

Salient Features of Indian Constitution, Length, Source, Criticisms

August 2, 2026 • vajiramandravi.com



The **Salient Features of Indian Constitution** highlight the unique principles, institutions and values that shape the democratic system of India. It combines elements of federalism, parliamentary government, fundamental rights, directive principles, secularism and an independent judiciary within a single constitutional framework. These features ensure political stability and national unity while addressing the diverse needs of the country's people.

What are the Salient Features of Indian Constitution?

The Indian Constitution is the lengthiest in the world. The framers of the **Constitution** intentionally incorporated much details to avoid ambiguity, legal uncertainty, or future controversies. In contrast to the United States where a federal Constitution exists alongside individual state constitutions, India adopted a single, unified Constitution to address the country's vast size, social and cultural diversity, and administrative complexity. This also led to the inclusion of several temporary and special provisions to modify the unique needs of different regions and communities.

The Salient Features of Indian Constitution include:

- Longthiest Written Constitution in the World
- Constitution Inspired by Various Global Sources
- Balanced Mix of Rigidity and Flexibility
- **Federal Structure** with a Strong Central Government
- **Parliamentary System of Governance**
- Balance Between Parliamentary Authority and Judicial Review
- Supremacy of **Rule of Law**
- Unified and Independent Judicial System
- Protection of **Fundamental Rights**
- Directive Principles of State Policy
- Fundamental Duties of Citizens
- **Secular Character of the Indian State**
- Universal Adult Voting Rights
- Single Citizenship for All Indians
- Constitutional Independent Institutions
- **Emergency Powers and Provisions**
- Three-Tier Democratic Governance System
- Constitutional Recognition of **Co-operative Societies**

Major Salient Features of Constitution of India

The key Salient Features of Indian Constitution have been explained below:

Longthiest Written Constitution in the World

The Constitution of India is the most detailed and lengthiest written constitution in the world. Constitutions are generally classified into two types: written and unwritten. The Constitution of the United States is an example of a written constitution, while the Constitution of the United Kingdom is largely unwritten. Its framework was significantly influenced by various constitutional sources and laws across world, which contributed many structural and administrative provisions. India also follows a single Constitution for both the Union and the states, unlike some federal countries, making it more comprehensive and detailed in nature. Initially it contained only 395 Articles given under 22 Parts and 8 Schedules. However after several amendments the constitution now consists of 448 Articles under 25 **Parts** and 12 Schedules.

The key factors contributing to the vast length Salient Features of Indian Constitution are:

- Geographical and Social Diversity: India's vast territory and diverse population required detailed constitutional provisions to address regional, cultural, linguistic and social differences effectively.
- Influence of **Government of India Act 1935**: Many constitutional provisions were adapted from the Government of India Act that significantly increased constitutional content.
- Single Constitution for Union and States: Unlike some federations, India adopted one Constitution for both the Centre and states, requiring extensive provisions covering all levels of government.

- Detailed Centre-State Relations: The Constitution contains elaborate provisions on legislative and administrative relations between the Union and states, ensuring clarity in federal governance.
- Safeguards and Welfare Objectives: Detailed Fundamental Rights and Directive Principles were included to protect minorities, **Scheduled Castes**, **Scheduled Tribes**, Backward Classes and promote social welfare.
- Extensive Administrative Provisions: Matters relating to citizenship, official language, government services, electoral machinery and administration were incorporated to ensure smooth governance and avoid confusion.

Constitution Inspired by Various Global Sources

The Indian Constitution has borrowed several important features from the constitutions of different countries as well as from the Government of India Act 1935. Nearly 250 provisions of the Constitution were adapted from the Government of India Act alone. During the drafting process, **Dr. B. R. Ambedkar** noted that the Constituent Assembly carefully examined and studied various constitutions across the world to identify the best constitutional practices. These provisions were then modified to suit India's social, political, and administrative requirements. The major sources from which different constitutional features were adopted are listed in the table below.

