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A STUDY ON SINGLE CONSTITUTION IN INDIA

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ABSTRACT :

The topic is about the single constitution in India, which means that according to Indian constitution it was borrowed from the Canadian government, this means that the whole nation or country follows a single constitution. India has a single constitution for union and all states. The Indian constitution is the world's longest constitution for the sovereign nation. The constitution promotes the unity and governance of the ideas of nationalism. Single constitution empowers only the parliament of India to make changes in the constitution. After the survey the public opinion is about to draft a new constitution and to reduce the crime and illegal activities. The main objectives of the research is to give equal power between the state and centre government and to secure justice, liberty, equality to all citizens and promote fraternity to maintain unity and integrity of the nation. The basic information for the research had been collected through online via survey from 200 random respondents which included the friends, relatives and neighbours and also included people of different age groups with a properly framed questionnaire. The responses were collected, analyzed and framed into legible tabular forms via SPSS, then based on the conclusion of the results suggestions also have been given by the researcher. The findings of the topic is to follow every rule and regulation of the Indian constitution by every citizen of the nation.

KEYWORDS : Single Constitution, Canadian government, Nationalism, Parliament, fraternity, integrity.

INTRODUCTION :

The topic is about the Single constitution in India, according to the Indian constitution under the central government, it was otherwise called semi bureaucratic. Dr. B. R. Ambedkar said that the constitution is received from Canada, not from the American constitution. The term single constitution has accepted the administrative as the system for gigantic country from the power and apportioned comparatively as indicated by the single constitution to affiliation or center government and state or religion government. The US government got the unitary government to shape the get-together of states joined and from the strong spot yet they not have a formed constitution they furthermore have adequately changed the law anyway Indian constitution they can just with critical exertion adjust

considering the way that it was a firm constitution. It was obtained by the Constituent Assembly of India on 26 November 1949 and got amazing on 26 January 1950. The constitution displaced the Government of India Act 1935 as the country's chief managing chronicle, and the Dominion of India transformed into the Republic of India. To ensure consecrated independence, its arrangers denied prior shows of the British parliament in Article 395. India alters its constitution on 26 January as Republic Day. The constitution articulates India as a sovereign, socialist, normal, larger part rule republic, ensuring its occupants value, consistency and opportunity, and attempts to propel brotherhood. India, in any case called Bharat, is a Union of States. It is a Sovereign Socialist Secular Democratic Republic with a parliamentary course of action of government. The Republic is directed similarly as the

Constitution of India which was embraced by the Constituent Assembly on 26th November, 1949 and came into power on 26th January, 1950. The Constitution obliges a Parliamentary kind of government which is managerial in a plan with certain unitary features. India has a solitary Constitution for the Union and every one of the States. The Constitution progresses the fortitude and intermixing of the guidelines of enthusiasm. Single Constitution empowers the Parliament of India to make changes in the Constitution. It empowers the Parliament even to make another state or invalidate a present status or change its limits. Usually, in a league, the states reserve the privilege to outline their own Constitution separate from that of the Center. The solitary special case in such a manner was the situation of Jammu and Kashmir which had its own (state) Constitution. Our constitution has evolved through alterations and legitimate decisions, the Constitution has changed in some basic manners. ... Since the Bill of Rights was received in 1791, Congress has passed only 23 extra changes to the Constitution, and the states have sanctioned just 17 of them. At the point when we hear justice, liberty, equality, fraternity these recognizable words, just something single goes to our psyches 'the INDIAN constitution'. These are the absolute first expressions of the Preamble. The initiation of our constitution denoted the start of a free India. Drafted by the Drafting Committee headed by B.R. Ambedkar, this Sovereign archive is the biggest and the lengthiest constitution on the planet with 395 articles and 12 timetables. The Constituent Assembly was accepted to be the portrayal of the desire of individuals. The words 'We individuals' connotes that it was a report given by individuals, to individuals and for individuals. I likewise accept that our constitution is an acquired constitution. At the point when the drafting panel drafted it, they embraced a significant piece of it from the Government of India Act 1935 with few changes to a great extent. Other than this, we have acquired numerous arrangements from different

