



# Features of the Indian Constitution

NITA MALIK, ASSOCIATE PROFESSOR & HEAD, PG DEPARTMENT OF  
POLITICAL SCIENCE

HANS RAJ MAHILA MAHAVIDYALAYA, JALANDHAR

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# Introduction

- The Constitution of India was drafted by the Constituent Assembly. The 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.
- The Constitution of India frames fundamental political principles, procedures, practices, rights, powers, and duties of the government. It imparts constitutional supremacy and not parliamentary supremacy, as it is not created by the Parliament but, by a constituent assembly, and adopted by its people, with a declaration in its preamble. Parliament cannot override it. 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.

# Need for the Constitution

- It generates trust that is necessary for different kinds of people to live together.
- It specifies how the government will be constituted which means who will have the power and what decisions will they be responsible for.
- It lays down limitations on the powers of the government and makes the citizens aware of their rights.
- It expresses the aspirations of people for building a good society.
- It defines the nature of political system of a country.
- It provides a set of rules that allow the minimal coordination amongst members of society.
- It enable the govt. to fulfil the separation of a society and create conditions for just society.

# Indian Constitution

- The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, 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 sovereign country in the world, containing 444 Articles in 22 parts, 12 Schedules and 98 Amendments. The Constitution was adopted by the Constituent Assembly on 26 November 1949, and came into effect on 26 January 1950.

# Preamble to the Constitution

- Unlike Australia, US or Canada, the Indian Constitution has an elaborate Preamble
- Its purpose is to clarify: who has made the constitution, what is its source, who is the ultimate sanction behind it, what is the nature of polity and what are its goals and objectives
- It lays emphasis on principle of equality which is basic to the Constitution
- As such the 'Preamble' provides the guide lines of the Constitution. Basically, it is a brief introductory statement that sets out the guiding purpose and principles of the document, and it indicates the source from which derives its authority, meaning, and the people.

# Preamble to the Constitution

## Contd.

- The Preamble describes the objectives of the Constitution in two ways: one, is about the structure of the governance and secondly, it explains the ideals to be achieved in independent India. It is because of this, the Preamble is considered to be the major element of the Constitution.
- The objectives, which are laid down in the Preamble, are:
  - Description of Indian State as Sovereign, Socialist, Secular, Democratic Republic. (Socialist, Secular added by 42nd Amendment, 1976).
  - Provision to all the citizens of India i.e.
    - Justice social, economic and political.
    - Liberty of thought, expression, belief, faith and worship.
    - Equality of status and opportunity.
    - Fraternity assuring dignity of the individual and unity and integrity of the nation.

# Size

- Longest written constitution of any sovereign country
- It has 448 articles in 25 parts, 12 schedules, 5 appendices and has been amended 98 times (out of 120 constitution amendment bills)
- Very comprehensive and includes matters which are legitimately the subject matters of ordinary legislation or administrative action
- The Government of India act, 1935 was used as an initial working draft
- The size, complexities and diversity of Indian situation necessitated miscellaneous provisions for certain regions

# Drawn from Different Sources

- The Indian Constitution has been framed from multiple sources that include the Government of India Act of 1935, and Constitutions of other countries.

Feature of Indian Constitution	Borrowed From (Source)
Basic structure (Federal scheme, Judiciary, Governors, Emergency powers, Public Service Commissions, Administrative details etc.)	Government of India Act 1935
Fundamental Rights	American Constitution
Directive Principles	Irish Constitution
Cabinet form of government	British Constitution

- Besides these, various provisions have also been adopted from the Constitutions of Canada, Australia, Germany, USSR, and France.

# Fundamental Rights

- The Constitution of India guarantees six fundamental rights to every citizen:-
  - Right to Equality:- Right to Equality ensures equal rights for all the citizens. The Right to Equality prohibits inequality on the basis of caste, religion, place of birth, race, or gender. It also ensures equality of opportunity in matters of public employment and prevents the State from discriminating against anyone in matters of employment on the grounds only of religion, race, caste, sex, descent, place of birth, place of residence or any of them.
  - Right to Freedom:- Right to freedom provides us with various rights. These rights are freedom of speech, freedom of expression, freedom of assembly without arms, freedom of movement throughout the territory of our country, freedom of association, freedom to practice any profession, freedom to reside in any part of the country. However, these rights have their own restrictions.

