**Semester II**

**Study Material for Regular/General Course (Political Science)**

POL RC 2016 INDIAN GOVERNMENT AND POLITICS

This document contains the answers of more than 50 one mark questions. All the bold ink sentences are the answers of some short questions.

Unit -2

**Indian Constitution: Its basic features**

At present almost all countries of the world are constitutional states. Every country has a constitution of its own and as the administration of the country is run according to the provisions of the constitution ,it is called constitutional state. But the aims and objectives of the constitution differ from country to country. Moreover each constitution grows and developes within a particular environment and that is why there are some special features in every constitution.

The constitution of India has also its own objectives. We have a heritage which cannot be ignored.Thus the constitution of India is a mixture of federalism and Unitarianism.Hence we notice some salient featuresof the Indian constitution. Basic feature of the Indian Constitution are-

Enacted Constitution: Constitution of India is an enacted constitution. It means that our constitution is not the result of growth or continuous development of the Indian society. It has been enacted and framed by a constitution making assembly which was constituted for that purpose. Constituent Assembly took about three years for final preparation of the constitution. Every provision in the constitution is the result of lengthy discussion and debates among the members of the constituent assembly.**Dr. Rajendra Prasad was the President of the Constituent Assembly.The constitution of india was adopted on November 26 th ,1949. Ultimately it came into force from January 26th 1950.**

The lengthiest Written Consitution: India is the largest democracy in the world and Indian Constitution is the lengthiest and bulkiest in the world. It is in the form of a written document.It is the most detailed constitution in the world. **It has 395 Articles grouped in to 22 Parts and 12 Schedules.The constitution of India has more than 90,000 words.** Further as there is a common constitution for both union and the states, so obviously our constitution is a large constitution. It is a large book of more than 400 words.

Mixture of flexibility and rigidity : Indian Constitution is a mixture of flexibility and rigidity .It means that some provisions of the constitution can be very easily amended and some provisions require a special procedure for its amendment.It has been made flexible so that it an adopt itself to changing circumstances. On the otherhand it has been made rigid so that it would not be the handmaid of the ruling party.So the framers of the constitution followed a middle path so far as the procedure of amendment is concerned. This is one of the reason behind the success of Indian Constitution.

Incorporation of a Preamble: The incorporation of a preamble to the constitution of India is another basic feature of the Indian constitution. It is a well drafted document which states the philosophy of the constitution. **It declares India as a Sovereign, Socialist ,Secular ,Democratic Republic** and a welfare state committed to secure justice, liberty, equality for the people for promoting fraternity, dignity of the individual and unity and integrity of the nation. One can know about the philosophy of the constitution only by studying the preamble.

Principle of Federalism: India is a federation but the term federation has not been used anywhere in the constitution. Instead of the term federation, **India has been declared as “Union of States” by the very 1st Article of the Constitution.** It does not describe India as a federation or a unitary state. Constitution of India is federal so far as federal provisions are concerned. The constitution has also distributed powers between centre and the states. There is a supreme court which acts as the guardian of the constitution. Both the Central and the State governments derive their powers from the constitution which is the supreme law of the land. But India is not a true federation, it has a unitary tendency. **During emergency it can be converted in to a unitary system.** Moreover the Central government is more powerful than the states. Thus the framers of the constitution preferred the term “Union”.

Secularism: Secularism is a basic feature reflecting the ideology of the Indian Union. By the **42nd amendment the term secularism was incorporated in the preamble**. It signifies that

there is no state religion in India. All people of India have liberty of faith ,belief and worship. There can be no discrimination on the ground of religion, caste or community. All religions and religious groups are equal before the state. As a state India gives no special status to any religion. **Under article 25 to 28,the constitution grants the right to religious freedom to all the citizens.** The state does not interfere with the religious freedom of the citizens.

Democratic State: Preamble to the constitution of India declares India to be a democratic state. Constitution of India provides for a democratic system. **But our democracy is Indirect democracy.** Our democracy is Representative Democracy, because people participate in the governmental affairs but indirectly through their elected representatives. People enjoy equal political rights – right to vote, right to contest elections, right to hold public offices, right to form associations and right to criticise the government etc. Elections are held with regular intervals or as an when these are considered as essential. The people can change their government through elections if they work against the whims or desire of the people. Thus the government acts under the constitution which represents the people. Thus the government acts under the constitution which represents the supreme will of the people.

