



PRESENTATION

On

SALIENT FEATURES OF CONSTITUTION OF INDIA

For B.Tech (Vth Semester)



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CONSTITUTION
OF
INDIA





What Is a Constitution?

“A **constitution** is a set of fundamental principles or established precedents according to which a state or other organization is governed.”



Indian 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 government institutions, and sets out fundamental rights, directive principles, and the duties of citizens. It is the longest written constitution of any sovereign country in the world, containing 448 Articles in 25 parts, 12 Schedules and 104 Amendments. The Constitution was adopted by the Constituent Assembly on 26 November 1949, and came into effect on 26 January 1950.



Introduction

- The Constitution of every country has certain special features because the historical background ,social, economic and political conditions influence the making of the constitution. All these factors have contributed in the making of the Constitution of India.



INTRODUCTION

- Since it was drafted in the mid-twentieth century, it gave an advantage to take cognizance of various constitutional processes operating in different countries.
- Rich fund of human experience, wisdom, heritage and traditions in area of governmental process was drawn
- It suited the political, social and economic conditions in india
- Thus, it turned out to be a very interesting and unique document



CONSTITUTION DRAWN FROM VARIOUS SOURCES

- The objective of the Constituent Assembly was not to enact an original constitution rather to enact a good and workable constitution. The assembly evaluated the constitutions of other countries and whatever good they found in these constitutions, they included in their own constitution.
- Parliamentary Government and Rule of Law are the influences of the British Constitution.
- The Fundamental Rights and the special position of the judiciary is the influence of the constitution of U.S.A
- The Directive Principles of State Policy have been borrowed from the constitution of Ireland.



Contd.

- 4. The Federal system of India is the influence of Canadian Constitution.
- 5. The method of the amendment of the constitution and the method of the election of the members of Rajya Sabha have been borrowed from the constitution of South Africa.
- 6. The Emergency powers of the President are the influence of the Weimer Constitution of Germany.

Contd..

- It will, however, be wrong to suppose that the Indian Constitution is just a carbon copy of other Constitutions and contains nothing new and original. While adopting some of the principles and institutions developed in other democratic and federal countries, it yet strikes new paths, new approaches and patterns, in several directions. It makes bold departures in many respects from the established Constitutional norms and introduces many innovations.



INTRODUCTION

Different elements of constitution are described as follows:-

1. **Preamble (1)** - The Preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document.
2. **Parts (25)** – The individual Articles of the Constitution are grouped together into the following Parts:
 3. Part I – Union and its Territory
 4. Part II – Citizenship.
 5. Part III – Fundamental Rights.
 6. Part IV – Directive Principles of State Policy.
 7. Part IVA – Fundamental Duties.
 8. Part V – The Union.
 9. Part VI – The States.
 10. Part VII – States in the B part of the First schedule (Repealed).
 11. Part VIII – The Union Territories
 10. Part IX – The Panchayats.



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11. Part IXA – The Municipalities. (Part IXB – The Cooperative Societies -not effective yet)
 12. Part X – The scheduled and Tribal Areas
 13. Part XI – Relations between the Union and the States.
 14. Part XII – Finance, Property, Contracts and Suits
 15. Part XIII – Trade and Commerce within the territory of India
 16. Part XIV – Services Under the Union, the States.
 17. Part XIVA – Tribunals.
 18. Part XV – Elections
 19. Part XVI – Special Provisions Relating to certain Classes.
 20. Part XVII – Languages
 21. Part XVIII – Emergency Provisions
 22. Part XIX – Miscellaneous
 23. Part XX – Amendment of the Constitution
 24. Part XXI – Temporary, Transitional and Special Provisions
 25. Part XXII – Short title, date of commencement, Authoritative text in Hindi and Repeals
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3. **Article (1-448)** - It is subcategory of different Parts in the constitution which contains detail information of the subject or the Title which an Article represents.



INTRODUCTION

4. Amendments (98) - Amendment of the Constitution of India is the process of making changes to the nation's fundamental law. Changes to the Indian constitution are made by the federal parliament. The procedure is laid out in Part XX, Article 368, of the Constitution.