Drawn from Various Sources	
Source	Borrowed
Government of India Act, 1935	Federal Scheme, Office of Governor , Judiciary, Public Service Commissions, Emergency Provisions , Administrative Details
British Constitution	Parliamentary Government, Rule of Law, Legislative Procedure, Single Citizenship, Cabinet System, Prerogative Writs, Parliamentary Privileges, Bicameralism
US Constitution	Fundamental Rights, Independence of Judiciary, Judicial Review, Impeachment of President, Removal of Supreme Court and High Court Judges, Post of Vice-President
Irish Constitution	Directive Principles of State Policy, Nomination of Members to Rajya Sabha , Method of Election of President
Canadian Constitution	Federation with a Strong Centre, Vesting of Residuary Powers in the Centre, Appointment of State Governors by the Centre, Advisory Jurisdiction of Supreme Court
Australian Constitution	Concurrent List, Freedom of Trade, Commerce, and Inter-course, Joint Sitting of Two Houses of Parliament
Weimar Constitution of Germany	Suspension of Fundamental Rights During Emergency

Soviet Constitution (USSR, now Russia)	Fundamental Duties , Ideal of Justice (Social, Economic, and Political) in Preamble
French Constitution	Republic and Ideals of Liberty, Equality, and Fraternity in Preamble
South African Constitution	Procedure for Amendment of Constitution, Election of Members of Rajya Sabha
Japanese Constitution	Procedure Established by Law

Also Check- Sources of Indian Constitution

Balanced Mix of Rigidity and Flexibility

Constitutions are generally classified into two categories: rigid and flexible. A rigid constitution, such as that of the United States, can be amended only through a special and often complicated procedure, making constitutional changes more difficult. In contrast, a flexible constitution, like that of the United Kingdom, can be amended through the ordinary law making process of the legislature. The Indian Constitution combines features of both systems. Some of its provisions can be amended under **Article 368** by a **simple parliamentary majority**, while others require a **special majority** and, in certain cases, approval from at least half of the state legislatures. This unique amendment process creates a balance between stability and adaptability, making the Indian Constitution both rigid and flexible in nature.

Federal Structure with a Strong Central Government

India follows a federal system that divides powers between the Union and States while maintaining a strong and effective central government.

- The Constitution establishes a dual polity with separate governments at the Union and State levels, ensuring governance at both national and regional levels while maintaining constitutional balance.
- It contains key federal features such as division of powers, written Constitution, constitutional supremacy, independent judiciary, bicameralism and a rigid amendment process for certain provisions.
- Despite being federal, the Constitution grants greater authority to the Union Government, making the Centre stronger than the States in legislative, administrative and financial matters.
- The term “Federation” is not used in the Constitution. Article 1 describes India as a “Union of States,” emphasizing national unity and constitutional integration.
- The expression “Union of States” signifies that the Indian Federation was not created through an agreement among states and no state can secede from it.
- India follows a single Constitution for the entire country, unlike federations such as the United States where individual states can have separate constitutions.

- Emergency provisions enable the Centre to assume greater control over states during crises, allowing the federal system to function almost as a unitary system when required.
- Article 312 empowers Parliament to create All India Services that serve both the Union and States, strengthening administrative coordination across the country.
- State Governors are appointed by the President under Article 155, while constitutional authorities like the Election Commission and Comptroller and Auditor General also operate under central constitutional arrangements.
- Due to its federal structure combined with strong centralising features, India is often described as “quasi federal,” “federal in form but unitary in spirit,” and a federation with a centralising tendency.

Parliamentary System of Governance

The Parliamentary System of Governance in India is based on the British model and operates at both Union and State levels.