constitutions of the world. The Parliamentary System has been taken from the British Constitution and Judicial Review and federalism from the US Constitution. We can't say it's a piece of oddity or inventiveness. Numerous arrangements should be changed as they were received from the 1935 Act and perhaps worked for that period; anyway in the present time they have gotten out of date. Perhaps the greatest defect of our constitution is the ceaseless length because of the extreme language wherein it has been drafted. Being the sovereign report of our country it ought to have been drafted in a language effectively comprehensible by the residents. In any case, lamentably the legitimate language utilized can barely be translated by the average person. With that length, the parliament today won't ever get an opportunity to change and work on it yet I feel this is something which ought to have been remembered at the hour of its initiation. Tying down equity to all – social, efficient and political, is one of the main points of our constitution. However, this has barely been really set in motion. Our legal framework which is dependable to give equity to every single individual is one of our slowest frameworks. When we compared to American constitution, it is an extremely inflexible constitution consisting of just Seven Articles and 27 revisions, up until now. It has two Constitutions, one, for America as an entire and another for each State. American individuals have two citizenships, one of USA and another of their separate State. The AIM of the research is to study the single constitution in our country.

OBJECTIVES:

- To give equal power between the state and centre government.
- To secure justice, liberty, equality to all citizens and promote fraternity to maintain unity and integrity of the nation.
- To secure economical, financial, political justice.

- To secure the framework for political principles, procedures and powers of the centre and state government.

REVIEW OF LITERATURE:

The Constitution of India provides a concise introduction to the Indian constitutional system, with insights not only into its history but also the political and legal events that have contributed to its evolution. (H.M. Rajashekara, 1997) The Indian Constitution's role in sustaining one of the world's largest democracies that inhabits pluralism and Thiruvengadam's expertise in constitutionalism in South Asia make this book an interesting read. It notes the impact of political bargains and extra-legal developments in the Indian Constitution's evolution instead of treating it as a standalone doctrine. (Srikanth and OSMANIA UNIVERSITY, 1991) By focusing on the overall socio-political context up until May 2017, the book departs from the dominant tendency in legal scholarship to restrict attention to individual cases. It also addresses the challenges posed to the constitutional order over its working span across nearly seven decades. (Ramaswamy, 2007). The Constitution of India consists of seven chapters, an introduction and a conclusion. It then considers the similarities and differences observed, which stands to enrich our understanding of the idea of separating powers more generally, especially in relation to how this important principle takes shape and operates in different legal systems. It traces the development of ideas and concepts in the making of the Constitution. (Bhattacharyya, 2015) At the beginning of each chapter, the author provides the pre-history, the colonial experience and the relevant constitutional provisions related to the main subject. This is followed by an exposition of the topic and the relevance (Sujit) of particular events in the Constitution's development over the years. (Pankaj, 2017) Throughout the book, Thiruvengadam attempts to present the Indian Constitution as a site for continuing contestations by highlighting the 'living nature of the text'. He views it with a critical eye and

emphasises the ambiguities and gaps embedded in it. (Tremblay, 2001) The author alludes to 1947 and 1991—the latter marking the introduction of policies that led to key transformations in the Indian economy and polity—as two crucial historical moments rather than confining the scope of his analysis to nostalgia surrounding the year of India's independence. Moreover, the author draws attention to certain portions of the text of the Constitution that are understudied—specifically, those that deal with the institutions of governance. (Claude, 1943) Indeed, this is a unique contribution to the existing literature. Chapters Two, Three and Five are devoted to the executive and Parliament, federalism and local government, technocratic constitutional institutions like the Comptroller and Auditor General of India (CAG) and the Election Commission of India (EC), respectively. (Holleck et al., 1989) Thiruvengadam discusses the CAG and the EC as 'unusual' institutions because they have gained a reputation for 'safeguarding constitutional and democratic values in contemporary India' (137). His study reflects the dynamic nature of these institutions by evaluating the effects of successive tenures of government over them. (Asmis, 2005) Throughout these chapters, he tries to show how certain transformations can be brought about informally without altering the Constitution: for example, the prominence gained by decentralisation and local governments over the years. (Rothman et al., 2007). Dr. B. R. Ambedkar's involvement with it. From the perspective of the present volume, this exploration offers an important opportunity since Dewey's own writing on democracy has been argued to be somewhat thin in terms of clear delineation of its institutional implications. (Black, 1972). When Congress was in office, Governors rarely had occasion to use their overriding authority. Lord Erskine, the Governor of Madras at the time and Sir Harry Haig, the Governor of the United Provinces, publicly stated that no occasion arose for them to use the special power for the protection of