5. Schedules (12) - Schedules are lists in the Constitution that categorize and tabulate bureaucratic activity and policy of the Government.

6. Appendices (5) - They are extension to the constitution.

7. Fundamentals Rights (Part III- Article 12-35) - The word fundamental suggests that these rights are so important that the Constitution has separately listed them and made special provisions for their protection. The Fundamental Rights are so important that the Constitution itself ensures that they are not violated by the government.



INTRODUCTION

Ordinary rights may be changed by the legislature by ordinary process of law making, but a fundamental right may only be changed by amending the Constitution itself. Besides this, no organ of the government can act in a manner that violates them.

Any infringement of fundamental rights can be challenged by any citizen of India in the court of law. The Constitution of India also prescribes some fundamental duties on every citizen in India.





INTRODUCTION

8. **Fundamental Duties (Part IV Article 51A)**- These Fundamental rights have been provided at the cost of some fundamental duties. These are considered as the duties that must be and should be performed by every citizen of India. These fundamental duties are defined as:
It shall be the duty of every citizens of India: -

- a. To abide by the Constitution.
- b. To uphold & protect the sovereignty, unity and integrity of India.
- c. To Cherish & follow the noble ideas which inspired our national struggle for freedom
- d. To defend the country & render national service when called upon to do so.
- e. To promote harmony & the spirit of common brotherhood.
- f. To value & preserve the rich heritage of our composite culture.
- g. To protect & improve the national environment.
- h. To develop the scientific temper, humanism and the spirit of inquiry and reform.
- i. To safeguard public property & to abjure violence.
- j. To strive towards excellence in all spheres of individual & collective activity, so that the nations constantly rises to higher levels of endeavor & achievement.



Introduction

9. **Directive Principles (Part IV- Article 36-51)**- It provides the social and economic base of a genuine democracy. The classification of these are as follows-

1. Socio-economic Principles
2. Liberal Principles
3. Gandhian Principles
4. International principles

1. **Socio-economic Principles**

1. Article 38 of the Constitution of India shall endeavor to formulate and promote social welfare.
2. Article 39(a) the state shall try to formulate its policy in such a manner so as to secure adequate means of livelihood for all its citizens.
3. Article 39(b) the ownership of material resources would be controlled in such a manner so as to sub serve the common good.
4. Article 39(c) the economy of the state will be administered in such a manner so that wealth may not yet be concentrated in a few hands and the means of production may not be used against the public interest.



Continue...

5. Article 50 of the Indian Constitution the state will try to separate the judiciary from the executive in the case of public service.

3. Gandhian Principles

1. Article 40, State will strive to organize Panchayats in villages and will endow them with such powers which enable them to act as units of self government.
2. Article 43, the state shall strive to develop the cottage industry in the rural areas both, on individual or cooperative basis.
3. Article 47, the state will strive to ban the consumption of wine, other intoxicating drinks and all such commodities which are considered injurious to health.
4. Article 48 reveals that State will ban slaughtering of cows, calves and other milk cattle.

4. International principles

1. Article 51(a)- The State will strive to promote international peace and security.
2. Article 51(b)- The State will strive to maintain just and honorable relations among various states in the world.
3. Article 51(c)- The State will endeavor to promote respect for International treaties, agreements, and law.
4. Article 51(f)- The State will strive to settle international disputes by arbitration.



INDIAN CONSTITUTION

(iv) The Basic Principles of the Constitution of India:-

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

- (1) Popular sovereignty,
- (2) Socialism,
- (3) Secularism,
- (4) Fundamental rights,
- (5) Directive Principles of State Policy,
- (6) Judicial independence,
- (7) Federalism and
- (8) Cabinet government.



Indian Constitution

(v) Procedure of Amendments of the Constitution of India:-

The basic structure of the Constitution is unchangeable and only such amendments to the Constitution are allowed which do not affect its basic structure or rob it of its essential character.

