



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

KEY FEATURES OF THE INDIAN CONSTITUTION

~ *Hetu*

Introduction

The Indian Constitution is the longest and lengthiest written constitution for a sovereign nation in the world. It was adopted on November 26, 1949, and came into effect on January 26, 1950. It serves as the ultimate legislation of India, laying forth the foundation for the country's political structure and outlining the basic political tenets, processes, and obligations of all people. The distinctive feature of the Indian Constitution, which regulated the highest democracy in the world about more than 70 years, are examined in this article.

Historical context

After about three-decade-long and intricate historical process, the Indian Constitution came into existence. Its inception dates back to the early 1920s, when the independence movement started to gather traction & call for a codified constitution with guaranteed rights. Despite not attaining complete independence, the Government of India Act 1935 offered major structural components that would subsequently build the Constitution. A Constituent Assembly was originally called under the Cabinet Mission Plan of 1946, and it met for the first time on December 9, 1946.

The Constituent Assembly, initially comprising 389 members reduced to 299 after partition, worked under challenging circumstances. Dr. B.R. Ambedkar, Chairman of the Drafting Committee, undertook a crucial role in shaping the document. Deriving from various global constitutional practice- inclusive of Britain, the United States, Ireland, Canada, Australia, & the Soviet Union-the Assembly created a unique Indian document display the nation's complicated social and political materiality.

On November 26, 1949, the Assembly adopted the Constitution following 166 days of public sessions spanning over three years and careful consideration of over 2,000 changes. Signed by

284 members, the agreement came into force on January 26, 1950, a date specifically selected to honor the 1930 proclamation of "Purna Swaraj" (Complete Independence). In honor of India's transformation from a dominion to an independent democratic republic, this date is currently observed as Republic Day.

Key Features of the Constitution of India

1. The Longest written Constitution

At first, there were 395 articles spread over 22 sections and 8 schedules in the Indian Constitution. It is now significantly longer than other nations' constitutions, with 448 articles spread across 25 parts and 12 schedules after multiple amendments. This extraordinary length resulted from a number of factors, including India's enormous geographic and demographic diversity, the need to address complicated partition-related issues, the incorporation of provisions from different existing constitutions, and the need to accommodate a wide range of interests within Indian society. In order to limit constitutional issues and future lawsuits surrounding interpretation, the drafters purposefully chose comprehensiveness.

2. Combination of flexibility and rigidity

The amending process of the Indian Constitution has a special blend of strictness and adaptability. There are three types of changes established under Article 368:

- Articles that can be changed in Parliament by a simple majority.
- Clauses that call for a special majority, which is made up of two-thirds of the members who are present and voting, or an absolute majority of the membership.
- Clauses that need ratification by at least half of state legislatures in addition to a special majority.

This well-rounded strategy guarantees constitutional flexibility while shielding key components against capricious modifications. By establishing the "basic structure doctrine" in *Kesavananda Bharati Sripadagalvaru vs State of Kerala & Anr* which forbids revisions that change the fundamental nature of the Constitution, the Supreme Court further reinforced this safeguard.

3. Federal structure with unitary prejudice

India has a federal system with a powerful central authority that is sometimes referred to as "quasi-federal." The Seventh Schedule's three lists make it plain how the Constitution divides authority between the Union and the States:

- Union List: 100 topics subject to sole central authority.
- State List: 61 topics under sole state authority.
- Concurrent List: 52 topics covered by joint authority of Centre and the State.

A unitary tilt is evident in a number of clauses notwithstanding this federal division: The Union administration has the power to rearrange states and change their borders in times of emergency. The federal structure can change into a unitary system. The President appoints governors to act as constitutional heads of state; the Union government oversees the All-India Services (IAS, IPS); the Parliament, not the states, has residual powers; & the Union has more financial and resource authority. This special framework accommodates regional variety while promoting stability and national unity.

4. Parliamentary form of Government

The Constitution establishes a Westminster model of Parliamentary democracy characterized by:

- A nominal head of state (President) and an actual head of government (Prime Minister).
- The Council of Ministers' joint accountability to the lower house (Lok Sabha).
- Legislative ministerial membership.
- The prime minister's role as head of state and Parliament.
- The executive branch's power to dissolve the lower house.

In order to guarantee more executive responsibility and promote cooperative federalism that is in line with India's heterogeneous political environment, the Constituent Assembly chose this arrangement over the Presidential model.

5. Fundamental Rights

Six essential rights are guaranteed to people under Part III of the Indian constitution under Articles 12 to 35, and they are upholdable by the Supreme Court and lower courts:

- Articles 14–18: Equality of Rights.

- Articles 19–22: Freedom of Choice.
- Articles 23–24: Right against Exploitation.
- Articles 25–28: The Right to Freedom of Religion.
- Articles 29–30: Rights to Culture and Education.
- Article 32: Right to Constitutional Remedies

These rights protect individual liberty and dignity while limiting the authority of the state. Restrictions must pass the reasonableness test, but they are not absolute. In *Maneka Gandhi v. Union of India*, the Supreme Court's liberal interpretation of Article 21 (right to life and personal liberty) considerably broadened the definition of basic rights.

6. Directive Principles of State Policy

Non-justiciable Directive Principles of State Policy, which function as rules for governance with the goal of building social and economic democracy, are found in Part IV under Article 36 to 51. Among these principles are:

- Encouraging social order and the wellbeing of people (Article 38).
- Free legal aid and equal justice (Article 39A).
- Village panchayat organization (Article 40).
- Right to public help, education, and employment (Article 41).
- Article 44 of the Uniform Civil Code.
- Preservation of wildlife and the environment (Article 48A).

