anything so rigid and strong you stop the nation's growth..... in any event we could not make the constitution so rigid that it can not be adopted to the changing conditions. What we may do today may not be wholly applicable tomorrow' thus both the aspects that is rigidity and flexibility of the constitution is need for the continuous transition.

6. Fundamental Rights

Constitution of India in part III contains the list of fundamental rights from articles 12 to 35. Fundamental rights are essential to protect the rights of the people

against the arbitrary exercise of the states power. Fundamental rights impose negative obligations on the state not to encroach upon the individual liberty in its various dimensions. Prof. H.J. Laski has rightly observed that a “state is know by the rights it maintains” Thus constitution by guaranteeing certain inherent and basic rights in the form of fundamental rights states do affirm the basic and the natural principle that individual by birth is entitled to certain basic rights. However constitution does not guarantee the absolute fundamental rights to the people reasonable restrictions can be imposed on the exercise of fundamental rights. The reasonable restrictions are contained in the constitution itself. The constitution not only provides the fundamental rights but also gives enforceability to it. Thus the fundamental rights are enforceable. The six fundamental rights are - (a) Right to Equality, (b) Right to Freedom, (c) Right against Exploitation, (d) Right to Freedom of Religion, (e) Cultural and Educational Rights and (f) Right to Constitutional Remedies.

7. Directive principles

Part IV of the constitution relates to the directive principles. It sets forth the ideals and the objectives to be achieved for setting the ideal of welfare state. Directive principles provide basis for social and economic justice. The Directive Principles are not enforceable in a Court of Law, but they are nevertheless fundamental in the governance of the country. These principles provide the criteria with which we can judge the performance of the government. The directives principles have been adopted from the Irish constitution. These are unenforceable.

8. Fundamental Duties.

The constitutional 42nd, Amendment (1976) also incorporated fundamental duties on the citizens so as to observe certain basic norms of democratic conduct and behaviour. Article 51-A enumerates Fundamental Duties.

9. Adult Suffrage.

The framers of the Indian constitution incorporated the system of uniform adult suffrage. According to article 326, every citizen of India who has attained the age of 21 years has a right to vote, to elect the legislatures both central and states. 61st Amendment, 1989 reduced the voting age from 21 to 18.

11. National Unity and single citizenship

Though India is a federation in order to protect national unity and integrity the constitution provides for single citizenship for the whole of India. Unlike United States of America the India constitution provides for single citizens. There is no state citizenship.

12. Parliamentary form of government.

The significant feature of Indian constitution is the parliamentary democracy. The majority party in the Lower House also called as Lok Sabha forms government. The Council Ministers is responsible to the Lok Sabha. The Cabinet is the real executive head. To give reality and content to the democratic ideals propounded in the preamble, the constitution establishes parliamentary form of the government both at the centre and the state, in which executive is responsible to an elected legislature. Thus in parliamentary form of government, government gets the authority from the will of the people.

13. Judicial Review and Independence of Judiciary Indian constitution provides for the Independent and impartial judiciary with a power of judicial review. Article 13 provides for the judicial review of all the legislations in India, prospectively and retrospectively. Under article 124 the supreme court and high court judges are appointed by the president. But they are not subject to control by any authority. Further article 32 and 226 confers on the supreme court and high

court the judicial review respectively. An independent and impartial judiciary is said to be the first condition of liberty, it is the custodian of the constitution, it determines the limits and the powers of centre and the states. in order to ensure impartiality of the constitutional courts, removal of judges has been made subject to impeachment by parliament after due resolution and notice.

Conclusion

Keeping into consideration the salient features it has been rightly concluded Indian constitution is not the outcome of political revolution but of the research and deliberations of the various eminent representatives of the people who worked out very hard to come out with the constitution. The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers, and duties of governmental institutions, and sets out fundamental rights, directive principles, and the duties of citizens. The Indian constitution not only provides for the structure of governance but also provides for the requirements of diversified social values. The above mentioned salient features speaks about the essence of the Indian constitution. From above mentioned principles it can be rightly concluded that the constitution of India is one of the world's best constitutions.