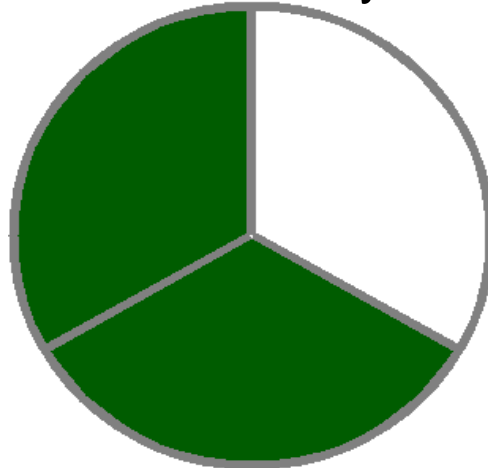
1. **By simple majority of the Parliament:** Amendments in this category can be made by a simple majority of members present and voting, before sending them for the President's assent.
2. **By special majority of the Parliament:** Amendments can be made in this category by a two - third majority of the total number of members present and voting, which should not be less than half of the total membership of the house.
3. **By special majority of the Parliament and ratification** of at least half of the state legislatures by special majority. After this, it is sent to the President for his assent.



Indian Constitution

An amendment to the “Constitution of India” is an extremely difficult affair, and normally needs at least “**two-thirds(2/3)**” of the Lok Sabha and Rajya Sabha to pass it.

However, the Constitution of India is one of the most frequently amended constitutions in the world. Many matters that would be dealt with by ordinary statutes in most democracies must be dealt with by constitutional amendment in India due to the document's extraordinary detail.





Preamble

- It Is An Introductory Statement Of Indian Constitution.
- It Is The Main Philosophy Of Constitution



PREAMBLE

- Unlike the Constitutions of Australia, Canada or the U.S.A., the Constitution of India has an elaborate Preamble. The purpose of the Preamble is to clarify who has made the Constitution, what is its source, what is the ultimate sanction behind it; what is the nature of the polity which is sought to be established by the Constitution and what are its goals and objectives?
- The Preamble does not grant any power but it gives a direction and purpose to the Constitution. It outlines the objectives of the whole Constitution. The Preamble contains the fundamentals of the Constitution. It serves several important purposes, as for example:
- (1) It contains the enacting clause which brings the Constitution into force.

PREAMBLE

- . (2) It declares the great rights and freedoms which the people of India intended to secure to all its citizens.
- (3) It declares the basic type of government and polity which is sought to be established in the country.
- (4) It throws light on the source of the Constitution, viz. the People of India.

The words in the Preamble, “We the people of India...in our Constituent Assembly...do hereby adopt, enact and give to ourselves this Constitution”, propound the theory that the ‘sovereignty’ lies in the people, that the Constitution, emanates from them; that the ultimate source for the validity of, and the sanction behind the Constitution is the will of the people; that the Constitution has not been imposed on them by any external authority, but is the handiwork of the Indians themselves.

PREAMBLE

- Thus, the source of the Constitution are the people themselves from whom the Constitution derives its ultimate sanction. This assertion affirms the republican and democratic character of the Indian polity and the sovereignty of the people. The People of India thus constitute the sovereign political body who hold the ultimate power and who conduct the government of the country through their elected representatives.



सत्यमेव जयते

CONSTITUTION OF INDIA

Preamble

WE THE PEOPLE OF INDIA, having
solemnly resolved to constitute India into a
Sovereign Socialist Secular Democratic Republic
and to secure to all its citizens

JUSTICE

Social, economics and political:

LIBERTY

of thought, expression, belief, faith and worship

EQUALITY

of status and of opportunity: and to
promote among them all

FRATERNITY

assuring the dignity of the individual and
the unit and integrity of the Nation

IN OUR CONSTITUENT ASSEMBLY

this twenty-sixth day of November, 1949, do

HEREBY ADOPT, ENACT AND GIVE TO
OURSELVES THIS CONSTITUTION



ARCHITECTS OF INDIAN CONSTITUTION



Pt. Nehru signing on the Constitution



BR Ambedkar : The Chief architect of Indian Constitution

Modern Constitution

The Constitution of India has some outstanding features which distinguishes it from other constitutions. The framers of our constitution studied other constitutions, selected their valuable features and put them with necessary modifications in our constitution. They succeeded doing this. The fact that the constitution, for last 66 years, has been working satisfactorily is a testimony to its quality and utility.