- India follows the **Parliamentary System** instead of the American Presidential System, ensuring democratic governance through elected representatives at both the Centre and the States.
- The system is based on the presence of a nominal executive and a real executive, where actual governing powers are exercised by elected leaders.
- The President at the Centre and the Governor in States act as constitutional heads, while real executive authority rests with the Prime Minister and **Chief Minister**.
- The party or coalition securing a majority in the legislature forms the government and exercises executive powers according to constitutional provisions.
- The Council of Ministers is collectively responsible to the legislature and remains in office only as long as it enjoys legislative confidence.
- Ministers are generally members of the legislature, ensuring close coordination between law making and executive functions within the parliamentary framework.
- Articles 74 and 75 establish the parliamentary system at the Centre, providing for a Council of Ministers headed by the Prime Minister.
- Articles 163 and 164 provide for a Council of Ministers in States, headed by the Chief Minister to aid and advise the Governor.
- The Lok Sabha and State Legislative Assemblies can be dissolved when necessary, enabling fresh elections and ensuring democratic accountability.
- Unlike Britain’s sovereign Parliament and hereditary monarchy, India has a Constitution bound Parliament and an elected republican head of state.

Balance Between Parliamentary Authority and Judicial Review

India follows a balanced constitutional system that combines parliamentary authority with judicial review to protect democracy and constitutional governance.

- The British system is based on parliamentary sovereignty, where Parliament is supreme and can make or change laws without judicial interference.

- The American system follows judicial supremacy, where courts possess extensive powers to review laws and invalidate unconstitutional legislative actions.
- The framers of the Indian Constitution carefully combined both models to create a balanced relationship between the legislature and judiciary.
- The **Supreme Court of India** has the power of judicial review and can strike down laws that violate constitutional provisions.
- Parliament enjoys constituent powers and can amend a major portion of the Constitution through the prescribed constitutional amendment procedure.
- Unlike the United States, the Indian Supreme Court exercises comparatively limited judicial review powers within the constitutional framework.
- **Article 21 of the Indian Constitution** follows the principle of “Procedure Established by Law” rather than the American concept of “Due Process of Law.”
- This constitutional arrangement prevents excessive concentration of power in either Parliament or the judiciary, ensuring institutional balance.
- The system enables Parliament to perform legislative functions effectively while allowing courts to safeguard constitutional values and citizens’ rights.

Also Check: Difference Between Procedure Established by Law and Due Process of Law

Supremacy of Rule of Law

Rule of Law is one of the most significant Salient Features of Indian Constitution that ensures that a country is governed by laws, guaranteeing justice, equality, accountability and protection against arbitrary authority.

- **Rule of Law** establishes the supremacy of law, ensuring that no individual, public authority, institution or government body is above the legal framework of the country.
- It is a fundamental feature of a democratic system that prevents arbitrary decision making and promotes fair, transparent and accountable governance at every level.
- The concept reflects society’s values, customs and collective wisdom developed over generations, making it both a legal principle and a social ideal.
- Rule of Law is rooted in the belief that people should be governed by established laws rather than the will or power of any individual.
- It maintains a proper balance between rights and powers, protecting individual freedoms while ensuring that the State functions effectively for society’s welfare.

Integrated and Independent Judicial System

India has an integrated and independent judicial system that ensures uniform justice, protects constitutional values, safeguards rights and upholds law.

- The Supreme Court stands at the apex of the judicial hierarchy, followed by **High Courts**, district courts and subordinate courts, creating a unified system across India.
- A single judicial structure administers and enforces both Union and State laws, ensuring consistency, legal uniformity and equal access to justice throughout the country.

- The judiciary interprets the Constitution and laws, ensuring that legislative, executive, administrative, judicial and quasi-judicial authorities function within constitutional limits and legal boundaries.
- Indian courts possess the authority to examine governmental actions and determine whether they comply with constitutional provisions and the basic structure of governance.
- The judiciary acts as the balance wheel of Indian federalism by resolving disputes between governments and maintaining harmony within the federal framework.
- Protection of Fundamental Rights is a core responsibility of the judiciary, preventing unlawful encroachment by any organ of government and ensuring constitutional safeguards.
- Citizens can directly approach the Supreme Court under Article 32 and High Courts under Article 226 for enforcement of Fundamental Rights through writ jurisdiction.
- The Supreme Court functions as the highest court of appeal, guardian of the Constitution and protector of citizens' rights, ensuring constitutional supremacy.
- Judges of the Supreme Court and High Courts enjoy constitutional safeguards, including security of tenure, fixed service conditions and protection from arbitrary removal.
- Articles 124 and 217 prescribe a special removal procedure for judges on grounds of incapacity or misbehaviour, strengthening judicial independence and impartiality.