# Fundamental Rights Contd.

- Right against Exploitation:- Right against Exploitation condemns human trafficking, child labor, forced labor making it an offense punishable by law, and also prohibit any act of compelling a person to work without wages where he was legally entitled not to work or to receive remuneration for it. Unless it is for the public purpose, like community services or NGO work.
- Right to Freedom of Religion:- Right to Freedom of Religion guarantees religious freedom and ensures secular states in India. The Constitution says that the States should treat all religions equally and impartially and that no state has an official religion. It also guarantees all people the freedom of conscience and the right to preach, practice and propagate any religion of their choice.

# Fundamental Rights Contd.

- Cultural and Educational Rights:- Cultural and Educational Rights protects the rights of cultural, religious and linguistic minorities by enabling them to conserve their heritage and protecting them against discrimination. Educational rights ensure education for everyone irrespective of their caste, gender, religion, etc.
- Right to Constitutional Remedies:- Right to Constitutional Remedies ensures citizens to go to the supreme court of India to ask for enforcement or protection against violation of their fundamental rights. The Supreme Court has the jurisdiction to enforce the Fundamental Rights even against private bodies, and in case of any violation, award compensation as well to the affected individual.
- The Supreme Court recently added **Right To Privacy** in the fundamental rights.

# Directive principles of State Policy

- The Constitution enumerates several Directive Principles of State Policy which are intended to be implemented by the Center and State Governments in due course. They are aimed at the promotion of the material and moral well-being of the people and to transform India into a Welfare State.
- They denote the ideals that the State should keep in mind while formulating policies and enacting laws.
- The Directive Principles of State Policy resembles the 'Instrument of Instructions' enumerated in the Government of India Act of 1935. In the words of Dr B R Ambedkar, 'the Directive Principles are like the instrument of instructions, which were issued to the Governor-General and to the Governors of the colonies of India by the British Government under the Government of India Act of 1935.'

# Directive principles of State Policy

## Contd.

- What is called Directive Principles is merely another name for the instrument of instructions. The only difference is that they are instructions to the legislature and the executive'.
- They constitutes a very comprehensive economic, social and political programme for a modern democratic State which *aimed at realising the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution*. They embody the concept of a 'welfare state' which was absent during the colonial era.

# Directive principles of State Policy

## Contd.

- Some of the Directive Principles are:-
  - There should not be concentration of wealth and means of production to the detriment of common man.
  - There should be equal pay for equal work for both men and women.
  - Workers should be paid adequate wage.
  - Weaker sections of the people, Scheduled Caste and Scheduled Tribe people should be given special care.
  - The state should promote respect for international law and international peace.

# Directive principles of State Policy

## Contd.

- Directive Principles have been used to uphold the Constitutional validity of legislation in case of conflict with Fundamental Rights. According to the amendment of 1971, any law that even though it deviates from the Fundamental Rights, but has been made to give effect to the Directive Principles in Article 39(b)(c) would not be deemed invalid. The Fundamental Duties will be held obligatory for all citizens subject to the State enforcing the same by means of a valid law.

# Fundamental Duties

- The 42nd amendment of 1976 added Article 51-A to the Constitution requiring all citizens to fulfil 10 duties. Failure to perform these duties does not carry any penalty, yet the citizens are expected to follow them. These are:
  - To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
  - To cherish and follow the noble ideals which inspired our national struggle for freedom.
  - Uphold and protect the sovereignty, unity and integrity of India.
  - Defend the country and render national service when called upon to do so.
  - To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.
  - To value and preserve the rich heritage of our composite culture.

# Fundamental Duties Contd.

- To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.
- To develop the scientific temper, humanism and the spirit of inquiry and reform.
- To safeguard public property and to abjure violence.
- To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

# Sovereign Socialist Secular Democratic Republic

- The Constitution declares India as a Sovereign, Socialist, Secular, Democratic, Republic. The words, 'Socialist' and 'Secular' were added in the Preamble of the Constitution by 42nd amendment in 1976.
  - **Sovereign:-** It means absolutely independent; it is not under the control of any other state. Before 1947, India was not sovereign as it was under the British rule. Now it can frame its policy without any outside interference.
  - **Socialist:-** It implies a system which will endeavour to avoid concentration of wealth in a few hands and will assure its equitable distribution. It also implies that India is against exploitation in all forms and believes in economic justice to all its citizens.