minorities.(Sankarshan and Umesh,2013).One Congress ex-Minister whom Coupland interviewed said, with some pardonable exaggeration, that his Province was as fully self-governing as a Canaclian Province In the light of all this, it seems difficult to lend support to the claim that if Congress had continued in office there would have been an outbreak of communal violence on a n unprecedented scale. (Thornhill,2013).The Provinces were given no option to stay on. In the case of the States, however, such an option was granted. Indian States could enter the federation by executing an Instrument of Accession, but on their once entering it they were not allowed to withdraw later. The British Government was busy evolving a standard Instrument of Accession which would have nullified some at least of the extravagant demands of different Indian States as a price of their entry. But unfortunately the Outbreak of the war called a halt to all that. (Pathak,2012).Dyarchy which had been an acknowledged failure in early all the Provinces was to have been enthroned at the Centre. The position of the Governor-General was, not to be merely like that of the Governor-General in any of the Dominion.q. Defence, external affairs excluding the relation between the Federation and any part of His Majesty's Dominions, ecclesiastical affairs, and tribal areas were to be Reserved subjects. (“Aniruddha Datta,2017 [People in Control]”).The constitutional architecture and key jurisprudential developments of India Australia to better understand the separation of powers in each country. It then considers the similarities and differences observed, which stands to enrich our understanding of the idea of separating powers more generally, especially in relation to how this important principle takes shape and operates in different legal systems. These core functions attempt to provide balance by preventing the accumulation of state powers in a single institution at the expense of the others. (Banerjee and Hankla,1949).By preserving the exclusivity of certain functions, the separation of powers also promotes specialisation and

expertise that can lead to efficient and skilled administration. And perhaps most importantly, the protection of core functions ensures that each institution maintains a meaningful opportunity to contribute to and participate in a model of shared governance.(Meston and Meston,1923).While the separation of powers works to maintain institutional integrity, each institution is not a ‘watertight compartment’ sealed off from the others. Each must also be checked by the others through prescribed controls that provide a measure of oversight and accountability in the exercise of state power.(Due,1972).Comparison reveals the flexible nature of the separation of powers, which responds to features of the constitutional design and a variety of local contexts while protecting core institutional functions from interference. These core functions attempt to provide balance by preventing the accumulation of state powers in a single institution at the expense of the others. By preserving the exclusivity of certain functions, the separation of powers also promotes specialisation and expertise that can lead to efficient and skilled administration. And perhaps most importantly.(Waldron,1990).The protection of core functions ensures that each institution maintains a meaningful opportunity to contribute to and participate in a model of shared governance. While the separation of powers works to maintain institutional integrity, each institution is not a ‘watertight compartment’ sealed off from the others. Each must also be checked by the others through prescribed controls that provide a measure of oversight and accountability in the exercise of state power.(Ghosh and Arun,1997)

METHODOLOGY:

The researcher has done empirical study on the concept of a single constitution in india. It is based on the convenient sampling method.The primary information for the research is collected through online responses by 200 randomly selected respondents which included the general public of different age groups with a well framed and structured survey