A WRITTEN CONSTITUTION

The Constitution of India is a written constitution. It was framed by a Constituent Assembly which was established for the purpose in 1946.

There are two types of constitutions in the world. Most of them are written. The first modern written constitution was the American constitution. The British constitution is unwritten, consists of customs and conventions which have grown over the years.

The framers of our constitution tried to put everything in black and white.

Written Constitution

- The difference between a written and unwritten Constitution is somewhat basic. A written Constitution is the formal source of all Constitutional law in the country. It is regarded as the supreme or fundamental law of the land, and it controls and permeates each institution in the country. Every organ in the country must act in accordance with the Constitution. This means that the institutions of government created by the Constitution have to function in accordance with it. Any exercise of power outside the Constitution is unconstitutional. The government being the creature of the Constitution, Constitution delimits the powers of governmental organs and any exercise of power beyond the constitutional parameters becomes unauthorized. Therefore, any law made by the Legislature, any action taken by the Executive, if inconsistent with the Constitution, can be declared unconstitutional by the courts.

Written Constitution

- The Constitution is an organic living document. Its outlook and expression as perceived and expressed by the interpreters of the Constitution must be dynamic and keep pace with the changing times. Though the basics and fundamentals of the Constitution remain unalterable, the interpretation of the flexible provisions of the Constitution can be accompanied by dynamism and lean, in case of conflict, in favour of the weaker or the one who is more needy.

Independent Judiciary

- Indian judiciary is independent and impartial. The Indian judiciary is free from the influence of the executive and the legislature. The judges are appointed on the basis of their qualifications and cannot be removed easily. The courts are regarded as the interpreters as well as the guardian of the Constitution. It is for the courts to scrutinize every act of the government with a view to ensure that it is in conformity with the Constitution. If a law passed by the legislature or an act done by the executive is inconsistent with a constitutional provision, the court will say so, and declare the law or the act as unconstitutional and void. It is the obligation of the judiciary to see that the Constitution is not violated by any governmental organ and hence the judiciary is called as the guardian and protector of the Constitution. Judicial review has come to be regarded as an integral part of a written Constitution

LONGEST CONSTITUTION

The Constitution of India is the longest in the world. Originally it had 395 Articles divided into 22 parts and 8 Schedules. A number of amendments (98 so far), passed since its enforcement in 1950, have also become a part of the Constitution. Today it has 448 Articles divided into 25 parts and 12 Schedules and 104 amendments.

The constitution of USA has 7 Articles, of China 138, Japanese 103, and Canadian 107 Articles. It is probably the longest of the organic laws now extant in the world.

Partly Rigid and Partly Flexible Or

A Unique blend of rigidity and flexibility

Whether a constitution is rigid or flexible depends on the nature of amendments.

Some provisions of our Constitution can be amended by the Parliament with simple majority. The amendment of most other provisions of the constitution requires a special majority in both houses of the parliament. There are some other provisions of constitution which cannot be amended by the parliament alone. These different amendment procedures make our constitution partly flexible and rigid.

FUNDAMENTAL RIGHTS

To give a concrete shape to the aspirations Of people, the Constitution has a Chapter on Fundamental Rights .

The Constitution of India guarantees six fundamental rights to every citizen.

- ✓ Right to Equality.
- ✓ Right to Freedom.
- ✓ Right against Exploitation.
- ✓ Right to Freedom of Religion.
- ✓ Cultural and Educational Rights.
- ✓ Right to Constitutional Remedies.



