

# Indian Constitution

## Assignment - 1

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Course: Indian constitution

Q 1) what are the salient features of Indian constitution?

→ Salient features of Indian Constitution are:-

① Lengthiest written constitution

The constitution of India is a written constitution which happens to be lengthiest written constitution in the world. It is comprehensive, elaborate and a detailed document. The factors that have contributed to this phenomenon are: geographical, historical, single constitution for both centre and state and dominance of legal luminaries

② Drawn from various sources:

It has borrowed most of its provisions from the constitution of various other countries as well as from Government of India act, 1935. Ex. structural part from G.O.I, 1935, independence of judiciary from USA, Fundamental Rights from USA etc.

### ③ Preamble of Constitution -

The Preamble consists of the ideals, objectives and basic principles of the constitution. The salient features of the constitution have developed directly and indirectly from these objectives which flow from the Preamble. The Preamble is the nature of Indian state and the objectives it is committed to secure for the people.

### ④ Democratic system -

The authority of the government rests upon the sovereignty of the people. The people enjoyed equal political rights. Free fair and regular elections are held for electing governments.

### ⑤ India is a republic

The Preamble declares India to be a Republic. India is not ruled by a monarch or a nominated head of state. India has an elected head of state (President of India) who wields power for a fixed term of 5 years.

### ⑥ Union of States

Article I of the Constitution declares, that "India that is Bharat is a Union of States?"

## ⑦ Fundamental Rights and duties

The Constitution of India grants and guarantees Fundamental Rights to its citizens. The fundamental rights are justiciable and are not absolute. Reasonable constraints can be imposed keeping in view the security-requirements of the state.

## ⑧ Directive Principles of State Policy

A unique aspect of the Constitution is that it comprises of a chapter in the Directive Principles of State Policy.

## ⑨ Parliamentary System:

The constituent Assembly decided to espouse Parliamentary form of government both for the centre and the states. In Indian parliamentary system, distinction is made between nominal and real executive head.

## ⑩ Federal structure of government:

A federal state is a state where a country is divided into smaller regions and the government is functioning at two levels.

The Indian Constitution has envisaged a federal structure for India considering the geographical vastness and the diversity of languages, region, religions, castes, etc.

(11) Universal adult franchise.

All men and women enjoy an equal right to vote. Each adult man and woman above the age of 18 years has the right to vote.

(12) Integrated Judicial system:

The Constitution provides for a single integrated judicial system common for the Union and the states.

(13) Independent Judiciary:

It is necessary to secure the philosophical foundations of the rule of law and democracy.

(14) Amending the Constitution of India:

Amending the Constitution of India is the procedure of making modifications of the nation's fundamental law or supreme law.

(15) Secularism:

In no other country of the world so many religions co-exist as in India. In view of such diversity the Constitution guarantees complete freedom of religion to all.

(16) Emergency provisions:

Indian constitution contains elaborate provisions to deal with those challenges that pose a threat to the country's security & unity.

Q 2) what is the meaning of fundamental Rights?  
Explain in brief the Fundamental Rights guaranteed under the constitution of India.

→ \* Fundamental Rights:

Fundamental rights are a group of rights that have been recognized by the Supreme Court as requiring a high degree of protection from government encroachment.

\* Fundamental Rights guaranteed under the Constitution of India are:-

① Right to Equality (Articles 14-18)

Right to equality guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth. It ensures equal employment opportunities in the government and insures against discrimination by the State in matters of employment on the basis of caste, religion, etc. This right also includes the abolition of titles as well as untouchability.

② Right to Freedom (Articles 19-22)

Freedom is one of the most important ideals cherished by any democratic society. The Indian Constitution guarantees freedom to citizens.

The freedom right includes many rights such as:

- Freedom of Speech
- Freedom of expression
- Freedom of assembly without arms
- Freedom of association
- Freedom of practising any profession
- Freedom to reside in any part of the country.

### ③ Right against Exploitation (Articles 23-24)

This right implies the prohibition of traffic in human beings, begar, and other forms of forced labour. It also implies the prohibition of children in factories, etc. The Constitution prohibits the employment of children under 14 years in hazardous conditions.

### ④ Right to Freedom of Religion (Articles 25-28)

This indicates the secular nature of Indian polity. There is equal respect given to all religions. There is freedom of conscience, profession, practice and propagation of religion.

The state has no official religion. Every person has the right to freely practice his or her faith, establish and maintain religious and charitable institutions.

## ⑤ Cultural and Educational Rights (Articles 29-30)

These rights protect the rights of religious, cultural and linguistic minorities, by facilitating them to preserve their heritage and culture.

Educational rights are for ensuring education for everyone without any discrimination.

## ⑥ Right to Constitutional Remedies (Articles 32-35)

The Constitution guarantees remedies if citizen's fundamental rights are violated. The government cannot infringe upon or curb anyone's rights. When these rights are violated, the aggrieved party can approach the courts.

Citizens can even go directly to the Supreme Court which can issue writs for enforcing fundamental rights.

### \* Importance of Fundamental Rights

Fundamental rights are very important because they are like the back bone of the country. They are essential for safeguarding the people's interests. According to Article 13, all laws that are violative of fundamental rights shall be void. Here, there is an express provision for judicial review. The SC and the High Courts can declare any law unconstitutional on the grounds that it is violative of the fundamental rights.

## \* Features of Fundamental Rights.

- Fundamental rights are different from ordinary legal rights in the manner in which they are enforced. If a legal right is violated, the aggrieved person cannot directly approach the SC bypassing the lower courts.
- Some of the fundamental rights are available to all citizens while the rest are for all persons.
- Fundamental rights are not absolute rights. They have reasonable restrictions, which means they are subject to the conditions of state security, public morality and decency and friendly relations with foreign countries.
- They are justiciable, implying they are enforceable by courts. People can approach the SC directly in case of violation of fundamental rights.
- The application of fundamental rights can be restricted in an area that has been placed under martial law or military rule.