# Sovereign Socialist Secular Democratic Republic Contd.

- **Secular:-** India is a country of several religions and each individual has fundamental profess any religion he likes. The state neither force its citizen to accept any specific religion nor discriminate on the basis of religion.
- **Democratic:-** Means, the power of the government is vested in the hands of the people. People exercise this power through their elected representatives who, in turn, are responsible to them. All the citizens enjoy equal political rights.
- **Republic:-** Means, the head of the State is not a hereditary monarch but a President who is indirectly elected by the people for a definite period.

# Parliamentary Democracy

- The majority party in the Lok Sabha forms government. The government is run by the Prime Minister and other members of the Council of Ministers. The Cabinet exercises the executive powers and is responsible to the concerned legislature.
- In Presidential form of government, the President is the executive head. In India, the President is only the nominal head.
- Unlike US President, Indian President is only a nominal or constitutional head of the executive
- He acts only on aid and advice of the Council of Ministers
- Thus, following British pattern, Indian Constitution has adopted Parliamentary system of governance

# Universal Adult Franchise

- By Parliamentary democracy we mean 'one man, one vote'
- Indian Constitution provides for 'Universal Adult Suffrage' under Article 326 of the Constitution. The voting age has now come down from 21 to 18. Anybody who has completed 18 years of age, irrespective of his caste, creed, sex or religion, is eligible to vote in general elections. This is one of the most revolutionary aspects of Indian democracy
- Every adult Indian without any distinction at once has equal voting rights.

# Rule of Law

- The concept of 'rule of law' was borrowed from Britain. It implies that no man is above the law and all individuals are subject to the jurisdiction of the ordinary courts. Following Montesquieu's approach, in the year 1885, A.V. Dicey on observing the UK model laid down three principles to be arising out of Rule of Law.
  - Supremacy of Law;
  - Equality before Law;
  - Predominance of Legal Spirit.
- The Indian Constitution has borrowed the Rule of Law from the British Constitution. Absence of arbitrary power is the first essential of Rule of Law upon which our whole constitutional system is based. Governance must be by rule, and not arbitrary, vague and fanciful. Under our Constitution, the Rule of Law pervades over the entire field of administration and every organ of the state is regulated by Rule of Law. The concept of Rule of Law cannot be upheld in spirit and letter if the instrumentalities of the state are not charged with the duty of discharging their function in a fair and just manner.

# Independent Judiciary

- Independent judiciary is established with powers of judicial review which strengthens the rule of law
- Courts are not subject to improper influence from other branches of government or from private interests
- Judicial independence is vital to the idea of Separation of Powers i.e. :-
  - The judiciary must be free from encroachment from other organs in its sphere. In this respect, it is called separation of powers. Our Constitution makes the judiciary absolutely independent except in certain matters where the Executive heads are given some powers of remission etc.,
  - It means the freedom of the judgments and free from legislative interference. In this respect, our constitutional position is not very happy because the legislature can in some respects override the decisions of the judiciary by legislation. The Income-tax Amendment Ordinance of 1954 is an example,

# Independent Judiciary Contd.

- The decisions of the judiciary should not be influenced by either the Executive or the Legislature—it means freedom from both, fear and favour of the other two organs
- The entire judicial system of India is systematized into a hierarchical order. Supreme Court is at the highest position of judicial administration below that there are high courts at the state level and there are district courts at the district level. All the courts of India are bound to accept the decisions of the Supreme Court.

# Independent Judiciary Contd.

- ▶ The following provisions also make the judicial system independent:-
  - The collegium system of appointment of judges of Supreme Court and High Courts.
  - Impeachment procedure for the removal of judges.
  - The charge of salaries, pensions, and allowances of judges of Supreme Court upon the Consolidated Fund of India.
  - Power to punish for contempt of itself.
  - The ban on the practice of judges after retirement.

# Balance Between Parliamentary Sovereignty and Judicial Supremacy

- ▶ The Indian Constitution has struck a fine balance between Parliamentary sovereignty and Judicial supremacy. The Supreme Court is vested with the power of judicial review vide Articles 13, 32 and 136. It can strike down any Parliamentary law as unconstitutional through its power of judicial review.
- ▶ The Parliament, on the other hand, being the representative of the will of the people is vested with the authority to make laws and it can also amend the major portion of the Constitution through its Amending powers vested vide Article 368.

