**Governing Principles of Constitution**

* If the division of authority is the basis of civilized administration, a constitution is the greatest device by which such division could be facilitated.
* Every constitution aims to build up a administrational structure based upon certain essential principle.
* These principles are more or less well-established. Although some of these principles are common to most constitutions, there are others which vary from constitution to constitution.
* Such variations are the creation of the varying circumstances that determine the principles of the constitution.
* The constitution of India is not an exception to this rule and it has its own essential principles.

**Given under are the essential principles of the Constitution, which form the foundations of democratic administration in India.**

**A careful study of the Constitution will show that there are at least eight essential principles which are embodied in it and which form the foundation of the political system in India.**

These are:

* sovereignty,
* Socialism,
* Secularism,
* Fundamental rights,
* Directive Principles of State Policy,
* Judicial independence,
* Centralism and
* Cabinet administration.
* **Basic Character of the Indian Constitution**
* Indian federation is not the result of an agreement between States.
* There is only one citizenship for both the States and Union.
* Each State sends M.P.s to the Indian Parliament depending upon the population of the State.
* There is no principle of equality between the states.
* There are three Lists-
* Union List-First List;
* State List - Second List; and
* Concurrent List -Third List.
* The Indian Parliament can legislate only the subjects of the Union List and Concurrent List.
* How ever the States are not sovereign. The Union can encroach upon state list.

No State can separate itself from Indian Territory.

* + The Indian Parliament, i.e. Center has residuary powers.
  + There is only one Constitution for Union and States.
  + India achieved uniformity in basic civil and criminal laws, except personal laws in some matters.
  + **The Indian Union is an indestructible Union of destructible States.**
  + The area, identity of a state can be changed by Indian Parliament.
  + The States are be destructible. But the Union can not be changed.The Union is indestructible.
  + The Central Government has the power to form a new State, to increase the area of any State, to diminish the area of any State; to alter the boundaries of any State; to alter the name of any State; and to form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a partnership of any State(Article 3)
* The word federal is not at all used in our constitution. The framers of the constitution simply used the word Union.
  + The Supreme Court has been given very wide powers, including appellate (Civil and criminal) jurisdiction.
  + No referendum is necessary.
  + For the amendment of the Constitution, the people need not give their consent.
  + It is sufficient to get the majority of M.P.s and in certain cases, the majority of the State legislatures.

**Main objects of Indian Constitutional Law**

The underlying principles of the Constitution were laid down by Jawaharlal Nehru in his Objectives Resolution:

* India is an Independent, Sovereign, and Republic;
* India shall be a Union of erstwhile British Indian territories, Indian States, and other parts outside British India and Indian States as are willing to be a part of the Union;
* Territories forming the Union shall be autonomous units and exercise all powers and functions of the Government and administration, except those assigned to or vested in the Union;
* All powers and authority of sovereign and independent India and its constitution shall flow from the people;
* All people of India shall be guaranteed and secured social, economic and political justice; equality of status and opportunities before law; and fundamental freedoms - of talk, expression, belief, faith, worship, vocation, association and action - subject to law and public morality;
* The minorities, backward and tribal areas, depressed and other backward classes, shall be provided adequate safeguards;
* The territorial integrity of the Republic and its sovereign rights on land, sea and air shall be maintained according to justice and law of civilized nations;
* The land would make full and willing contribution to the promotion of world peace and welfare of mankind.

**The Basic Structure of Indian Constitution**

* The constitution can be amended by the Indian Parliament.
* But the Supreme Court has held that the Indian Parliaments amendment power is also limited and is subject to basic structure of the constitution.
* The constitution has some basic structure which cannot be destroyed.
* The Supreme Court has not explicitly defined the term basic structure.
* However in various judgements the Supreme Court has held that following concepts are part of the Basic Structure of the Constitution:
* Supremacy of the constitution
* Republican and democratic form of Government
* Secular character of the constitution
* Federalism
* Separation of power between the legislative, judge of executive
* The mandate to build a welfare State
* Power of Judicial Review