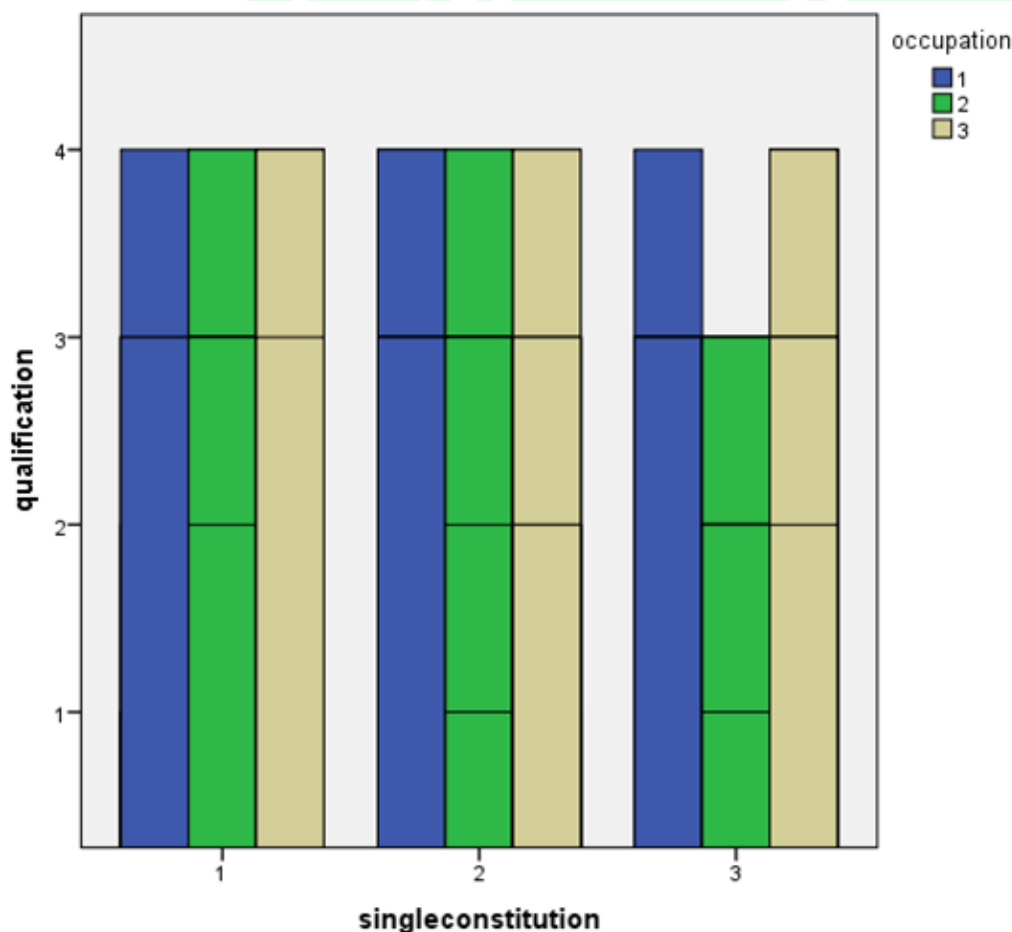
questionnaire. The questions put forward in the survey to the respondents are general public. The Independent variables are Age , gender , educational qualification and occupation and the dependent variables are our Indian constitution, a single constitution, Jammu and Kashmir is the only exception because it has its own constitution. and do you agree with the statement that the controlling power is vested

with the government. The collected responses are portrayed in the crosstab table and chi square tests table. The calculation done by the researcher based on the responses received is the Pearson chi square technique was used. The secondary sources used by the researcher for the study is by referring to books, research articles, e-sources, articles, journals , newspapers.

ANALYSIS:

FIGURE 1:

Indian constitution is single constitution

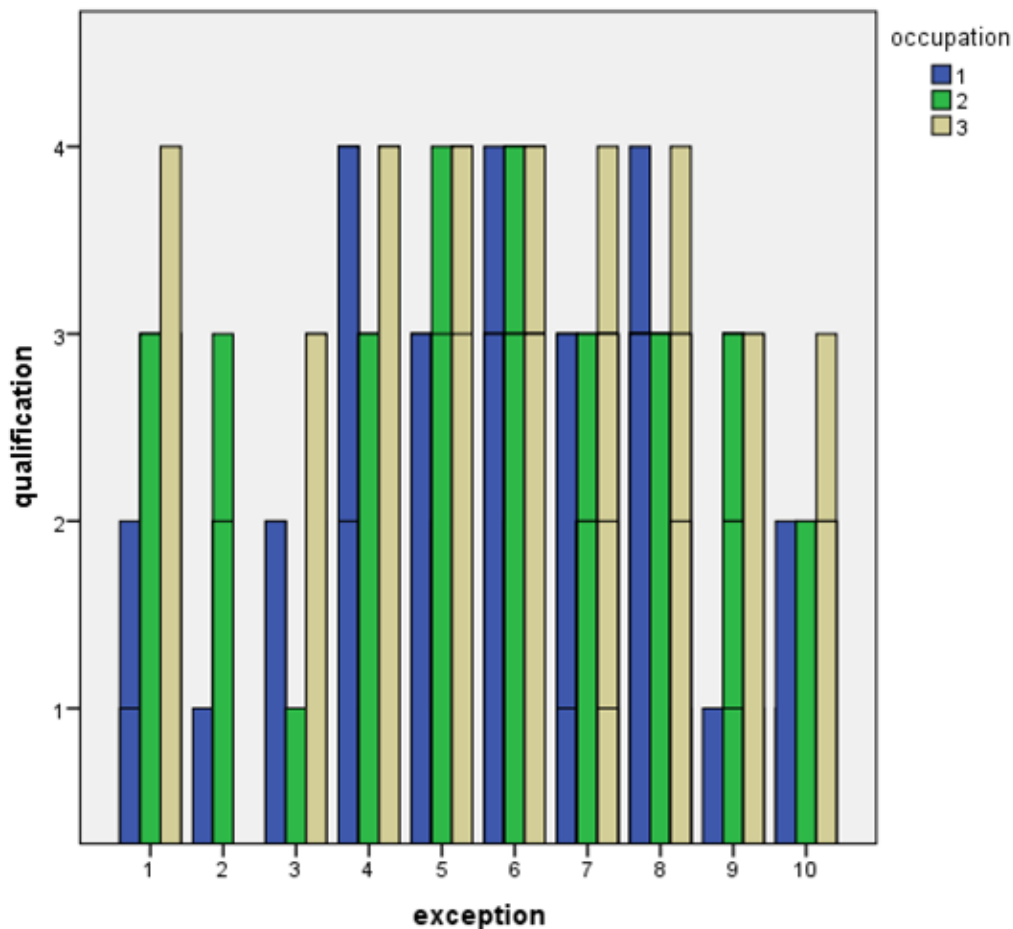


LEGEND :

The figure 1 shows the graph of the Indian constitution is a single constitution. The responses were collected from the general public through online responses and their individual opinion on the basis of occupation and qualification.

FIGURE 2 :

Jammu and Kashmir is the only exception because it has its own constitution.



LEGEND :

The figure 2 shows the scaling graph of the exception . The responses were collected from the general public through online responses and their individual opinion on the basis of occupation and qualification.