Republican Character :The Republican character is another important feature of the Indian constitution. It means that India is not ruled by a hereditary or nominated ruler, the head of the state in India is an elected head. **In one sentence it can be said that when the head of the state is neither hereditary nor nominated but elected than it could be regarded as a republican state.India is a Republic because President of India is the head of the State who is indirectly elected by the people for a fixed term of 5 years.**

Fundamental Rights:Another novel feature of the Indianconstitution is the inclusion of Fundamental Rights. **In part III3rd of the Indian constitution from Article 12-35 fundamental rights of the citizens are incorporated.**Initially there were 7 rights granted to

the Indian citizens but later on **by the 44th amendment Right to Property was abolished as**

**a fundamental right.**Now there are six fundamental rights- Right to Equality, Right to Freedom, Right against Exploitation, Right to freedom of Religion, Cultural and Educational Rights, and the Right to Constitutional Remedies.

Fundamental Duties of the citizens: **In part IV-A of the constitution the fundamental duties are incorporated by the 42nd amendment of the constitution in 1976**.It describes in detail the fundamental duties of the citizens in India.As rights imply duties ,it was felt that some duties should be incorporated in the constitution.The inclusion of fundamental duties in the constitution will develop moral consciousness among the people about their duties towards the state. **At present there are 11 fundamental duties for the citizens of India**.

Parliamentary form of Government: In India we have a parliamentary form of govt in the centre as well as in the states. India have accepted the British model of parliamentary system.**In India President is the head of the state but he is a titularor nominal head only like the British Monarch.The real executive is the Union Council of Ministers headed by the Prime Minister**.Real Executive is responsible to the lower house of the parliament that is the Lok Sabha.There is a close connection between the Executive and the Legislature.Even the Executive is responsible to the Legislature.That is why it is called a parliamentary govt.

Universal Adult Suffrage: Introduction of Universal Adult Suffrage or Franchise is another important feature of the Indian Constitution. By introducing it constitution has granted political equality to the people of the country. One vote for one individual is granted without any artificial discrimination. Thus in India all individual above the age of 18 years has share in the political affairs of the country.No discrimination will be made on the basis of any artificial ground.

Emergency provisions: Some provisions of Emergency have been incorporated in the constitution of India. **These Emergency powers are vested in the hands of the President of India.** Emergency provisions are provided in the constitution so that Union Executive can meet with any emergency situation effectively. **The President of India have three types of emergency powers-National Emergency(Art 352),Constitutional Emergency in a State (356), Financial Emergency(360)**.During the emergency period , federal structure of the constitution is converted in to a unitary one. **Emergency Provisions are incorporated in Part XVIII of the constitution.**

Independence of the Judiciary: Constitution of India has not been framed on the basis of Theory of Separation of Powers. But one important feature of the Indian Constitution is the independence of the judiciary. It means that Indian Judiciary can discharge its duties without any interference from other branches of the Government. The tenure of Judges has been ensured by the constitution. This independence is very essential for the success of democracy. Only an independent Judiciary can protect the rights of the people.

Judicial Review: **The framers of the constitution of India borrowed the Idea of Judicial Review from the constitution of United States.** This is one very important feature of the constitution. It signifies that the Supreme Court and the High Court has been given the right to look in to the validity of a legislative measure or administrative action. In simple words if any law or action of the government goes against the basic provision of the constitution than the Judiciary can declare it as null and void or invalid.

Provision of Official Language: Hindi has been declared as official language in India by the constitution. It has been done to bring unity among the people of the country. But along with the official language, **constitution has recognised other 22 major languages**. **There are 3 North Eastern languages in the list recognised by the constitution-Assamese, Manipuri and Bodo.**

Single Citizenship: Generally in a federation people enjoy double citizenship but in India we have Single Citizenship. This has been made to develop a feeling of unity and oneness among the people. All people of India are Indian Citizens.

A Unique document drawn from various sources: Indian Constitution is a unique document of ideas borrowed from different sources. **The constitution makers borrowed the idea of Parliamentary form of Government from Britain, Directive Principles of State Policy from Ireland, and Fundamental Rights from US Constitution etc.** As the intention of the framers of the constitution was to give something very good to the people of India, they did not hesitate to borrow ideas from other constitutions. They wanted a workable constitution.

With all these features Indian is a constitution which is suitable to the Indian environment. But it has been developing from time to time to meet new situation and new challenges.

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