

# **HISTORY OF CONTEMPORARY INDIA**

## **MODULE 1-THE REPUBLIC**

**TOPIC:SALIENT FEATURES OF INDIAN CONSTITUTION**

**23/11/2020**

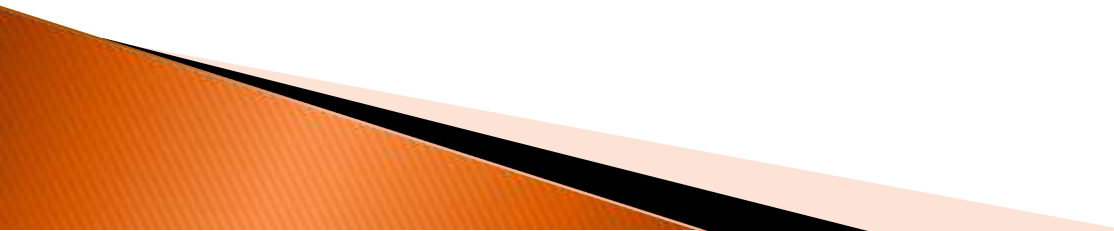
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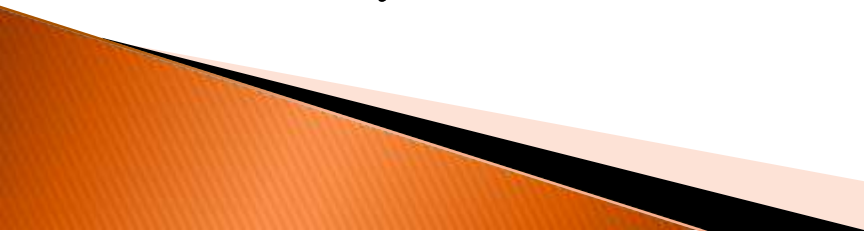
**ASSISTANT PROFESSOR**

