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B.A part II (Hons.)
Paper - III Indian Government and
Politics

Lecture - 17 Topic - Indian
Constitution, Main Features - 4

(6) A Federal system with unitary bias.

(7) Secular state - The Constitution establishes India into a secular state. The state is to adopt an attitude of equality to all religious communities the relationship between the state and individual being that citizenship and not on religious identities. Article 25 to 28 of the Constitution give concrete shape to this concept of secularism. It guarantees to every person the freedom of conscience and the right to profess, practice and propagate religion.

However, this freedom is not an absolute freedom. Nothing can be done in the name of religion which is against 'public order', 'morality' and 'health' of the people.

(8) universal Adult Suffrage - The old system of communal electorates has been abolished and the uniform adult

suffrage system has been adopted. Under the Indian Constitution every man and a woman above 18 years of age. (The 61st Amendment Act, 1989, lowered the minimum voting age from 21 to 18 years) has been given the right to vote. Art. 326 of the Constitution contains details about universal adult suffrage.

(9) Single Citizenship. The Indian Constitution, though federal, provided for one citizenship only viz., the citizenship of India. In federal states like the USA and Switzerland, there is a dual citizenship, viz., the federal or national citizenship and citizenship of the state where a person is born or permanently resides.

(10) Independent Judiciary. The very existence of a right depends upon the remedy for its enforcement. It is said that unless there is remedy, there is no right. Thus, an independent and impartial judiciary with a power of judicial review has been established under the Indian Constitution. It is the custodian of the rights of the citizens. It also plays a

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significant role in determining the limits of the powers of the Centre and states.

(11) Fundamental Rights: Inspired by the principle of Natural Law and the need to enable the fullest development of the human personality as well as to protect human dignity and worth, our constitution-makers were prompted to import a complete code of human rights in the Constitution, which have been elaborately detailed in part III of the Constitution (Arts. 12-32). The state cannot make a law which takes away or abridges any of the rights of the citizens guaranteed in part III of the Constitution. If it passes such a law, it may be declared unconstitutional by the Courts. Moreover, the Supreme Court can issue writs in the nature Habeas Corpus, Mandamus, prohibition, Certiorari and Quo Warranto.

(12) Directive principles of state policy. These are contained in part IV (Arts. 36-51) and spell out the

aims and objectives to be taken up by the state in the governance of the country. Unlike the fundamental rights, the directive principles are non-justiciable.

⑬ Fundamental Duties.

As per the recommendations of the Swaran Singh Committee, the Constitution 42nd Amendment Act, 1976 has introduced a code of "Fundamental Duties" for citizens. Of course, there is no provision in the Constitution for direct enforcement of any of these duties nor for any sanction to prevent their violation. But, while determining the constitutionality of any law if a court finds that it seeks to give effect to any of these duties, it may consider such a law to be reasonable in relation to Arts. 14 or 19 and thus save such a law from unconstitutionality. It would also serve as a warning to reckless citizens against anti-social activities such as burning of the Constitution, destroying public property, etc.

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The Constitution of India has the distinction of being the most lengthy and detailed Constitutional document in the world. In fact, it has been the endeavour of the framers of the Constitution to provide for the solution of all the problems of administration and governance of the country.

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