

Salient Features of the Indian Constitution

1. Longest Written Constitution

India's Constitution is the most exhaustive written Constitution in the world. At the time of adoption in 1949, it included a Preamble, **395 Articles in 22 Parts**, and **8 Schedules**. Today, it contains **about 470 Articles in 25 Parts** and **12 Schedules**.

Why is it so detailed?

- India's vast geography and social diversity
- Influence of the elaborate Government of India Act, 1935
- A single Constitution governing both the Centre and the States
- Presence of trained lawyers and jurists in the Assembly
- Detailed administrative provisions are included in the text

2. Borrowed Features

India's Constitution creatively blends global constitutional principles.

Source	Borrowed Features
GoI Act, 1935	Federal structure, Governor's office, Judiciary, PSCs, Emergency provisions
UK	Parliamentary system, Rule of Law, Legislative procedure, Single citizenship, Cabinet system, Prerogative writs, Parliamentary privileges, Bicameralism
USA	Fundamental Rights, Judicial Review, Independence of judiciary, Impeachment, removal of judges, Vice-President
Ireland	DPSPs, Rajya Sabha nomination, Presidential election method
Canada	Federation with a strong Centre, Residuary powers with the Centre, the Governor appointed by the Centre, Advisory jurisdiction of the SC
Australia	Concurrent list, Freedom of trade and commerce, Joint sittings of Houses
Germany (Weimar)	Emergency suspension of rights
USSR (Russia)	Fundamental Duties, Social-economic-political justice in the Preamble
France	Ideals of Liberty, Equality, Fraternity
South Africa	Procedure for constitutional amendments, Rajya Sabha membership election
Japan	Procedure established by law

3. Blend of Rigidity and Flexibility

The Constitution is neither fully rigid nor fully flexible.

Article 368 provides three routes of amendment:

1. **Simple majority** (ordinary laws) – not under Article 368

2. **Special majority of Parliament**
3. **Special majority + approval of half of the states**

This makes the Constitution adaptable yet stable.

4. Federal System with a Unitary Tilt

India has all the features of a federation—two governments, division of powers, a written Constitution, constitutional supremacy, rigid amendments, independent judiciary. But it also has strong unitary features—a powerful Centre, single Constitution, single citizenship, integrated judiciary, Governor appointed by Centre, All India Services, and emergency provisions.

Article 1 calls India a “**Union of States**”, implying:

- The Federation was not formed by an agreement among states
- States have no right to secede

Scholars describe Indian federalism as:

- “Quasi-federal” – K.C. Wheare
- “Cooperative federalism” – Granville Austin
- “Bargaining federalism” – Morris Jones

5. Parliamentary System

India adopted the British-style parliamentary system at both the Union and State levels.

Key features:

- Nominal and real executive
- Majority party rule
- Collective responsibility of the executive
- Ministers are part of the legislature
- Prime Minister/Chief Minister as the leader of the government
- The Lower House can be dissolved

However, unlike Britain, the Indian Parliament is **not sovereign**, and India has an **elected head of State**.

6. Balance Between Parliamentary Sovereignty & Judicial Supremacy

The Constitution blends the British idea of parliamentary authority and the American model of judicial review.

- The Supreme Court can strike down unconstitutional laws
- Parliament can amend most parts of the Constitution

Thus, neither body is absolute; both maintain checks and balances.

7. Integrated and Independent Judiciary

India has a single integrated judicial hierarchy—the Supreme Court, High Courts, and subordinate courts.

The judiciary is independent through safeguards like tenure security, fixed service conditions, and autonomy.

The Supreme Court acts as:

- Federal court
- Highest appellate court
- Guardian of Fundamental Rights
- Interpreter of the Constitution

8. Fundamental Rights

Part III guarantees six fundamental rights:

Right	Articles
Equality	14–18
Freedom	19–22
Against Exploitation	23–24
Freedom of Religion	25–28
Cultural & Educational Rights	29–30
Constitutional Remedies	32

They form the cornerstone of Indian democracy.

9. Directive Principles of State Policy

Part IV lists non-justiciable directives aimed at building a welfare state. They are classified as **Socialistic, Gandhian, and Liberal–Intellectual** principles. Dr. Ambedkar called them the Constitution’s “**novel feature**”.

10. Fundamental Duties

Added by the 42nd Amendment (1976) and strengthened by the 86th Amendment (2002), these **11 duties** remind citizens of their responsibilities toward the nation. They are non-justiciable.

11. Secular State

India follows **positive secularism**, meaning equal respect and protection for all religions. The State does not have its own religion.

12. Universal Adult Franchise

Every citizen aged **18 and above** can vote, regardless of caste, religion, gender, wealth, or education. Voting age reduced from 21 to 18 by the **61st Amendment (1988)**.

13. Single Citizenship

Despite a federal structure, India offers only **one citizenship**—that of India. This promotes national unity and avoids state-level discrimination.

14. Independent Constitutional Bodies

The Constitution creates several autonomous bodies to strengthen democracy:

- Election Commission
- Comptroller and Auditor General
- UPSC
- State PSCs

These institutions operate free from executive control.

15. Emergency Provisions

Designed to safeguard sovereignty, unity, and stability.

Three types:

1. **National Emergency** (Art. 352)
2. **State Emergency / President's Rule** (Art. 356, 365)
3. **Financial Emergency** (Art. 360)

These provisions allow the Centre to assume greater powers when needed.

16. Three-tier Government

The 73rd and 74th Amendments brought local governments—Panchayats and Municipalities—into the Constitution.

India now has Union → State → Local governance.

17. Constitutional Status to Co-operatives

The 97th Amendment (2011) granted constitutional protection to **co-operative societies**, recognising their role in economic democracy.

Criticism and Responses

Criticism	Response
Too many borrowed features	Borrowed ideas were adapted to Indian needs
Copy of 1935 Act	Many provisions were transformed and expanded
“Un-Indian”	The Constitution reflects the Indian ethos & social goals
Not Gandhian enough	It still embodies several Gandhian principles
Too long (“elephantine”)	Details required for a diverse country like India
“Paradise of lawyers”	Legal precision ensures clarity & enforceability

The Indian Constitution is a dynamic, evolving, and deeply thoughtful document. Its blend of flexibility and stability, democratic values, federal structure with a strong centre, and emphasis on rights and duties make it one of the world’s most resilient constitutional frameworks. Despite criticisms, it remains a powerful instrument for guiding India’s political, social, and economic transformation.