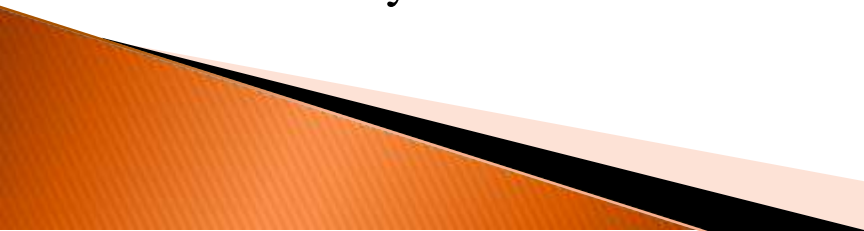
**DEPARTMENT OF HISTORY**

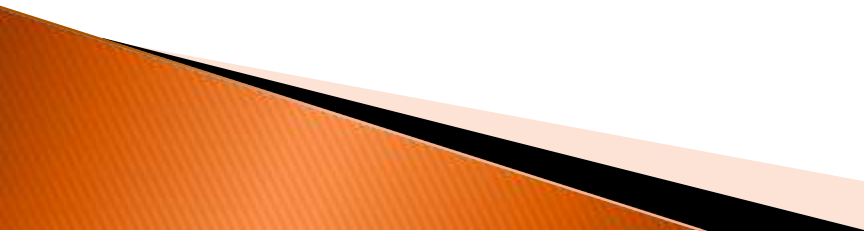
**LITTLE FLOWER COLLEGE, GURUVAYUR**

# SALIENT FEATURES OF INDIAN CONSTITUTION

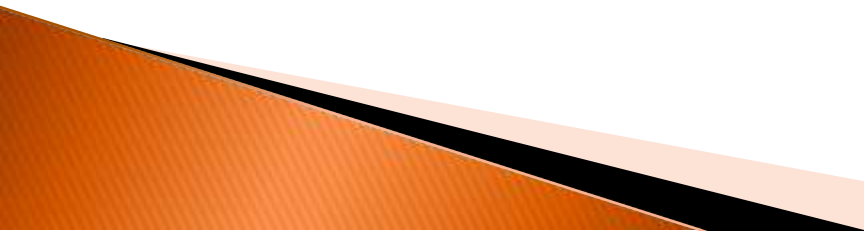
- ▶ The Preamble
  - ▶ Fundamental Rights and Duties
  - ▶ Directive Principles
  - ▶ Parliamentary System and Amendment Procedures
  - ▶ Judicial Review and Basic Structure doctrine
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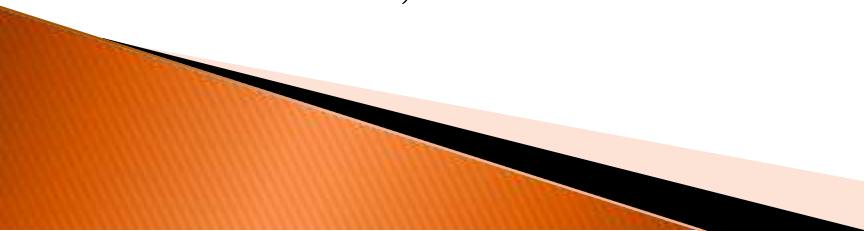
- ▶ The Constitution of India is considered as a distinctive constitution around the globe.
  - ▶ It is the largest written liberal democratic constitution of the world.
  - ▶ It offers for a mixture of federalism and Unitarianism, and flexibility and with rigidity.
  - ▶ The Constitution of India was outlined by a Constituent Assembly. This Assembly was an indirectly chosen body.
  - ▶ It had laid down certain ideals to be included in the Constitution. These ideals included commitment to democracy, guarantee to all the people of India, Justice, equality and freedom.
  - ▶ It had also proclaimed that India will be a Democratic Republic.
  - ▶ Constituent Assembly held its first sitting on the 9th December, 1946. It reassembled on the 14th August, 1947, as the sovereign Constituent Assembly for the Dominion of India.
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- ▶ It lays down the framework defining fundamental political principles, establishing the structure, procedures, powers and duties, of the government and spells out the fundamental rights, directive principles and duties of citizens.
  - ▶ Passed by the Constituent Assembly on 26 November 1949, it came into effect on 26 January 1950.
  - ▶ The date 26 January was chosen to commemorate the declaration of independence of 1930.
  - ▶ Since its inauguration on 26th January 1950, the Constitution India has been efficaciously guiding the path and development of India.
  - ▶ The constituent assembly had more than 300 members
  - ▶ The Assembly met between 1946 and 1949
  - ▶ It took 2 years 11 months and 15 days to pass
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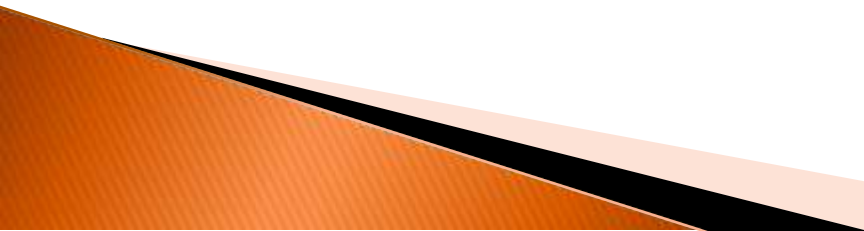
- ▶ Sachindananda Sinha was elected as the first president of the constituent assembly
  - ▶ Later Dr.Rajendra Prasad was elected as permanent president
  - ▶ The other prominent members were Jawaharlal Nehru, C.Rajagopalachari,Sardar Vallabhai Patel,Maulana Abdul Kalam Azad as well as ShymPrasad Mukherji
  - ▶ The assembly also comprised of nominated independent members of different caste and religious groups and ensured the representation of women
  - ▶ Frank Anthony represented Anglo-Indian community, Parsis were represented by H.P Modi and there were women members like Vijayalakshmi Pandit
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- ▶ Indian constitution to great extent is based on the Government of India Act 1935
- ▶ It is called as a 'Bag of borrowings'
- ▶ 1.Parliamentary democracy-England
- ▶ 2.The concept of Federalism,Th bill of Rights,Judicial review and Fundamentl rights-US constitution
- ▶ 3.The directive principles of state policy-Irish constitution
- ▶ 4.The emergency provisions-Weimar constitution of Germany
- ▶ 5.The structure of Government into three levels were taken from the constitution of canada
- ▶ 6.Fundamental Duties-USSR
- ▶ At present, the Constitution of India contains 448 Articles in 25 Parts and 12 Schedules

- ▶ **Single Constitution for both Union and States:** India has a single Constitution for Union and all the States.
  - ▶ The Constitution promotes the unity and convergence of the ideals of nationalism. Single Constitution empowers only the Parliament of India to make changes in the Constitution.
  - ▶ It empowers the Parliament even to create a new state or abolish an existing state or alter its boundaries.
  - ▶ **Rigidity and Flexibility:** The Constitution of India is neither rigid nor flexible.
  - ▶ A Rigid Constitution means that the special procedures are required for its amendments whereas a Flexible Constitution is one in which the constitution can be amended easily.
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- ▶ **Secular State:** The term secular state means that all the religions present in India get equal protection and support from the state.
  - ▶ It provides equal treatment to all religions by the government and equal opportunities for all religions.
  - ▶ **Federalism in India:** The Constitution of India provides for the division of power between the Union and the State governments
  - ▶ **Single Citizenship:** Constitution of India provides for single citizenship to every individual in the country. No state in India can discriminate against an individual of another state
  - ▶ **Directive Principles of State Policy:** Part IV (Articles 36 to 50) of the Constitution mentions the Directive Principles of State Policy. These are non-justifiable in nature and are broadly classified into Socialistic, Gandhian, and Liberal-intellectual.
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- ▶ **Fundamental Duties:** These were added to the Constitution by the 42nd Constitutional Amendment Act (1976).
  - ▶ A new Part IV-A was created for the purpose and 10 duties were incorporated under Article 51-A.
  - ▶ The provision reminds the citizens that while enjoying rights, they should also perform their duties.
  - ▶ **Universal Adult Franchise:** In India, every citizen who is above the age of 18 years has the right to vote without any discrimination on the ground of caste, race, religion, sex, literacy etc.
  - ▶ **Emergency Provisions:** The President is empowered to take certain steps to tackle any extraordinary situation to maintain the sovereignty, security, unity, and integrity of the nation.
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- ▶ Preamble: The preamble itself was based on the objectives resolution drafted by Nehru. It guaranteed, Justice, Freedom, Equality and Fraternity
  - ▶ There shall be a council of ministers headed by prime minister. The real executive power is vested in the hands of council of ministers with prime minister as the head
  - ▶ **FUNDAMENTAL RIGHTS:**
  - ▶ Right to Equality
  - ▶ Right to Freedom
  - ▶ Right against exploitation
  - ▶ Right to freedom of religion
  - ▶ Right to cultural and educational rights
  - ▶ Right to constitutional remedies
  - ▶ These rights which are incorporated in Articles 12 to 35 of the constitution
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