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Department of Employment and Training

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SALIENT FEATURES OF THE INDIAN CONSTITUTION

Introduction:

The Indian Constitution is unique in its contents and spirit. Though borrowed from almost every constitution of the world, the constitution of India has several salient features that distinguish it from the constitutions of other countries.

It should be noted at the outset that a number of original features of the Constitution (as adopted in 1949) have undergone a substantial change, on account of several amendments, particularly 7th, 42nd, 44th, 73rd, 74th and 97th Amendments. In fact, the 42nd Amendment Act (1976) is known as 'Mini-Constitution' due to the important and large number of changes made by it in various parts of the Constitution.

However, in the *Kesavananda Bharati* case (1973), the Supreme Court ruled that the constituent power of Parliament under Article 368 does not enable it to alter the 'basic structure' of the Constitution.

1. Longiest Written Constitution

The Constitution of India is the lengthiest of all the written constitutions of the world. It is a very comprehensive, elaborate and detailed document.

Originally (1949), the Constitution contained a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules. Presently (2016), it consists of a Preamble, about 465 Articles (divided into 25 Parts) and 12 Schedules.

2. Drawn from Various Sources

The Constitution of India has borrowed most of its provisions from the constitutions of various other countries as well as from the Government of India Act of 1935.

Structural Part	-	Government of India Act of 1935
Philosophical Part	-	American and Irish Constitutions
Political Part	-	British Constitution
Other Provision	-	Canada, Australia, Germany, France, South Africa, Japan.



3. Federal System with Unitary Bias

The Constitution of India establishes a federal system of government. It contains all the usual features of a federation, viz., two government, division of powers, written Constitution, supremacy of Constitution, rigidity of Constitution, independent judiciary and bicameralism.

4. Secularism

Secularism is one of the national important goals. In a Secular state, the people are not discriminated on the basics of religion. The state does not have a religion of its own. All religions in our country have the same status and support from the state.

5.Preamble

The Preamble is a preface or an introduction to the constitution. The Preamble says that the constitution derives its authority from the people of India. According to the Preamble, Justice, Liberty, Equality and Fraternity are the objectives of the Constitution.

6. Integrated and Independent Judiciary

The Indian Constitution establishes a judicial system that is integrated as well as independent. The Supreme Court stands at the top of the integrated judicial system in the country. Below it, there are high courts at the state level.

7. Fundamental Rights

Part III of the Indian Constitution guarantees six fundamental rights to all the citizens:

- (a) Right to Equality (Articles 14–18),
- (b) Right to Freedom (Articles 19–22),
- (c) Right against Exploitation (Articles 23–24),
- (d) Right to Freedom of Religion (Articles 25–28),
- (e) Cultural and Educational Rights (Articles 29–30), and
- (f) Right to Constitutional Remedies (Article 32).

The Fundamental Rights are meant for promoting the idea of Political Democracy. They are justiciable in nature, that is, they are enforceable by the courts for their violation.

8. Directive Principles of State Policy

The Directive Principles of State Policy is a 'novel feature' of the Indian Constitution. They are enumerated in Part IV of the Constitution. They can be classified into three broad categories— socialistic, Gandhian and liberal–intellectual. The directive principles are meant for promoting the ideal of social and economic democracy. They seek to establish a 'welfare state' in India.

9. Fundamental Duties

The original constitution did not provide for the fundamental duties of the citizens. These were added during the operation of internal emergency (1975–77) by the 42nd Constitutional Amendment Act of 1976 on the recommendation of the Swaran Singh Committee. The 86th Constitutional Amendment Act of 2002 added one more fundamental duty. The Part IV-A of the Constitution (which consists of only one Article—51- specifies the eleven Fundamental Duties.

10. Single Citizenship

Though the Indian Constitution is federal and envisages a dual polity (Centre and states), it provides for only a single citizenship, that is, the Indian citizenship. In India, all citizens irrespective of the state in which they are born or reside enjoy the same political and civil rights of citizenship all over the country and no discrimination is made between them excepting in few cases like tribal areas. Despite the constitutional provision for a single citizenship and uniform rights for all the people, India has been witnessing the communal riots, class conflicts, caste wars, linguistic clashes and ethnic disputes.

11. Independent Bodies

The Indian Constitution not only provides for the legislative, executive and judicial organs of the government (Central and state) but also establishes certain independent bodies.

- (a) Election Commission
- (b) Comptroller and Auditor-General of India
- (c) Union Public Service
- (d) State Public Service Commission

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The Constitution ensures the independence of these bodies through various provisions like security of tenure, fixed service conditions, expenses being charged on the Consolidated Fund of India, and so on.

12. Emergency Provisions

The Indian Constitution contains elaborate emergency provisions to enable the President to meet any extraordinary situation effectively. The Constitution envisages three types of emergencies, namely:

- (a) National emergency on the ground of war or external aggression or Armed Rebellion (Article 352);
- (b) State emergency (President's Rule) on the ground of failure of Constitutional machinery in the states (Article 356) or failure to comply with the directions of the Centre (Article 365); and
- (c) Financial emergency on the ground of threat to the financial stability or credit of India (Article 360).

Questions:

1. Explain the Unitary features of the Indian Constitution.
2. Evaluate the Salient features of the Indian Constitution.