DIRECTIVE PRINCIPLES OF STATE POLICY

The goals and objectives of the Indian Polity as stated in the Preamble are sought to be further clarified, strengthened and concretised through the Directive Principles of State Policy. The Constitution enumerates several Directive Principles of State Policy which are intended to be implemented by the Center and State Governments in due course. They are aimed at the promotion of the material and moral well-being of the people and to transform India into a Welfare State. They are **considered fundamental in the governance of the country.**

FUNDAMENTAL DUTIES

- Another salient feature of the Indian Constitution is the incorporation of fundamental duties of citizens. The 42nd amendment of 1976 added Article 51-A to the Constitution requiring all citizens to fulfill 10 duties. Failure to perform these duties does not carry any penalty, yet the citizens are expected to follow them.



Single Citizenship

In India there is only single citizenship. It means that every Indian is a citizen of India, irrespective of the place of his/her residence or place of birth. He/she is not a citizen of the Constituent State like Jharkhand, Uttaranchal or Chattisgarh to which he/she may belong to but remains a citizen of India. All the citizens of India can secure employment anywhere in the country and enjoy all the rights equally in all the parts of India.



Universal Adult Franchise

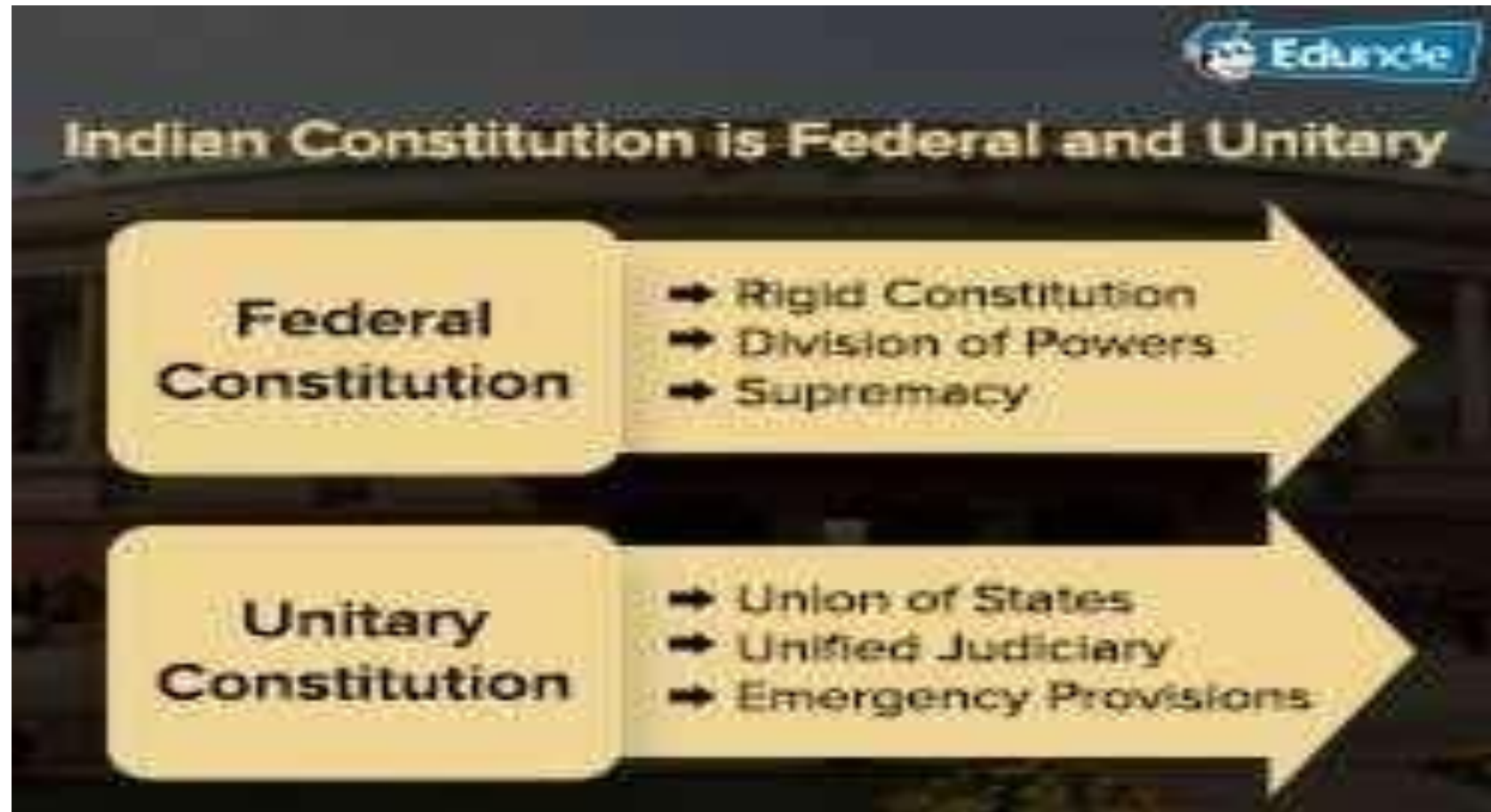
- By Parliamentary democracy we mean 'one man, one vote'
- Indian Constitution provides for 'Universal Adult Suffrage'
- Every adult Indian without any distinction at once has equal voting rights.
- Voters must be 18 years of age. This is no discrimination in relation to education, gender, property, rich or poor etc.