Protection of Fundamental Rights

Fundamental Rights are one of the most important features of the Indian Constitution and are provided to citizens under **Part 3 of the Constitution of India**. The Constitution guarantees six Fundamental Rights that form the foundation of democracy, individual freedom, equality, and justice in India. These rights protect the dignity, liberty, and autonomy of every citizen and cannot be taken away merely by public opinion or ordinary legislative action. By safeguarding essential freedoms and legal protections, Fundamental Rights help uphold the principles of constitutional democracy and ensure that citizens can live with equality, security, and respect under the law.

Fundamental Rights	
Rights	Articles
Right to Equality	14-18
Right to Freedom	19-22
Right against Exploitation	23-24
Right to Freedom of Religion	25-28

Cultural and Educational Rights	29-30
Right to Constitutional Remedies	32

Directive Principles of State Policy

Directive Principles of State Policy guide governments in creating laws and policies that promote welfare, justice, equality and development. Dr. Ambedkar referred to DPSP as the Novel Feature of the constitution of India.

- Contained in Part 4 (Articles 36-51), DPSPs serve as constitutional directions for the Union and State governments while framing laws and public policies.
- Inspired by the Instrument of Instructions in the Government of India Act 1935, these principles outline the vision of a welfare oriented social and economic order.
- Article 36 defines “State” in DPSPs with the same meaning as Article 12, covering authorities responsible for implementing constitutional governance.
- DPSPs are classified into Socialistic, Gandhian and Liberal Intellectual principles, reflecting the Constituent Assembly’s broad vision for national progress and public welfare.
- Unlike Fundamental Rights, DPSPs are non justiciable and cannot be enforced by courts, yet they remain fundamental to governance and law making.
- The Supreme Court in Kesavananda Bharati Case and **Minerva Mills Case** affirmed that DPSPs and Fundamental Rights are complementary, together advancing justice, dignity, equality and inclusive development.

Fundamental Duties of Citizens

The original Constitution of India did not contain any provision related to the Fundamental Duties of citizens.

- To strengthen civic responsibility and national commitment, the Fundamental Duties were incorporated through the **42nd Constitutional Amendment Act 1976**, based on the recommendations of the **Swaran Singh Committee**.
- This amendment added 10 Fundamental Duties that every Indian citizen is expected to follow.

- Later, the **86th Constitutional Amendment Act 2002** introduced an 11th Fundamental Duty.
- While Fundamental Rights provide citizens with guaranteed legal entitlements and protections, Fundamental Duties outline the moral, civic, and constitutional responsibilities that citizens are expected to perform for the welfare, unity and development of the nation.

Secularism of the Indian State

The Constitution of India establishes a Secular System of Government, which means the State does not favour, endorse or promote any particular religion. At the same time, Indian secularism is not anti-religion, as it recognises and respects the religious diversity of the country. The core principle of **Secularism in India** is to ensure equal respect, equal protection and equal treatment for all faiths under the law. It requires the government to remain neutral in religious matters while safeguarding the rights and freedoms of people belonging to every religion. Thus, secularism in the Indian Constitution is based on neutrality rather than indifference and on equality rather than preference for any specific faith.

Universal Adult Franchise

Universal Adult Franchise is a key feature of the Indian democratic system that grants every citizen aged 18 years and above the right to vote in **Lok Sabha** and State Assembly elections, irrespective of caste, race, religion, gender or economic status. This principle ensures political equality by giving all eligible citizens an equal voice in the electoral process. Initially, the voting age was 21 years, but it was reduced to 18 years through the **61st Constitutional Amendment Act**, expanding electoral participation and strengthening democratic representation across the country.

