



A COMPREHENSIVE EXAMINATION OF THE SALIENT FEATURES OF THE INDIAN CONSTITUTION

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Abstract

The roots of the Indian Constitution can be traced back to the colonial era, wherein various acts, such as the Government of India Acts of 1919 and 1935, laid down rudimentary frameworks for governance. The demand for self-governance gained momentum early in the 20th century, leading to the formation of the Constituent Assembly in 1946 (Austin, 1966). Tasked with drafting a constitution suitable for a free India, the Assembly worked for three years to formulate solutions for the challenging and dynamic socio-political landscape. With Dr. B.R. Ambedkar at the helm as the Chairman of the Drafting Committee, the resulting document emerged as an articulate blueprint for governance, social justice, and democracy. The Indian Constitution, which came into effect on January 26, 1950, stands as a monumental piece of legal architecture in the world. Known for its comprehensiveness and flexibility, it has been a subject of considerable academic discussion and analysis. This paper delves into the foundational characteristics of the Indian Constitution, elaborating on its historical context, constitutional framework, fundamental rights and duties, directive principles, and flexible yet rigid amendment process. Drawing upon a range of academic sources and statistics, this paper employs the descriptive method to provide a detailed exploration of the Indian Constitution, while also reflecting upon its current relevance and global impact.

Keywords: *Constitutional framework, Fundamental rights, Fundamental Duties, Historical context, Social justice.*

Introduction

The Constitution of India is often hailed as one of the most elaborate and detailed constitutions in the world, not only due to its length but also due to its pervasive influence on the socio-political fabric of the country. As a living document, it encapsulates the aspirations and ethos of the Indian people, drawing inspiration from various global constitutions while firmly rooting itself in India's diverse traditions and values.

The Indian Constitution adopted on January 26, 1950, stands as a testament to the nation's aspiration for a just and equitable society. Emerging from the crucible of colonial struggle, it embodies the hopes and dreams of a diverse populace yearning for self-determination. This document, with its intricate tapestry of articles, schedules, and amendments, lays the foundation for the world's largest democracy, outlining the structure of governance, safeguarding fundamental rights, and establishing a framework for socio-economic transformation. This paper delves into the salient features of the Indian Constitution, exploring its historical context, analyzing its key provisions, and highlighting its enduring significance in shaping the Indian polity.

I. Genesis of a Nation's Charter: From Colonial Rule to Constitutional Sovereignty

Understanding the salient features of the Indian Constitution necessitates acknowledging its historical context. The seeds of constitutionalism in India were sown during the struggle for independence from British rule. The Indian National Congress, at its Lahore session in 1929, declared Purna Swaraj (complete independence) as its goal and envisioned a constitution drafted by Indians themselves. This



marked a significant departure from the incremental approach of earlier constitutional reforms introduced by the British, such as *the Government of India Acts of 1909, 1919, and 1935*.

The Constituent Assembly, formed in 1946, shouldered the momentous task of drafting the Constitution. Led by *Dr. B.R. Ambedkar, the drafting committee*, comprising legal luminaries and representing India's diverse social fabric, embarked on a meticulous process of deliberation and debate. Drawing inspiration from various sources, including the Government of India Act, 1935, the constitutions of other nations like Ireland and the United States, and the lived experiences of the Indian people, the Assembly crafted a document that sought to address the unique challenges and aspirations of independent India.

II. Fundamental Rights: Cornerstones of a Just and Equitable Society

At the heart of the Indian Constitution lies the commitment to upholding the dignity and freedom of every citizen. This commitment finds its most powerful expression in Part III, which enumerates the Fundamental Rights. These rights are not mere aspirations but enforceable guarantees, safeguarding individuals against any arbitrary action by the state. The inclusion of these rights reflects the influence of the American Bill of Rights and the Universal Declaration of Human Rights, signifying India's commitment to international human rights principles.

The Constitution initially enshrined seven fundamental rights:

- 1. Right to Equality (Articles 14-18):** This fundamental right forms the bedrock of the Indian legal system, ensuring equality before the law, prohibiting discrimination on grounds of religion, race, caste, sex, or place of birth, and abolishing untouchability.
- 2. “Right to Freedom (Articles 19-22):** This right guarantees essential freedoms such as freedom of speech and expression, freedom of Assembly, freedom of association, freedom of movement, freedom of residence, and freedom to practice any profession or occupation.”
- 3. “Right against Exploitation (Articles 23-24):** This right prohibits all forms of forced labor, human trafficking, and child labor, reflecting the Constitution's commitment to social justice and protecting vulnerable sections of society.
- 4. Right to Freedom of Religion (Articles 25-28):** India, as a secular state, guarantees freedom of conscience,” the right to profess, practice, and propagate any religion, and freedom from attending religious instruction or worship in certain educational institutions.
- 5. Cultural and Educational Rights (Articles 29-30):** These rights protect the cultural and educational rights of minorities, ensuring their right to conserve their language, script, and culture, and establishing and administering educational institutions of their choice.
- 6. Right to Property (Article 31):** Initially included as a fundamental right, the right to property underwent significant changes through constitutional amendments. While no longer a fundamental right, it is now a legal right protected under Article 300A.
- 7. Right to Constitutional Remedies (Articles 32-35):** This right is considered the heart and soul of the Constitution. It empowers citizens to approach the Supreme Court for the enforcement of their fundamental rights, making these rights real and meaningful.



