

1. Constitution

- Supreme law of the land → no law is higher than it;
- Fundamental law → no law can exist in violation of it;
- Enjoys special legal sanctity ; not ordinary law; change requires amendment;
- Living document → keeps evolving over a period of time; amenability provision created to reflect political change goes in hand with societal change;

2. Function of Constitution

- Basic set of rules for minimal coordination; common minimum program / vision acceptable to all; A good Constitution meets the challenge of accommodating claims of all competing groups;
- Distributes power and authority in society → govt. derives legitimacy and power;
- Limitation on the state → fundamental rights;
- Regulates relations between State and Citizen;
- Expresses aspirations of society, creates conditions for just society → DPSPs
- Gives identity to people

3. Features of Indian Constitution - (a) Written Constitution

Written Constitution	Unwritten Constitution
<ul style="list-style-type: none"> - ‘Enacted Constitution’ - created by a body, at a particular point of time ; e.g. Constituent Assembly → India ; USA → Congress - Rigid Constitution ; not easy to amend; only through a established procedure ; - Codified Document - Supremacy of the Constitution; limits all other institutions of the State - Consequence of a deliberate effort, - E.g. India, USA 	<ul style="list-style-type: none"> - Evolves through legislative action, judicial pronouncement; “evolved Constitution” - More flexible Constitution; - Uncodified document - more easily amended. - Supremacy of the Parliament; British Parliament can ‘do everything except turn Man into Woman and woman into Man’ (Blackstone) - Consequence of historical development - United Kingdom;

4. Features of Indian Constitution - (b) The Longest Constitution

- 395 Articles, 22 Parts, 8 Schedules; Current Status → 470 Articles, 25 Parts, 12 Schedules ;
- adopted by the Constituent Assembly on 26th Nov, 1949 ; came into force on 26th Jan, 1950 → India became a Republic; ‘elephantine size’ Constitution;
- Sir Ivor Jennings → Indian Constitution ‘far too detailed, far too rigid.’
- Shaped by trinity of (a) Values / Ideals of freedom struggle (b) Colonial Legislations (c) Modern Constitutions

Feature	Source
UK	Parliamentary Form of Govt, PM, Cabinet System, Bicameral Legislature with powerful People’s House; Rule of Law; Single Citizenship; Writ, Parliamentary Privilege;
USA	Written Constitution, Fundamental Rights, Federal Polity, Equal Protection of Law; President as Supreme Commander; Judicial Review and Supreme Court; Preamble; Vice President’s Office; Impeachment of President;
Soviet Union	Fundamental Duties; Planning ; Social, Economic and Political Justice ;
Ireland	Directive Principles of State Policy; Method of Election of the President; Nomination of members to the Rajya Sabha
Canada	Federal Structure; Strong Center; Concurrent List; Residuary Powers to the Central Government; Governor appointed by the Center;

France	The ideal of Republic, Liberty, Equality, Fraternity;
Weimar Republic (Germany)	Suspension of Fundamental Rights during emergency;
South Africa	Amendment Procedure of Constitution; Election of Members to Rajya Sabha;
Japan	Procedure established by Law

- Reasons for bulky Constitution (1) Detailed provisions → smooth working of an infant democracy; to avoid conflict between various organs;
- (2) Vastness and Diversity of the Country (3) Single Constitution for both Union & the States (USA → each state has separate Constitution) (4) Constituent Assembly → full of legal experts (5) Based on Govt of India Act, 1935, itself a elephantine document ;

5. Features of Indian Constitution - (c) Parliamentary Form of Govt.

Parliamentary Govt (India, UK)	Presidential Govt (USA)
<ul style="list-style-type: none"> - De jure/ nominal Head → President / Queen - De-facto Head / Head of Government → Prime Minister - Executive → Member of Legislature - Council of Ministers, responsible to the Parliament (Lower House) → principle of collective responsibility; responsible govt; high accountability - President works on the aid and advice of Council of Ministers; - Based on principle of checks and balances; - Low on Stability; 	<ul style="list-style-type: none"> - De jure / de facto head → President - Executive → not part of Legislature; Members of Congress if appointed cease to be members of Congress. - Executive not responsible to the Legislature; based on doctrine of separation of powers; - Presidents is independent; free to choose his ministers; - High on stability, authority; Low on Accountability;