Single Citizenship for All Indians

The Indian Constitution provides for a federal system of government with powers divided between the Union and the States, but it follows the principle of single citizenship.

- Under this system, every citizen is recognized solely as an Indian citizen, irrespective of the state or territory in which they are born or reside.
- As a result, all citizens enjoy equal political and civil rights throughout the country without any discrimination based on their place of residence.
- Single **citizenship** strengthens national unity by ensuring a common identity for all Indians.
- The Constitution also does not permit dual citizenship; and if an Indian citizen voluntarily acquires the citizenship of another country, their Indian citizenship is automatically terminated.

Constitutional Independent Institutions

The Constitution of India establishes several Independent Constitutional Bodies beyond the legislative, executive and judicial organs of the Union and State governments.

- These institutions act as important pillars of India's democratic system by ensuring transparency, accountability, merit-based recruitment and free governance.

- The Election Commission is responsible for conducting free and fair elections across the country.
- The **Comptroller and Auditor General (CAG)** of India audits the accounts of the Central and State Governments to ensure financial accountability.
- The Union Public Service Commission (UPSC) conducts examinations for recruitment to **All India Services** and higher Central Services and advises the President on disciplinary matters.
- Similarly, a State Public Service Commission (SPSC) is established in every state to conduct recruitment examinations for state services and to advise the Governor on disciplinary matters, thereby strengthening the administrative framework of the country.

Emergency Powers and Provisions

Emergency Provisions in the Indian Constitution enable the President and Central Government to respond effectively during extraordinary national situations.

- Purpose of Emergency Provisions: The framers of the Constitution included emergency provisions to address situations where normal governance becomes ineffective, ensuring protection of India's sovereignty, unity, integrity, security, democratic system and constitutional framework.
- National Emergency (Article 352): A National Emergency can be proclaimed during war, external aggression, or armed rebellion, allowing the Central Government to exercise extensive powers for national security and governance.
- State Emergency (**Articles 356 and Article 365**): **President's Rule** can be imposed when constitutional machinery fails in a state or when a state fails to comply with directions issued by the Central Government.
- **Financial Emergency** (Article 360): A Financial Emergency may be declared when India's financial stability or credit is threatened, enabling the Centre to take necessary measures to restore economic control.
- Constitutional Basis of Emergency Provisions: Emergency provisions are detailed under Articles 352, 354 and 360 of the Constitution, empowering the President to handle extraordinary situations through special constitutional mechanisms.
- Impact on Federal Structure: During an emergency, India's federal system temporarily shifts towards a more unitary structure, with the Central Government acquiring greater authority and control over state administration.

Three-Tier Democratic Governance System

The Indian Constitution initially provided a two-tier governance structure, defining the organisation, powers, functions and responsibilities of the Central Government and State Governments.

- The 73rd and 74th Constitutional Amendment Acts 1992 introduced a third tier of government, namely local government, a feature rarely found in constitutions worldwide.
- The **73rd Amendment** granted constitutional status to Panchayats as rural local governments by inserting **Part IX** and the **Eleventh Schedule** into the Constitution.
- Through Part IX and the Eleventh Schedule, Panchayats received formal constitutional recognition, strengthening democratic decentralisation and local self-governance in rural areas.

- The **74th Amendment** granted constitutional status to Municipalities as urban local governments by inserting **Part IX A** and the **Twelfth Schedule** into the Constitution.
- Through Part IX-A and the Twelfth Schedule, Municipalities became constitutionally recognised urban local bodies, ensuring structured governance and administration in urban areas.

Constitutional Recognition of Co-operative Societies

The **97th Constitutional Amendment Act**, passed in 2011, gave cooperative societies constitutional status and protection. It empowered Parliament to make laws for multi-state cooperatives, while state legislatures were given the authority to regulate those operating within their own states.

Judicial Review

Judicial Review is a fundamental feature of the Indian Constitution that ensures all laws and government actions remain consistent with constitutional principles and Fundamental Rights.