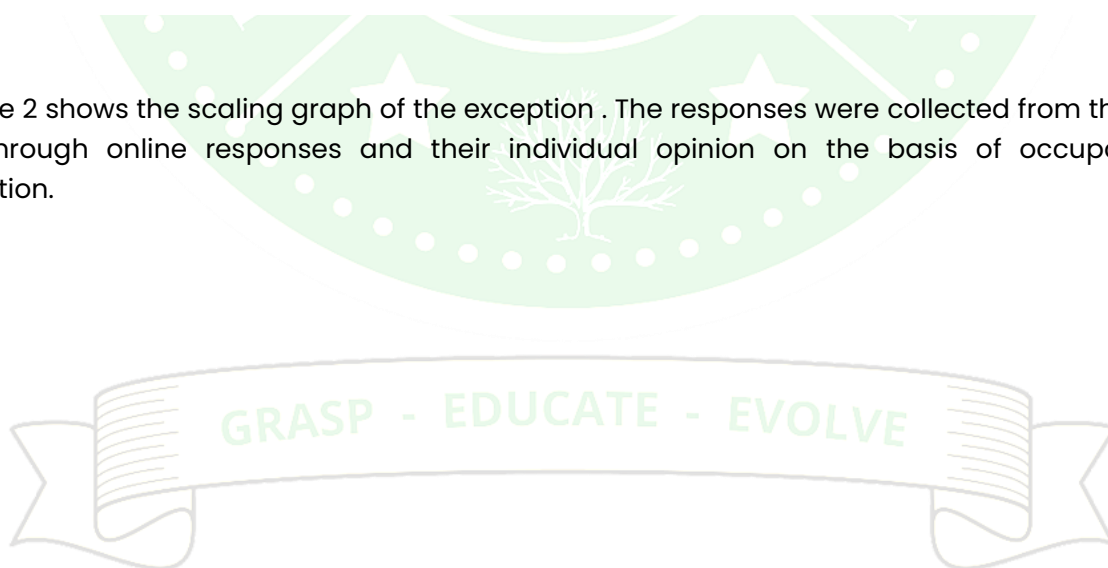
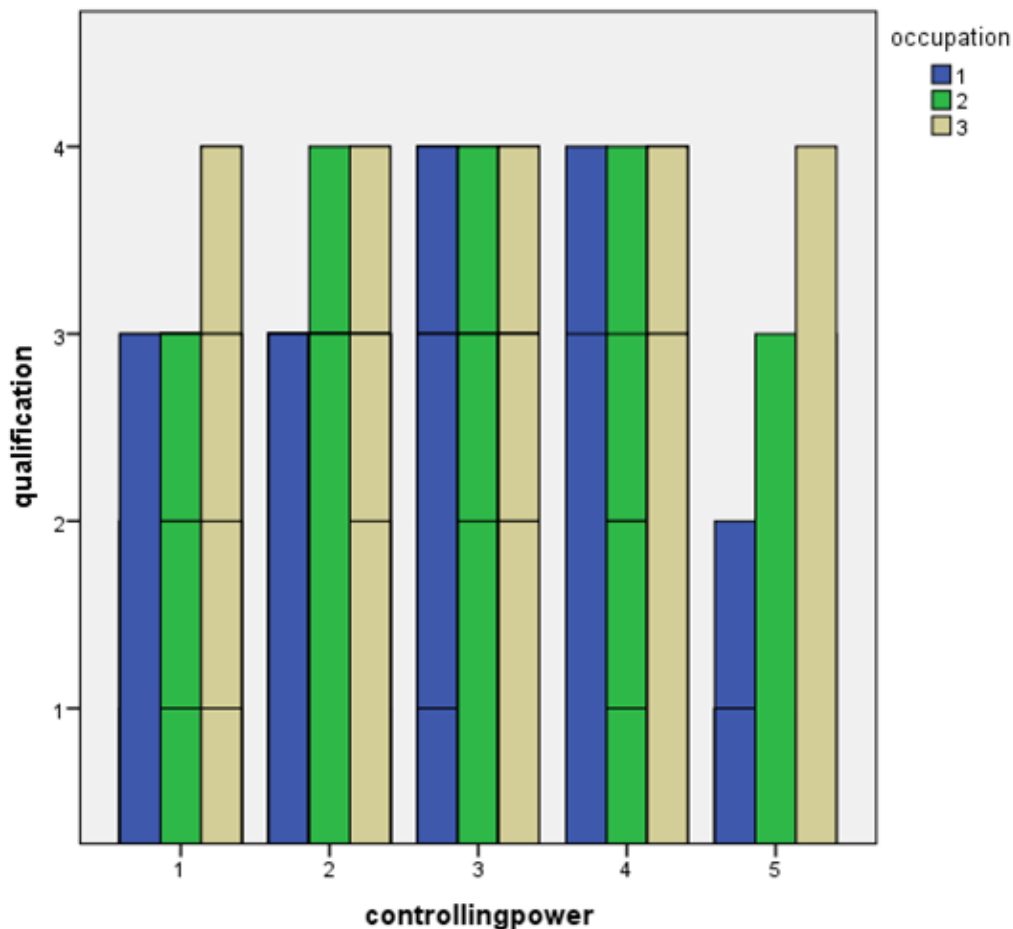


FIGURE 3 :

Controlling power is vested with the government



LEGEND:

The figure 3 shows the graph of the controlling power is vested with the government. The responses were collected from the general public through online responses and their individual opinion on the basis of occupation and qualification.