# Federal Government with Unitary Bias

- ▶ **Why Strong Centre?** The Fathers of the Indian Constitution were conscious of the centrifugal tendencies which have been prevalent in India, since times immemorial, and which have always wrecked the unity of the Indian people. The foreign invaders have always been exploiting the dissensions among the Indians and pitching their tents on the Indian soil. The Indian leaders wanted to avoid any such eventuality in times to come.
- ▶ **The Centre was made more powerful as is revealed from the following facts:**
  - **Division of Power** :- Purposely, in the three-fold division of powers, the most important subjects have been included in the Union List, which is the longest of the three lists, previously containing 97 (now 99) subjects. Even regarding the Concurrent List comprising 47 items (now 52) the Parliament enjoys an overriding authority over the States Legislatures.

# Federal Government with Unitary Bias Contd.

- **Emergency Powers of the President:** When the President of India proclaims an emergency due to war, civil war or imminence thereof, the Union Government can give directions to the State governments as to how they should exercise their own powers. Emergency under Article 356 can be declared when the constitutional machinery of the State fails. The President on the report of the Governor of the concerned State or on his own enquiry can take over the administration of State till the situation is normal.
- **Appointment of the Governors:** The governor, who is the head of the state, is appointed by the President. He holds office during the pleasure of the President. He also acts as an agent of the Centre. Through him, the Centre exercises control over the states. The American Constitution, on the contrary, provided for an elected head in the states. In this respect, India adopted the Canadian system.

# Federal Government with Unitary Bias Contd.

- **Appointment of Comptroller and Auditor General of India: According to Article 148:-**
  - There shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on the like grounds as a Judge of the Supreme Court.
  - Every person appointed to be the Comptroller and Auditor-General of India shall, before he enters upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.
- **Appointment of Members of Election Commission:** The President appoints Chief **Election Commissioner** and **Election Commissioners**. They have **tenure** of six years, or up to the age of 65 years, whichever is earlier. They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India.

# Federal Government with Unitary Bias Contd.

- **Common All India Services:** In a federal state, the centrally administered services equipped with constitutional safeguards are considered the very negation of the distribution of powers. Such services are to be kept at the beck and call of a strong Centre combating purely parochial and local needs and for effecting national integration. They are appointed by the Central Government on the recommendations of the U.P.S.C.—a centrally constituted body whose members are appointed by the President of India.
- **Unification of Judiciary:** India opted for unified judiciary. The High Courts of the states are the branches of the Supreme Court which have been entrusted supervisory powers, unparalleled elsewhere. Moreover, the High Courts are constituted and organized by the Union authorities.

# Federal Government with Unitary Bias Contd.

- **Dependence of States on the Centre in respect of Finance:** Though the distribution of the sources of revenue in our Constitution seems prima facie weighted in favour of the states but all states are not equally stable. They bank upon the Central assistance to a large extent. The Constitution itself fixes the taxes to be assigned to or shared with the states yet the proportion of the latter's share in many cases is to be determined by the President of India. It is but natural that financial dependence of the states over the Centre makes them dependent as regards their policy and administration as well.

# Federal Government with Unitary Bias Contd.

- **Parliament can Alter Names and Redistribute the Territories of the States:**
  - According to Article 3 of the Constitution, Parliament may by law:
    1. Form a new state by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state;
    2. Increase the area of any state;
    3. Diminish the area of any state;
    4. Alter the boundaries of any state;
    5. Alter the name of any state.

# Federal Government with Unitary Bias Contd.

- **No Independent Power of Constitutional Amendment with the States:** Even a decision to create or abolish Legislative Council in a State requires an Act of Parliament. Moreover, except for a few specified matters when ratification of at least one half of the State legislatures is needed, the Constitution can be amended by the Parliament by a majority of its total membership and by majority of not less than two-thirds of the members of that House present and voting.
- **Approval of the Centre as Regards Introduction and Final Passage of Certain Bills:** According to Article 31 (3), certain State bills will be invalid, unless they are reserved for the consideration of the President and are assented to by him. According to Article 304 (b), some bills require the previous sanction of the President, before they can be introduced in the State legislature. This shows Central supremacy even in the legislative sphere.