- Article 13 empowers courts to examine both past and future legislation and declare any law unconstitutional if it violates Fundamental Rights or the **basic structure** of the Constitution.
- The Supreme Court, through the landmark cases of **Kesavananda Bharati vs. State of Kerala (1973)** and **Minerva Mills vs. Union of India (1980)**, affirmed that judicial review is part of the Constitution's basic structure and cannot be removed through constitutional amendments.
- Judicial review is further protected under **Articles 32**, 136, 226 and 227.
- However, courts generally do not interfere in policy matters unless a decision is arbitrary, unreasonable, violates statutory provisions, or infringes legal rights, a principle reiterated in **Monarch Infrastructure vs. Commissioner, Ulhasnagar Municipal Corporation (2000)**.
- Key judicial review judgments include **Marbury vs. Madison (1803)**, which established judicial review in the United States and **A.K. Gopalan vs. State of Madras (1950)**, which recognised limited judicial review of preventive detention laws.

Separation of Power

India follows the principle of Separation of Functions rather than a rigid **Separation of Powers** as seen in the United States.

- Although the Doctrine of Separation of Powers is not fully implemented, the Indian Constitutional System establishes an effective mechanism of **Checks and Balances** among the legislature, executive and judiciary.
- This framework prevents the concentration of power in any one organ of the government and helps maintain constitutional governance.
- A key feature of this arrangement is the Power of the Judiciary to review legislative actions and invalidate laws enacted by the legislature if they are found to be unconstitutional.
- Thus, the system of checks and balances safeguards the supremacy of the Constitution and ensures that all state institutions function within their prescribed constitutional limits.

Criticisms of Indian Constitution

The Indian Constitution is comprehensive and influential, yet scholars and critics have raised concerns regarding various Salient Features of Indian Constitution including structure, functioning, amendments, rights and governance provisions.

- **Length and Complexity:** With approx. 450 Articles, numerous Parts, Schedules and amendments, the Constitution is among the world's lengthiest. Its detailed and intricate framework often makes understanding constitutional provisions challenging for ordinary citizens.
- **Rigidity and Frequent Amendments:** Some provisions, especially those concerning the federal structure and Fundamental Rights, require a special parliamentary majority for amendment. Despite this rigidity, the Constitution has undergone more than one hundred **amendments** since adoption.
- **Federalism with Unitary Features:** Although India follows a federal system, significant powers remain with the Union government. Article 356, central control over All India Services and other provisions have led critics to view Indian federalism as unitary in practice.
- **Parliamentary System Concerns:** India adopted the Westminster style parliamentary model where the executive is accountable to the legislature. Critics argue that this arrangement has sometimes contributed to coalition politics, political instability and leadership changes at the national level.
- **Limitations on Fundamental Rights:** The Constitution guarantees six **Fundamental Rights**, but these are subject to reasonable restrictions. Judicial interpretations and legislative actions have occasionally narrowed the practical scope of equality, freedom of expression and related rights.
- **Non Justiciable Directive Principles:** The Directive Principles of State Policy seek to promote social and economic justice. However, because they are non justiciable and unenforceable in courts, their effectiveness and practical implementation are often questioned.
- **Emergency Provisions and Misuse Risks:** Emergency provisions allow the Union government to exercise extraordinary powers, including suspension of Fundamental Rights and President's Rule. Their potential misuse became evident during the **1975-77 Emergency** when civil liberties were significantly restricted.
- **Criticism of Constitutional Origins:** Critics have described the Constitution as borrowed, a copy of the Government of India Act 1935, un-Indian, anti-Indian or un-Gandhian. Supporters counter that borrowed features were carefully adapted, major innovations were added, Indian aspirations were reflected and several **Gandhian principles** were accommodated.
- **Legalistic Nature of the Constitution:** The Constitution is sometimes called a "Paradise of the Lawyers" because of its detailed legal language. Defenders argue that such precision is necessary to ensure clarity, consistency, interpretation and effective constitutional enforcement.

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