



ORIGINAL RESEARCH PAPER

Law

"SILENT FEATURES OF CONSTITUTION OF INDIA"

KEY WORDS: CONSTITUTION OF INDIA – FEDERALISM – PREAMBLE.

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ABSTRACT

The constitution of India is nothing but **FUNDAMENTAL LAW / DOCUMENT** of India. It is also supreme deed of Independent India. It is clearing the doctrine, Powers of Separation, which explaining functional system of rules, structures and principles of our nation. It provides the citizen and other people, Liberty, Equality, Fraternity, Freedom and what not. Constitution of India is distinct with its features to the other constitution of the world. This research paper is deals with **SOVEREIGNTY** and **FEDERALISM** of the Constitution of India and also deals with the effects of constitution amendments vis-a-vis socio economic justice. The Research paper also deals with the **PREAMBLE** of Constitution of India, which clears the importance of preamble and historical background of preamble in the Constitution of India. This research paper is also includes historical / landmark judgements of Indian supreme court which judgements play his role in Amendment in Constitutional provisions. It is also revolves round the Indian and International issues connected with it.

INTRODUCTION :-

"We are under a Constitution, but the Constitution is what the Judges say is."

- Governor Charles Evans Hughes

Constitution of India is the **FUNDAMENTAL LAW** of the India and also a **BASIC DOCUMENT** of India which is written document. It is the **SUPREME DEED** of Independent India and Living Document of Nation. Young minds should know about this basic document of India i.e. The Constitution of India and its principles, ideas and goal that affects their mind in day to day life. The Constitution which is defined as 'a set of devices to subject the freedom of the holders of political power to limitation and restraints.'¹ The Constitution of India is helping to creating a constitutionalism environments in the society, it is also political maturity and it is also helpful to remembering us the ideal goal for freedom fights. In the world largest democracy country i.e. **INDIA** is also known as their great constitution. Which is the words' longest and greatest constitution, it is reflects, **SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC, JUSTICE, LIBERTY, EQUALITY, FETERNITY**. Mainly this reflection shown in the Preamble of the Constitution of India, which is called the mirror of the Constitution. As per the theory of Kelsen, "Constitution is thus equivalent to a "GROUND NORM" or the basic rule.

ATISTOTLE said about the Constitution that "The greatest of all the means for ensuring the stability of constitution – but one which is nowadays neglected – is the education of citizens in the spirit of their Constitution. There is no profit in the best of laws, even when they are sanctioned by general civic consent, if the citizen themselves have not been attuned by force of habit and the influence of teaching, to the constitutional temper".² **JUSTICE KHANNA** said in the **ADM, Jabalpur v. S. Shukla, AIR 1976 SC 1207**, "Rule of law is the anti-thesis of arbitrariness. Rule of law is now the accepted norm of all civilised societies. Everywhere it is identified with liberty of the individual. It seeks to maintain a balance between the opposing notions of individual liberty and public order. In every state, the problem arises of reconciling human right with the requirement of public interest. Such harmonising can only be attained by the existence of independent courts which can hold the balance between citizen and the state and compel government to conform to law."

SALIENT FEATURES OF THE CONSTITUTION OF INDIA ARE AS UNDER:-

1. The bulkiest (Lengthiest) constitution in the world.
2. Written Constitution.
3. Drawn from different sources.
4. It is Quasi-Federal Structure.
5. Secular Character of the State.³

6. The Concept of Single Citizenship.
7. The Doctrine of Rule of Law.
8. Promise of social and political equality.
9. It includes Fundamental Rights, Directive Principles of State Policy and Fundamental Duties.
10. It is combination of Rigidity and Flexibility.
11. Emergency Related Provisions.
12. It is gives the doctrine of Separation of Power. [Judiciary – Executive – Legislative]
13. It provides us Law making procedure.

FOR PROPER UNDERSTANDING OF OUR CONSTITUTION WE SHOULD FOLLOW SOME CHARACTERISTICS LIKE:-

1. Studies with other countries (Global) Constitution with Constitution of India.
2. To understand the key mind of framers of the Constitution of India.
3. Debate of Constitutional Assembly.
4. Ideal goal for freedom fights.
5. Understating of Preamble of Constitution of India.
6. Interpretation of Judiciary on Constitution of India.

Supreme Court of India explicitly states in **Union of India V. Raghuraj Singh (1989) 2 SCC 754** and other cases also that "**GRANVILLE AUSTIN** said about Indian Constitution that Indian Constitution if first and foremost a social document. The Constitution of India is develops some provision or creating the path of Development, like:-

1. Breach of Fundamental Rights.
2. Definition of State Article -12.
3. Common Civil Code.
4. Consumer Protection Movement.
5. Strict liability of Government.
6. Lok – Adalat.
7. Legal Aid Programmes.
8. Measures for control of Environmental Pollution.
9. Public Interest Litigation (PIL)
10. Uplifts of status of women.
11. Women and domestic violence.
12. The code of Ethics.

SUPREME COURT OF INDIA HAS DEFINE THE CONSTITUTION OF INDIA AS UNDER :-

1. "Constitution is the mechanism under which laws are to be made and not merely an act which declares what law is to be"⁴
2. "Constitution is organic in nature. Being a living organ, it is ongoing. Hence, with the passage of time, the law must change".⁵
3. "The rule of law is the core of our Constitution and it is the essence of the rule of law that the exercise of the power by the state, whether by the legislature or the executive or any other authority, should be within Constitutional limits".⁶

4. "The Rule of law affirms the Parliament's supremacy, while at the same time denying it sovereignty over the Constitution".⁷
5. "The Constitution of India, being a written Constitution, is the fundamental law of the land".⁸
6. "No authority created under the Constitution is supreme; the constitution is supreme; and all the authorities function under the supreme law of the land".⁹
7. "People of the country, the organs of the Government, Legislature, Executive and Judiciary are all bound by the Constitution which is the paramount law of the land and nobody is above or beyond the Constitution".¹⁰

CONCLUSION:-

The Constitution of India is the Supreme Law of India. No any Law or Provisions can prevail on Constitution of India. It is obligation the Judiciary, Executive and Legislative Branch of the Nation i.e. The Doctrine of "Separation of Power". Definitely, in recent era we need healthy interpretation of our Constitution. According to ARISTOTLE, "Constitution is the way of life the State has chosen for itself".¹¹ The Constitution of India is always play a very important role in context of Indian Society and Indian Cultural, at where may religious are available, at where many languages, traditions, thoughts, beliefs are available. India is for Communal Persons, Secular Person vis-a-vis Atheist also. Specially, geographically position and condition of India is special in global. The Constitution of India give us Right to Equality, and Equality according to KARL MARX, "By Equality we should understand not that the degree of power of riches be absolutely identical for everybody but that no citizen be wealthy enough to buy another and none poor enough to be forced to sell himself".¹² Rig Veda is also clear view about Equality that "No one is superior or inferior, All are brothers. All should progress collectively."¹³ In the conclusion, The Constitution of India is the Tailor Made Constitution for the Indian Society, and The Judiciary if the Protector of it.

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