# Federal Government with Unitary Bias Contd.

- **Integrated Election Machinery:** The Election Commission conducts elections not only to the Central legislature but also to the state legislatures. But, this body is constituted by the President and the states have no say in this matter. The position is same with regard to the removal of its members as well. On the other hand, US has separate machineries for the conduct of elections at the federal and state levels.

# Single Citizenship

- The founding father provided for 'single- citizenship' despite the federal structure
- Unlike US, Indian Constitution has single citizenship where all citizens are entitled to same rights all over the country
- Single citizenship has two effects:-
  - **You cannot have citizenship of another country:** If you are a citizen of India, you cannot simultaneously be a citizen of another country, say USA. You will have to give up citizenship of either of the 2 countries.
  - **There is no citizenship according to state:** In USA, the citizens have *dual citizenship*. They are a citizen of country (USA) and they are also citizens of their respective states ( like Nevada, Texas, California, etc.) But this is not the case in India. You are only provided citizenship of the country, and not of your respective states.

# Blend of Rigidity and Flexibility

- Based upon the provisions made for its amendment, a constitution can be flexible or rigid or a mixture of both. A flexible constitution can be amended by ordinary law making exercise while a rigid constitution can be amended by a very difficult and special procedure. As regards to Indian Constitution, it strikes a balance between the rigidity and flexibility. The Constitution can be amended in three ways such as:
  - The Parliament can alter or modify many of the laws of the Constitution by a simple majority as is required for ordinary legislations. For instance the Parliament can deal with the abolition or creation of Legislative Councils (Article 169). Further, the Parliament can change the name of boundaries, areas etc. of States through simple majority; and these changes don't even need to be done via a Constitutional Amendment Bill. These are examples of most flexible provisions of the constitution.

# Blend of Rigidity and Flexibility

## Contd.

- Parliament can amend other major parts of the Constitution with special majority (a majority of not less than 2/3 of the members of each House present and majority of them voting) as mentioned in Article 368. This process can be semi-rigid and examples include those amendments needed for inclusion/exclusion of fundamental special right, special provisions for SC/ST, special provisions for some regions etc.
- The amendments to certain features affecting the federal structure of Indian State requires special majority with ratification by half of the States. Provisions related to election to the President and its manner; extent of the executive power of the Union and the states; Supreme Court and high courts etc. fall under this. These are examples of a rigid constitution.

# Blend of Rigidity and Flexibility

## Contd.

- ▶ The Parliament can also modify the constitutional provisions by supplementing them with its own laws. For instance, the addition of Citizenship Act, 1955 to Part II (Citizenship) in order to have detailed view of the citizenship laws in India is a case in point. Likewise, Article 22 (Preventive Detention) empowers the Parliament to make subsidiary provisions and upon the basis of Article 17, Protection of Civil Rights Act, 1955 was enacted by the Parliament. In fine, the supplementing aspect of Union Legislations brings modifications and alterations by means of addition and deletion to meet the exigencies of time without having resorted to a constitutional amendment.

# Blend of Rigidity and Flexibility

## Contd.

- To summarize when it comes to the ease of amendment the Indian Constitution strikes a fine balance between rigidity and flexibility. Article 368 provides for two types of amendments:
  1. Some provisions can be amended by a special majority of the Parliament i.e. a 2/3<sup>rd</sup> majority of the members of each House present and voting and majority (that is, more than 50 percent) of the total membership of each House.
  2. Some other provisions can be amended by a special majority of the Parliament and with the ratification by half of the total states.
- This ensures that the Constitution is amended with the widest possible majority

# Provisions regarding Language

- The Constitution lays down special provisions for defining the Language of the Union, Regional Languages and Language of the Supreme Court and High Courts. It states that the official language of the Union shall be Hindi in Devanagari script. But along with this, it also provides for the continuance of English language. A state legislature can adopt the language of the province as its official language.
- English continues to be the language of the Supreme Court and the High Courts. The Constitution gives a directive to the Union to develop Hindi and popularise its use. In its Eighth Schedule, the Constitution recognises 22 modern Indian Languages — Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Nepali, Manipuri, Konkani, Sanskrit, Sindhi, Tamil, Telgu, Urdu, Bodo, Dogri, Maithli and Santhali.

