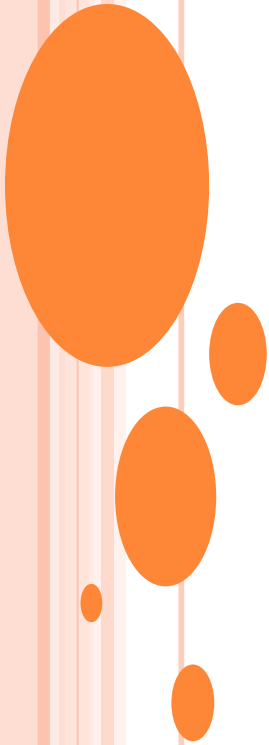
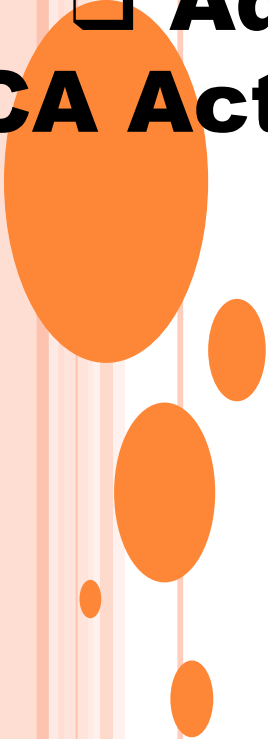


SALIENT FEATURES OF THE CONSTITUTION



Introduction:

- ☐ **Indian Constitution is innovative in content and Spirit .**
 - ☐ **Inspired from various sources yet unique**
 - ☐ **Adapts changes – 42nd CA Act, Basic Structure etc**
- 

1. Longthiest Written Constitution

☐ Most detailed and elaborate written Constitution in the world.

☐ Reasons

- a. Geographical nature of the country**
- b. Historical factors – GOI Act 1935**
- c. Single Constitution for the whole country**
- d. Domination of legal content**
- e. Consists of legislative, executive as well as administrative matters.**



2. Drawn from various source

- ❑ Inspired from constitutions around the world.**

- ❑ Most influential – GOI Act 1935**

- ❑ Structural part – GOI Act 1935**

- ❑ Philosophical part – USA and Irish Constitution**

- ❑ Political part – British Constitution**



Sources	Features Borrowed
1. Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
2. British Constitution	Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and <u>bicameralism</u> .
3. US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president.
4. Irish Constitution	Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of president.
5. Canadian Constitution	✓ Federation with a strong Centre, <u>vesting of residuary powers in the Centre</u> , appointment of state governors by the Centre, and <u>advisory jurisdiction of the Supreme Court</u> .
6. Australian Constitution	✓ Concurrent List, freedom of trade, commerce and inter-course, and <u>joint sitting</u> of the two Houses of Parliament.
7. Weimar Constitution of Germany	Suspension of Fundamental Rights during Emergency. ✓
8. Soviet Constitution (USSR, now Russia)	Fundamental duties and the ideal of justice (social, economic and political) in the Preamble.
9. French Constitution	Republic and the ideals of liberty, equality and fraternity in the Preamble.
10. South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha. ✓
11. Japanese Constitution	Procedure established by Law.

3. Blend of rigidity and flexibility

- ☐ **Synthesis of both.**
- ☐ **3 types of Amendments**
 - 1. Special majority by Parliament**
 - 2. Special majority with consent of the states**
 - 3. Simple majority by Parliament (outside the scope of Article 368)**



4. Federal System with Unitary bias

- ❑ Features of both.**
- ❑ Federal features – division of power, supremacy of Constitution, Independence judiciary, written Constitution etc.**
- ❑ Unitary Features – Strong Centre, Single Constitution, Single Citizenship, Governor of State appointed by Centre, emergency provisions etc.**
- ❑ Word ‘federation’ not in Constitution**
- ❑ Article 1 defines India as Union of States**