Unique blend of federal and unitary features

- Normally constitution work as federal but during emergency it becomes unitary.
- The Constitution of India does not use the term 'federal state'.
- It says that India is a 'Union of States'.
- There is a distribution of powers between the Union/Central Government and the State Governments.
- Since India is a federation, such distribution of functions becomes necessary.
- There are three lists of powers such as Union List, State List and the Concurrent List.

Cont..



Federal System (1 + Many)with Unitary Bias (Many as 1)

- Federal
Two governments, Division of power, Written Constitution, Supremacy of the Constitution, Rigidity of the Constitution, Bicameralism.
- Unitary
Strong Centre, Single Constitution, Single citizenship, Flexibility, Appointment of Governor, All India Services, Emergency Provisions.

FEDERAL NATURE

- Denotes concentration of authority in a central polity.
- It is the supreme authority
- It establishes division of sovereignty among states.
- The powers of union and states are clearly marked.
- The supreme court decides disputes between states or *interstate*.

Unitary Features

- In India there is single citizenship.
- State govt. has limited & enumerated powers.
 - The union under certain circumstances exercise power over the state govt.
- There is single judiciary.
- Supreme court's interpretation is the final word.

CONCLUSION: "Constitution of India is neither purely Federal nor purely unitary."

Parliamentary Democracy

India has a parliamentary form of democracy. This has been adopted from the British system. The Indian parliament is a Bi-cameral legislature. In a parliamentary democracy there is a close relationship between the legislature and the executive. The Cabinet is selected from among the members of legislature. The cabinet is responsible to the latter. In fact the Cabinet holds office so long as it enjoys the confidence of the legislature. In this form of democracy, the Head of the State is nominal. In India, the President is the Head of the State. Constitutionally the President enjoys numerous powers but in practice the Council of Ministers headed by the Prime Minister, which really exercises these powers. The President acts on the advice of the Prime Minister and the Council of Ministers.

Language Policy

- India is a country where different languages are spoken in various parts of the country. Hindi and English have been made official languages of the central government. A state can adopt the language spoken by its people in that state also as its official language.

SPECIAL PROVISIONS

- SPECIAL PROVISIONS FOR THE PROTECTION OF THE INTERESTS OF SCHEDULED CASTES, SCHEDULED TRIBES, BACKWARD CLASSES AND MINORITIES.
- Everybody is given the Right to Equality
- Untouchability has been prohibited
- Under Article 29 and 30 special provisions for the made for the interests and protection of minorities.
- The Constitution provides for giving certain special concessions and privileges to the members of these castes. Seats have been reserved for them in Parliament, State legislature and local bodies, all government services and in all professional colleges.

Emergency Provisions