# Provisions regarding Language

## Contd.

- Article 29 of the Constitution of India protects the interests of minorities. The Article states that any section of the citizens who have a “...distinct language, script or culture of its own shall have the right to conserve the same.”
- Article 343 is about the official language of the Union of India. According to this Article, it is to be Hindi in Devanagari script, and numerals should follow the international form of Indian numerals. This Article also states that English will continue to be used as an official language for 15 years from the commencement of the Constitution.
- Article 346 is about the official language for communication between the states and between a state and the Union. The Article states that the “authorised” language will be used. However, if two or more states agree that their communications shall be in Hindi, then Hindi may be used.

# Provisions regarding Language Contd.

- Article 347 gives the President the power to recognise a language as an official language of a given state, provided that the President is satisfied that a substantial proportion of that state desires that the language be recognised. Such recognition can be for a part of the state or the whole state.
- Article 350B provides for the establishment of a Special Officer for linguistic minorities. The Officer shall be appointed by the President and shall investigate all matters relating to the safeguards for linguistic minorities, reporting directly to the President. The President may then place the reports before each house of the Parliament or send them to the government of the states concerned.

# Special Provisions relating to Scheduled Castes and Scheduled Tribes

- The Constitution provides a three-pronged strategy to improve the situation of SCs and STs:
  - **Protective arrangements:** Such measures as are required to enforce equality, to provide punitive measures for transgressions, and to eliminate established practices that perpetuate inequities. A number of laws were enacted to implement the provisions in the Constitution. Examples of such laws include The Untouchability Practices Act, 1955, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, etc. Despite legislation, social discrimination and atrocities against the backward castes continued to persist.

# Special Provisions relating to Scheduled Castes and Scheduled Tribes

- **Affirmative action:** Provide positive treatment in allotment of jobs and access to higher education as a means to accelerate the integration of the SCs and STs with mainstream society. Affirmative action is popularly known as reservation. Article 16 of the Constitution states "nothing in this article shall prevent the State from making any provisions for the reservation of appointments or posts in favour of any backward class of citizens, which, in the opinion of the state, is not adequately represented in the services under the State". The Supreme Court upheld the legality of affirmative action and the Mandal Commission (a report that recommended that affirmative action not only apply to the Untouchables, but the other backward castes as well). However, the reservations from affirmative action were only allotted in the public sector, not the private.

# Special Provisions relating to Scheduled Castes and Scheduled Tribes

- **Development:** Provide resources and benefits to bridge the socioeconomic gap between the SCs and STs and other communities. Major part played by the Hidayatullah National Law University. Legislation to improve the socioeconomic situation of SCs and STs because twenty-seven percent of SC and thirty-seven percent of ST households lived below the poverty line, compared to the mere eleven percent among other households. Additionally, the backward castes were poorer than other groups in Indian society, and they suffered from higher morbidity and mortality rates.

# Special Provisions relating to Scheduled Castes and Scheduled Tribes Contd.

- With a view to protect the interests of people belonging to Scheduled Castes and Scheduled Tribes, the Constitution also lays down certain special provisions for seats in Parliament. It provides for reservation of seats in the legislatures for the people belonging to Scheduled Castes and Scheduled Tribes. President can nominate in Lok Sabha not more than two members of the Anglo-Indian Community in case he is of the opinion that this community is not adequately represented in the House.
- Reservation of some jobs for the people belonging to SCs, STs and OBCs has also been in operation. The reservation system has been now extended up to the year 2020. Presently, a bill for granting 33% reservation of legislative seats for women is in the process of getting enacted into law. Reservation system is also in existence in the Panchayats and Municipal Councils.

# Quasi-Federal

- **Quasi federal** refers to government organized similar to a union of states under a central government rather than the individual governments of the separate states.
- Federalism is when all powers of governance are divided into central and state governments.
- Indian federalism was inspired from US, Canada and Australia yet it deviates from their federalisms in many respects establishing its own distinctiveness
- Article 249: Parliament can legislate on any topic of state list if its in Nation's Interest
  - The States depend largely on financial assistance from the Union
  - Existence of Union Territories Appointment of Governors by President
  - Emergency Provisions
  - Common All India Services

# Conclusion

- The Indian Constitution was drafted in the mid-twentieth century, it gave an advantage to take cognizance of various constitutional processes operating in different countries
- Rich fund of human experience, wisdom, heritage and traditions in area of governmental process was drawn
- It suited the political, social and economic conditions in India
- Thus, it turned out to be a very interesting and unique document