



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 INDIAN CONSTITUTION

~ *Mansi*

Introduction

January 26, 1950, marks a significant milestone in Indian history as it was the day the Constitution of India came into effect. This momentous occasion signaled the transformation of India into a sovereign republic, presenting the emergence of a new democratic nation to the world.

What is a Constitution?

A constitution is a foundational legal document that holds supreme authority. It outlines the framework, guiding principles, and the functioning of the state's governmental organs. In India's context, the Constitution not only defines the rules of governance but also embodies the values and ideals upon which the society is built. It forms the bedrock or "grundnorm" of the Indian legal and political structure.

Historical Context

Constitutions are shaped by the legacies of the past and serve as blueprints for the future. The Indian Constitution wasn't born out of a revolution, but rather through extensive deliberation and study by a diverse group of representatives. These individuals sought to improve the existing governance system through constructive reform, making an understanding of the historical journey essential.

Developmental Phases of the Indian Constitution

- i. 1600–1765 – Arrival of the British
- ii. 1765–1858 – Consolidation of British Rule
- iii. 1858–1919 – End of

Company Rule and Crown Takeover iv.1919–1947 –

Introduction of Self-Government Measures

v. 1947–1950 – Drafting of the New Constitution

Nature of the Indian Constitution

Constitutions are generally categorized as either unitary or federal. In a unitary system, all governing powers are centralized. Conversely, a federal system distributes authority between central and state governments. India's Constitution reflects a blend, often described as quasifederal, due to its dominant centralizing features despite incorporating federal principles.

The framers closely analyzed constitutions from across the globe and drew inspiration particularly from the Government of India Act of 1935, carefully selecting provisions suited to Indian conditions.

Key Features of the Indian Constitution

1. Length and Detail

The Indian Constitution is the most extensive written constitution globally. Initially comprising 395 articles in 22 parts and 9 schedules, it now includes 448 articles across 25 parts and 12 schedules. This comprehensiveness reflects the diversity and complexity of the Indian polity.

2. Parliamentary System of Government

Adopting the British model, India has a parliamentary system at both central and state levels. This system is characterized by executive accountability to the legislature. It was chosen due to its familiarity among the Indian populace and its inherent provision for democratic accountability.

3. Balance Between Rigidity and Flexibility

Though written constitutions are typically rigid, the Indian Constitution incorporates both rigid and flexible elements. While certain amendments require the involvement of both Parliament and state legislatures, most changes can be enacted by a special majority in Parliament, allowing adaptability.

4. Fundamental Rights

Outlined in Part III, Fundamental Rights are central to India's democratic framework. These rights restrict the state from infringing on individual freedoms. Inspired by the U.S.

Bill of Rights, these rights are enforceable by courts, although they are not absolute and are subject to reasonable restrictions for public order and morality.

5. Directive Principles of State Policy

Contained in Part IV, these principles serve as guidelines for state policy aimed at establishing a just and equitable society. While not legally enforceable, they represent essential directives for governance in line with the ideal of a welfare state.

6. Federal Structure with a Strong Centre

India's Constitution provides for a federal system with a pronounced central bias, especially during emergencies. In such scenarios, the Centre assumes legislative control over state matters, and financial arrangements may also be adjusted, highlighting the Constitution's flexible federalism.

7. Universal Adult Franchise

The Constitution grants voting rights to all citizens aged 18 and above, regardless of gender, wealth, education, or social status. This expansive suffrage, enshrined in Article 326, was a bold move given India's vast population and high illiteracy at the time.

8. Independent Judiciary

The judiciary in India operates independently and has the power of judicial review. This ensures that laws inconsistent with the Constitution can be struck down. The courts serve as the guardians of constitutional values and arbiters in Centre-State disputes.

9. Secularism

India is a secular state, meaning it does not endorse any religion. Articles 25 to 28 guarantee freedom of religion, allowing individuals to profess, practice, and propagate their faith. This freedom is subject to public order, morality, and health.

10. Single Citizenship

Despite a federal structure, India provides for only one citizenship—Indian citizenship. Unlike the U.S., which allows dual citizenship (federal and state), India ensures unity through a single national identity.

11. Fundamental Duties

Introduced by the 42nd Amendment in 1976 and expanded by the 86th Amendment in 2002, the Constitution outlines 11 Fundamental Duties for citizens. These duties remind individuals

of their responsibilities in preserving democratic values alongside enjoying constitutional rights.

12. Judicial Review

Judicial review empowers courts to evaluate the constitutionality of laws. In the landmark *Keshavananda Bharati vs. State of Kerala* case (1973), the Supreme Court emphasized that judicial review is a cornerstone of the Indian legal system, ensuring that legislative actions remain within constitutional bounds.

Conclusion

The Indian Constitution is a unique synthesis of federal and unitary elements. It affirms federalism while upholding national unity and integrity. Rather than being rigidly classified, it reflects a pragmatic approach, adapting to India's specific needs. In essence, the Constitution is federal in form but unitary in spirit, designed to promote both democratic governance and national cohesion.