These ideas are essential to government and legislation, even if they are not legally binding. In order to reconcile Parts III and IV of the Constitution, the Supreme Court has increasingly applied these concepts to the interpretation of basic rights.

7. Fundamental Duties

Part IVA (Article 51A) was added by the 42nd Amendment (1976), which outlines 11 essential responsibilities for people. These include of upholding the Constitution, encouraging peace, preserving the environment, cultivating a spirit of science, and defending public property. These responsibilities are moral commitments that lead courts in constitutional interpretation, even if they are not immediately enforceable. In *A.I.I.M.S. Students Union vs A.I.I.M.S. &*

Ors, the Supreme Court underlined that basic obligations offer helpful direction for addressing constitutional disputes.

8. Secularism

India is recognised as a secular state by the Constitution in numerous ways:

- State religion is not recognised officially.
- Equal rights to freedom of religion and conscience are granted under article 25 to 28 of the Constitution of India.
- Non-discrimination on the basis of religion and equal protection under the law provided under article 14 and 15 of the Constitution of India.
- Article 28 of the Constitution forbids the religious instruction in schools getting state funding.
- Preservation of the cultural and educational rights of religious minority granted and Article 29 & 30 of the Constitution.

The interpretation of Supreme Court of India as to longstanding commitment to secular governance in *S.R. Bommai v. Union of India* was formalized when the 42nd Amendment inserted the word "secular" to the Preamble.

9. Independent Judiciary

The Supreme Court of India is at the apex of the independent judiciary established by the Constitution, with High Courts & other courts following. The Important characteristics includes:

- Separation of Judiciary from the legislative and executive bodies.
- Judges are appointed through the collegium system.
- Security tenure with removal only by impeachment.
- Fixed salary is paid to the Indian Consolidated Fund.
- Judicial review authority over executive & legislative acts.
- The power to grant writs in order to enforce the basic rights.

The court has a duty to protect people' rights and upholding the Constitution. In 2015 Supreme Court, in the case of *Supreme Court Advocate-on-Record Association v. Union of India*, upheld judicial independence as a fundamental component of the Constitution.

10. Single Citizenship

The Indian Constitution provides for single citizenship, in contrast to multiple citizenship offered by federal states namely the United States. Regardless where they live, all Indians are citizens of India. This clause guarantees equal rights for all Indian citizens, fostering national unity & thwarting state-based parochialism. The Citizenship Act of 1955 provides more details regarding obtaining and losing of Indian citizenship.

11. Adult Suffrage for All

Every person who is 18 years of age or older has the right to vote, regardless of their race, religion, caste, sex, or place of birth, in accordance to the Constitution's adoption of universal adult suffrage. The founders' dedication to democracy and belief in the political acumen of the populace were proved by this innovative approach, particularly in light of the literacy rates at independence. This idea serves as the footing for the Election Commission, which was created under Article 324 to guarantee free & fair elections.

12. Provision for Emergency

Three categories of emergency are covered under Articles 352-360:

- National Emergency (Article 352): During the times of violent insurrection, external assault, or war.
- Article 356 states about the State Emergency/President's Rule in case when a state's constitutional apparatus fails.
- When financial stability is at risk, there is a financial emergency (Article 360). Fundamental liberties may be curtailed, the executive's power greatly increases, and the federal power structure tilts toward the Union government during emergencies, especially national emergencies. Protections against possible abuse of these measures were added by the 44th Amendment (1978), especially in view of the Emergency experience of 1975–1977.

Conclusion

An outstanding accomplishment in constitutional engineering is the enforcement of Indian Constitution. Its framers were successful in striking a balance between authority & liberty, stability & flexibility, & unity and variety. They created a living document that has led the

greatest democracy in the world through various difficulties by combining lessons from other constitutional systems throughout the world with India's own difficulties. The Constitution's flexibility to change via judicial interpretations & changes while maintaining its fundamental framework & fundamental principles of equality, justice, liberty, & fraternity accounts for its ongoing significance.

References

1. Books

- B.R. Ambedkar, *The Constitution of India* (1950).
- D.D. Basu, *Introduction to the Constitution of India* (1902).

2. Research Article

- Gur Prasad Srivastava, *Some Unitary Features of our new Constitution*, 11 *IJPS* 62, 1-3 (1950).
- Subhash C. Jain, *The Constitution of India*, 42 *JILI* 144, 8-9,13 (2000).
- David Gwynn Morgan, *The Indian "Essential Features" Case*, 30 *ICLQ* 307, 1-3 (1981).
- K. H. Cheluva Raju, *Dr. B. R. Ambedkar and Making of the Constitution: A Case Study of Indian Federalism*, 52 *IJPS* 153, 1-7(1991).

3. Case Laws

- *Kesavananda Bharati Sripadagalvaru v. State of Kerala & Anr*, AIR 1973 SC 1461.
- *Maneka Gandhi v. Union of India*, 1978 AIR 597, 1978 SCR (2) 621.
- *A.I.I.M.S. Students Union v. A.I.I.M.S. & Ors*, AIR 2001 SC 3262, 2002 (1) SCC 428.
- *S.R. Bommai v. Union of India*, 1994 AIR 1918, 1994 SCC (3) 1.
- *Supreme Court Advocate-on-Record Association v. Union of India*, AIR 2015 SC 5457.