The Forty-Fourth Amendment Act of 1978 added the Right to Property to Part XII of the Constitution as a legal right. This amendment, while removing the Right to Property from the list of fundamental rights, ensured that citizens could seek legal recourse for infringement of their property rights through ordinary legal proceedings.

III. Directive Principles of State Policy: Guiding Lights for Socio-Economic Transformation

Part IV of the Indian Constitution outlines the *Directive Principles of State Policy* (DPSPs). While not justiciable (i.e., not enforceable by courts), the DPSPs constitute a "conscience" of the Constitution, embodying the ideals of social justice, economic welfare, and a more egalitarian society. These principles act as guiding beacons for policymakers, urging them to strive towards creating a just and equitable social order.

Some of the key DPSPs include

- **Promotion of social order based on justice and equality (Article 38):** This principle emphasizes the state's responsibility to strive for a society free from social, economic, and political exploitation.
- **Provision of “adequate means of livelihood and equal pay for equal work” (Articles 39, 39A):** These principles highlight the state's commitment to ensuring economic justice and gender equality in the workplace.
- **Protection of the health and strength of workers and children from abuse and exploitation (Articles 39, 42):** These principles emphasize the state's duty to protect the vulnerable sections of society, including workers and children, from exploitation.
- **“Just and humane conditions of work and maternity relief (Article 42):”** This principle reflects the Constitution's commitment to social welfare and the protection of women's rights in the workplace.
- **Organization of village panchayats and endowment of powers and authority (Article 40):** This principle emphasizes the importance of decentralization and empowering local self-governance institutions.
- **Uniform civil code for citizens (Article 44):** This principle reflects the Constitution's aim to achieve a common civil code applicable to all citizens, irrespective of their religious affiliation.

The DPSPs, while not enforceable by courts, have played a significant role in shaping social welfare legislation and influencing judicial pronouncements. The courts have often interpreted fundamental rights in light of the DPSPs, harmonizing the two sets of principles to achieve a just and equitable society.

IV. Parliamentary Form of Government: Balancing Accountability and Stability

The Indian Constitution adopts a parliamentary form of government, drawing inspiration from the Westminster model. This system, characterized by the fusion of executive and legislative branches, ensures accountability of the executive to the legislature. “The Council of Ministers, headed by the Prime Minister, is collectively responsible to the Lok Sabha (the lower house of Parliament).” This



accountability mechanism ensures that the executive remains answerable to the elected representatives of the people.

Key features of India's parliamentary system include

- **Nominal and Real Executive:** The President of India is the nominal head of state, while the Prime Minister, who heads the Council of Ministers, is the real executive.
- **Majority Party Rule:** The party or coalition of parties that commands a majority in the Lok Sabha forms the government.
- **Collective Responsibility:** “The Council of Ministers is collectively responsible to the Lok Sabha. If a no-confidence motion is passed against the government in the Lok Sabha, the entire Council of Ministers has to resign.”
- **Parliamentary Sovereignty:** The Parliament is the supreme law-making body. However, this power is not absolute and is subject to the limitations imposed by the Constitution, including judicial review.
- The choice of a parliamentary system reflects the framers' desire for a stable and accountable government. This system, with its emphasis on consensus-building and dialogue, has facilitated the smooth functioning of Indian democracy despite its vastness and diversity.

V. Federalism: Balancing Unity and Diversity

India's vastness and diversity necessitate “a system of governance that recognizes the unique needs and aspirations of its various regions. The Constitution, therefore, adopts a federal structure, dividing powers between the Union Government and the State Governments. This division of powers is enshrined in the Seventh Schedule of the Constitution,” which outlines the Union List, State List, and Concurrent List, specifying the subjects on which the Union, States, and both can legislate, respectively.

Key features of Indian federalism include

- **Written Constitution:** The division of powers between the Union and the States is clearly defined in the written Constitution.”
- **Supremacy of the Constitution:** Both the Union and the States derive their powers from the Constitution, and any law enacted by them must be in conformity with the Constitution.
- **Independent Judiciary:** The judiciary plays a crucial role in interpreting the Constitution and adjudicating disputes between the Union and the States.
- **Bicameral Legislature:** The Parliament of India “consists of two houses - the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). The Rajya Sabha represents the interests of the States at the Union level.”

