

# Salient Features of the Indian Constitution

The Indian Constitution is a detailed set of written rules and regulations providing equality, justice and freedom to all its citizens. It also contains directives for the government according to which the country has to be governed. Some salient features of the Constitution are

## Written and Lengthy Constitution

- The Indian Constitution is considered one of the lengthiest Constitutions in the world.
- Originally, the Constitution had 395 Articles and 8 Schedules. Over the years, several amendments have been made to our Constitution which has made it more voluminous. Our Constitution is lengthy because of the following reasons:
  - The Indian Constitution is based on the Government of India Act, 1935, which was a lengthy document.
  - It is a lengthy Constitution as it has incorporated several features of other constitutions. While our Constitution has adopted several features of the parliamentary form of government of Great Britain, it has also incorporated many features of the American Constitution.
  - Our Constitution contains details about the working of the union government, state government and services such as the Public Service Commission and Election Commission.
  - Many tribes, communities and people of various religious affiliations reside in India. Our Constitution also deals with their problems. This has also added to the bulkiness of the Indian Constitution.

## Parliamentary Form of Government

- India has a parliamentary system of government. In a parliamentary form of government, the Parliament of the country has the powers to make and execute laws.
- The President is only the nominal head of the country, while the Prime Minister and his cabinet are the real head of the country. The Prime Minister along with his ministers is responsible to the Parliament.
- The Prime Minister, members of the Cabinet and the Council of Ministers work as a team and work as long as they enjoy the power and confidence of the Parliament.
- At the state level, power is vested in the Chief Minister and his Council of Ministers. The Governor is only the nominal head.
- India also has a Cabinet system of government. The Cabinet consists of ministers who hold important portfolios and formulate major policies of the government.
- The Cabinet ministers are appointed by the President on the advice of the Prime Minister. They along with the Prime Minister are responsible to the Lok Sabha and remain in office as long as they enjoy majority in the Parliament. If the vote of No Confidence is passed against them in the Parliament, all the ministers have to resign collectively from office. Important functions performed by the Cabinet are
  - Domestic and international policies are framed by the cabinet ministers. It takes decisions on important matters such as defence, foreign policy, economic policies and formation of new states.
  - It also coordinates the workings of various departments for the smooth implementation of the government's policies.
  - Most of the bills in the Parliament are introduced by the cabinet ministers. The bills are read, discussed and scrutinised clause by clause by the members of the Parliament.
  - The cabinet ministers answer questions asked by the members of the Lok Sabha and provide information on the working of their departments.
  - The Cabinet prepares the President's Special Address to the Parliament and advises the President to issue Ordinances when the Parliament is not in session.

| Parliamentary Form of Government                                                                                           | Presidential Form of Government                                             |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| The President is the nominal head of the State. The real powers and authority lie with the Prime Minister and his Cabinet. | The President is the chief executive of both state and central governments. |
| The President is elected indirectly.                                                                                       | The President is elected directly.                                          |
| The real powers remain with the Cabinet, and the legislature is responsible to the executive.                              | The real powers remain with the President.                                  |
| This form of government is practised in England and India.                                                                 | This form of government prevails in the USA.                                |

## Quasi Federal Government

- In a federal country, the powers are divided between the central and state governments. While the central government takes all the decisions regarding the governance of the country, the state governments independently administer their states.
- The state governments are not the agents of the central government and do not draw their authority from it. Both central and state governments draw their authority from the Constitution.
- The Indian Constitution is called quasi federal because it is federal in character and unitary in spirit. Our Constitution is federal in character because of the following reasons:
  - The powers are divided between the legislature, executive and judiciary. The judiciary functions independently of the control of the government. The independence of the judiciary is maintained in the following ways:
    1. The judges of the High Court and the Supreme Court are appointed by the President.
    2. The salaries and allowances of the judges cannot be reduced to their disadvantage.
    3. Once appointed, the judges cannot be removed from their office till their retirement except in the cases of gross misconduct.
    4. The Supreme Court can declare any law framed by the Parliament as null and void if it is not consistent with the spirit of the Constitution.
  - There is a division of power between the union and state governments while making laws. The three lists in which the government can make laws are
    1. Union List: It has 97 subjects on which only the centre can make laws.
    2. State List: It has 66 subjects on which only the state government can make laws.
    3. Concurrent List: It has 47 subjects on which both state and central governments can make laws.
  - The revenues of the country are distributed between the centre and the state.
- The Indian Constitution has unitary features also. These are
  - India has a strong central government. Both central and state governments can frame laws on the Concurrent List. In case of any dispute, the central law prevails.
  - The union government frames laws on economic policies, foreign affairs and currency. These subjects are more important than the others.
  - Residuary powers rest with the union government in India. The residuary powers relate to those subjects which are not included in any of the three lists.
- The governors of the state are appointed by the President.
- During emergency, the powers of the central government are enhanced and those of the state governments are curtailed.
- India has one single constitution for the entire country. Any amendments to the Constitution can be made only by the central government. The people of the country have single citizenship.
- India has a single unified judiciary with the Supreme Court at the apex and High Courts with subordinate courts below it.

- Only the Parliament of the country can change or fix the boundaries between two states or create new states.

### **Single Citizenship**

- The Constitution of India gives single citizenship to the people of the country. All the people irrespective of the states or territories in which they reside are citizens of the country. This is unlike USA, where a citizen is a citizen of USA and the state in which he/she resides.
- This has been done to ward off separatist tendencies and to maintain the unity of the nation.

### **Universal Adult Franchise**

All people above the age of 18 have the right to vote irrespective of their caste, class, gender and religion.