

Indian Constitution: Features, Relevance and Importance in Governance

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Abstract

The Constitution of India (*Bhartiya Samvidhan*) is the supreme law of India. The document lays down the framework demarcating fundamental political code, structural procedures, powers and duties of government institutions and sets out fundamental rights, directive principles and the duties of citizens. It is the longest written constitution of any country on earth. Dr. B.R. Ambedkar, chairman of the drafting committee is widely considered to be its chief architect.

It imparts constitutional supremacy (not Parliamentary supremacy) since it was created by a constituent assembly rather than Parliament and was adopted by its people with a declaration in its preamble. Parliament cannot override the Constitution. It was adopted by the Constitution's Assembly of India on 26 March, 1949 and became effective on 26 January, 1950. The Constitution replaced the Government of India out 1935 as the country is fundamental governing document and the dominion of India became the republic of India. The basic structure of the Constitution i.e. its most fundamental features can be described as preamble, fundamental rights, directive principles, secularism, federation, republicanism, independence of judiciary, rule of law and liberal democracy. It has features of a federation (a codified, supreme constitution, a three tier government structure (Central, State and Local), and country features such as single constitution and single citizenship.

Introduction

Indian Constitution is important in several dimensions, as it is in the noble and universal book for the people of India. It lays down the basic structure of the government under which its people are to be governed. The Constitution of India is the framework for political principles, procedures and powers of the government. It is also the longest Constitution in the world. It has 448 Articles in 25 Parts and 12 Schedules. Originally, it has considered 395 Articles arranged under 22 Parts and 8 Schedules. The Indian Constitution has elaborated provisional, for judiciary, Public Service Commissioner, Election Commissioner, Controller and Auditor General of India etc, which also make it voluminous as compared to other Constitutions. The Indian Constitution has provisions regarding the administration of States.

The Nature of Indian Constitution

Constitutions are either unitary or federal. In the unitary government, powers of the government and the states are subordinate to the Centre. In the federal constitution, there is a division of powers between the states and the central government and both are independent in their own spheres.

The nature of Indian Constitution can be understood as it is:

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- Federal with unitary features
- Unitary with Federal features, and
- Quasi-federal.

The federal features of the Indian Constitution can be understood in the following points:

The most essential features of the federal Constitution is that it has a dual government that means a dual polity consisting of the union at the centre and the states at the periphery. Each is endowed with sovereign powers to be exercised in the field assigned to them respectively by the Indian Constitution. A federal Constitution is almost necessary for a written Constitution.

The Indian Constitution is considered as federal during normal circumstances, while during the time of emergency, it has the possibilities and provisions of being converted in to a country one. The Indian Constitution stands for secular state. It does not promote any particular religion and the official religion of the Indian states. The Constitution has two main functions. First, it creates a national government consisting of a legislative and executive and a judicial branch with a system of checks and balance among the three branches. Second, it divides power between the federal government and the states.

The Indian Constitution has divided the powers between the centre and the state in terms of union list, state list and the concurrent list as mentioned in Schedule VII. The Indian Constitution is the supreme law of the land which means all the authorities of the Union and the States are subject to the authority of the Indian Constitution.

The procedure of amending the Constitution regarding the federal principle is rigid. The Indian Constitution cannot be changed unilaterally either by the Centre or by any state government. Hence, the Indian Constitution is rigid to the extent of those provisions which are concerned with federal structure can be amended by the joint action of the Centre and the state as well.

The Indian Constitution establishes an independent judiciary headed by the Supreme Court for two purposes. One, to protect the supremacy of the Constitution by exercising the power of judicial review and second, to settle disputes between the Centre and the states or between the two states.

The unitary features of the Indian Constitution can be in the following points:

Article 1 of the Indian Constitution says that India is the union of states which implies two things i.e., it is not the result of an agreement among the states and, the second is that the states have no power to separate itself from the union. In India, the government has the power to separate or alter the boundaries of the states and it is laid down in Article 3 of the Indian Constitution. The process of a constitutional amendment is less rigid than what is found in other federations. The bulk of the Indian Constitution can be amended by the unilateral action of the Parliament.