The Indian Constitution, however, does not adhere to a strictly federal model. It incorporates certain unitary features, such as a strong center, a single Constitution, a unified judiciary, and provisions for emergency powers vested in the Union Government. This "quasi-federal" structure reflects the framers' vision of a strong Union capable of preserving national unity and integrity while simultaneously accommodating regional aspirations.

VI. Secularism: Fostering Interfaith Harmony and Tolerance

The Indian Constitution embraces the principle of secularism, guaranteeing “religious freedom to all its citizens.” This commitment to secularism is reflected in various provisions, including Article 15



(prohibiting discrimination on grounds of religion), Article 25 (guaranteeing freedom of conscience and the right to profess, practice, and propagate religion), and Article 28 (freedom from attending religious instruction or worship in certain educational institutions).

The concept of secularism in India is distinct from the strict separation of church and state practiced in some Western countries. Indian secularism emphasizes equal respect for all religions and prohibits discrimination based on religious affiliation. The state, while remaining equidistant from all religions, intervenes to prevent religious discrimination and promote communal harmony. This approach recognizes the importance of religion in Indian society while simultaneously upholding the principle of equal citizenship for all, irrespective of their religious beliefs.

VII. Independent Judiciary: Guardian of the Constitution

“The Indian Constitution establishes an independent judiciary as the guardian of the Constitution and the fundamental rights of citizens.” The Supreme Court, at the apex of the judicial system, enjoys vast powers, including “the power of judicial review,” which enables it to declare any law or executive action inconsistent with the Constitution as void.

“Key features of the Indian judiciary include:”

- **Integrated Judicial System:** “The Indian judicial system is integrated, with the Supreme Court at the top, followed by High Courts in each state and subordinate courts at the district level.
- **Power of Judicial Review:** The judiciary has the power to review the constitutional validity of laws passed by the legislature and actions taken by the executive.”
- **Appointment and Removal of Judges:** The process for appointment of judges to the Supreme Court and High Courts involves consultation between the executive and the judiciary.

Judges can be removed from office only through a rigorous impeachment process. The independent “judiciary acts as a vital check on the powers of the legislature and executive, ensuring that they function within the framework of the Constitution and safeguarding the fundamental rights of citizens.”

VIII. Amending the Constitution: Balancing Flexibility and Stability

“The framers of the Indian Constitution recognized the need for a document that could adapt to the changing needs and aspirations of society. Article 368 of the Constitution lays down the procedure for amending the Constitution,” striking a balance between flexibility and stability. The Constitution can be amended through a prescribed procedure involving a special majority in Parliament and, in some cases, ratification by the state legislatures.

The amendment process involves different levels of difficulty depending on the nature of the amendment:

- **Amendments by “Simple Majority:** Certain provisions of the Constitution can be amended by a simple majority in both houses of Parliament.”
- **“Amendments by Special Majority:** Most provisions of the Constitution require a special majority for amendment, that is, a majority of the total membership of each house and a majority of not less than two-thirds of the members of each house present and voting.”



- **Amendments by Special Majority and Ratification by States:** Amendments affecting federal provisions or the representation of states in Parliament require ratification by at least half of the state legislatures.

The amendment process, while allowing for flexibility, ensures that “the basic structure of the Constitution remains inviolable. The Supreme Court, in the landmark Kesavananda Bharati case (1973), established the basic structure doctrine, holding that Parliament's power to amend the Constitution is not absolute and that it cannot alter the basic features of the Constitution.”

IX. Conclusion: The Enduring Legacy of the Indian Constitution

The Indian Constitution, with its emphasis on fundamental rights, directive principles, parliamentary democracy, federalism, secularism, an independent judiciary, and a carefully crafted amendment process, stands as a testament to the vision and foresight of its framers. This document has served as a beacon of hope and inspiration, guiding “India's journey as a sovereign, socialist, secular, democratic republic.”

“The Constitution, however, is not a static document. It is a living document that evolves with the changing needs and aspirations of society.” The numerous amendments to the Constitution, while reflecting its dynamic nature, also underscore the need for continuous engagement with its principles and values.

As India navigates the challenges and opportunities of the 21st century, the Indian Constitution remains its compass, providing a framework for inclusive growth, social justice, and the protection of fundamental freedoms. Its enduring legacy lies in its ability to adapt to changing times while staying true to its core values of democracy, equality, and justice. The Constitution serves as a constant reminder of the ideals that bind the nation together and its potential to create a more just and equitable society for all its citizens.

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