The Indian Constitution has established an integrated judicial system with the Supreme Court at the top and the state's High Courts below it.

There is single citizenship for both union and the states. There is no provision of separate constitution for

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the state in India, unlike the USA. The quasi-federal features of the Indian Constitution can be understood as it has always been a matter of debate that whether the Indian Constitution is federal or unitary in nature. The Indian Constitution is both federal and unitary in nature as it is a combination of federal and unitary features.

In the federal set-up, there is a two-tier government with well assigned powers and the functions of all the parts. Prevention as well as betterment of the conflict of the interest of the Centre and the states is an integral part of federalism. No doubt that the essay characteristics of a federal Constitution are present in the Indian Constitution.

From all these points, it can be concluded that the Indian Constitution is neither purely federal nor integral. It is a harmonious mixture of both. It has contemplated the problems which the country may face in the future if the Constitution would be purely federal and therefore, the Indian Constitution has made provisions for converting it into a unitary mode on a temporary basis until the crisis overcome.

The Constitution is important because it protects individual freedom and its fundamental principles govern the united states in India. The Constitution places the governing power in the hands of the citizens. The Indian Constitution provides a bicameral legislature at Centre consisting of Rajya Sabha (Council of States) and Lok Sabha (House of the people).

Emergency Powers

The Constitution vests extra-ordinary powers, known as Emergency Powers in the President during emergencies out of armed rebellion or external aggression or due to failure of constitutional machinery in the state (Articles 352-360).

Special Provisions for Minorities

The Constitution makes special provisions for minorities, scheduled castes, scheduled tribes, etc by granting them certain special rights and provisions. Basically, these are some of the interesting features of Indian Constitution. Moreover, the Constitution also has many other features such as Panchayati Raj, Rules of Law, provisions for independent bodies, etc which are very unique in nature.

The Indian Constitution has provisions regarding the administration of states. This is unlike the U.S. Constitution where the states form their Constitution separately. Since the federal Constitution is supposed to describe in detail the rights and jurisdictions of the Centre and states thus, making it more bulky in nature. A country is run by the government, judicial bodies, its people and the most important, by the Constitution. The Constitution serves as the backbone of the country. Without it, the law and jurisdiction will not hold up and fall apart in no time, but they are meant to stand strong. The constitution works as a means by which the government in the rule known as to what extent they can impose rules and regulations on the citizens of the country. A constitution is set for the country to develop successfully. Thanks to the Constitution, the power of the government bodies flow in certain path.

Conclusion

Based on the foregoing discussion, it can be concluded that Indian constitution has all the features of

federal constitution, the centre and states are independent to make laws in their respective field assigned by the constitution. However, the centre has supremacy in certain situations that is also mentioned in the Constitution itself. If either government tries to transgress the limits an independent judiciary plays an important role as the apex court is considered the protector and guarantor of the Constitution. The concept of federalism in India keeps changing since the commencement of the Constitution.

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References

- Austin Granville (1999), *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, ISBN 9780195649598.
- Das Hari (2002), *Political System of India*, New Delhi: Anmol Publication, ISBN 978-8174884961.
- *Introduction to Constitution of India*, Ministry of Law and Justice of India, archived from the original on 22nd October, 2014.
- Khanna H.R. (2008), *Making of Indian Constitution (2nd ed.)* Lucknow: Eastern Book Co., ISBN 9788170121084.
- Laxmikanth M. (2010), *Indian Policy*, McGraw Hill Education, ISBN 9789352604883.
- *Preamble of the Constitution of India (PDF)*, Ministry of Law and Justice, archived from the original (PDF) on 9th October, 2012.
- *The Constitution of India: Role of Dr. B.R. Ambedkar*, archived from the original on 2nd April, 2015.