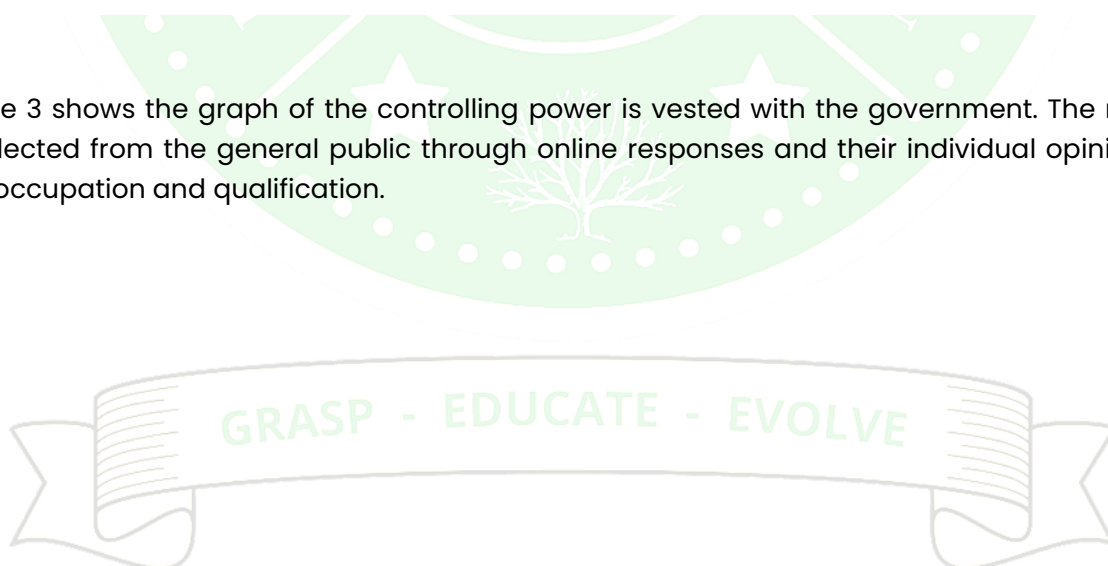
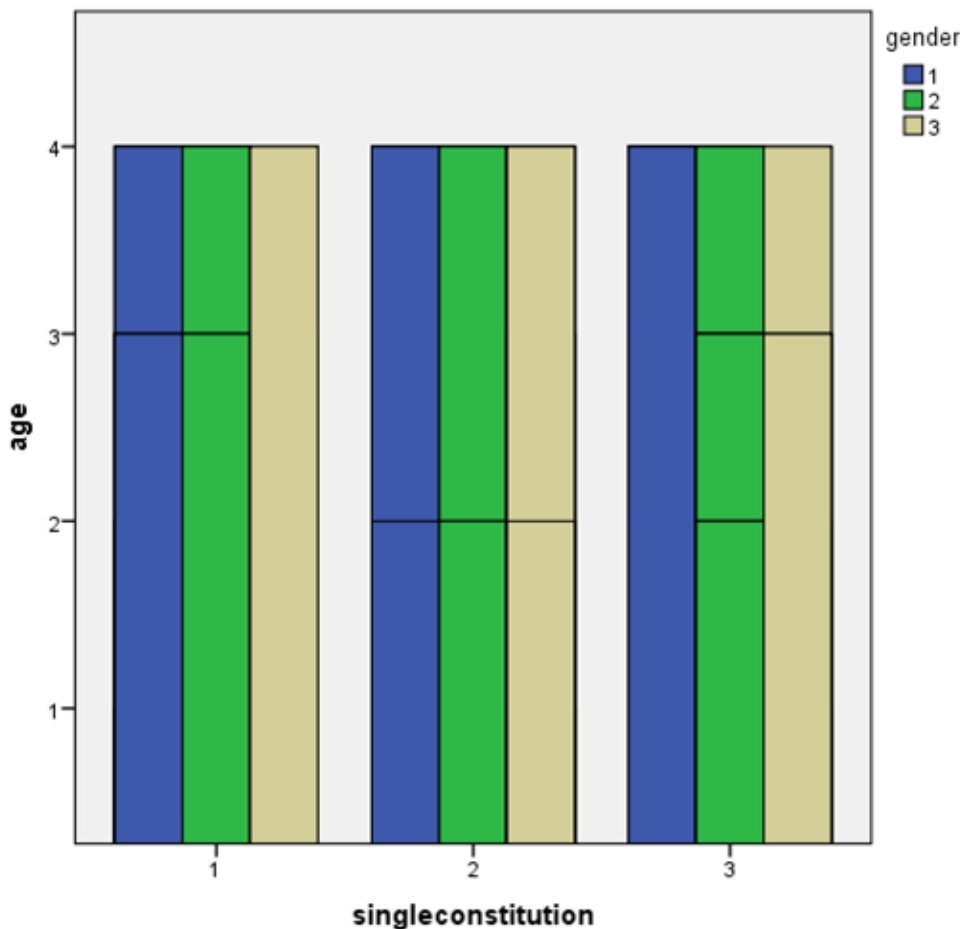


FIGURE 4:

Indian constitution is single constitution



LEGEND:

The figure 4 shows the graph of the Indian constitution is a single constitution. The responses were collected from the general public through online responses and their individual opinion on the basis of age and gender.

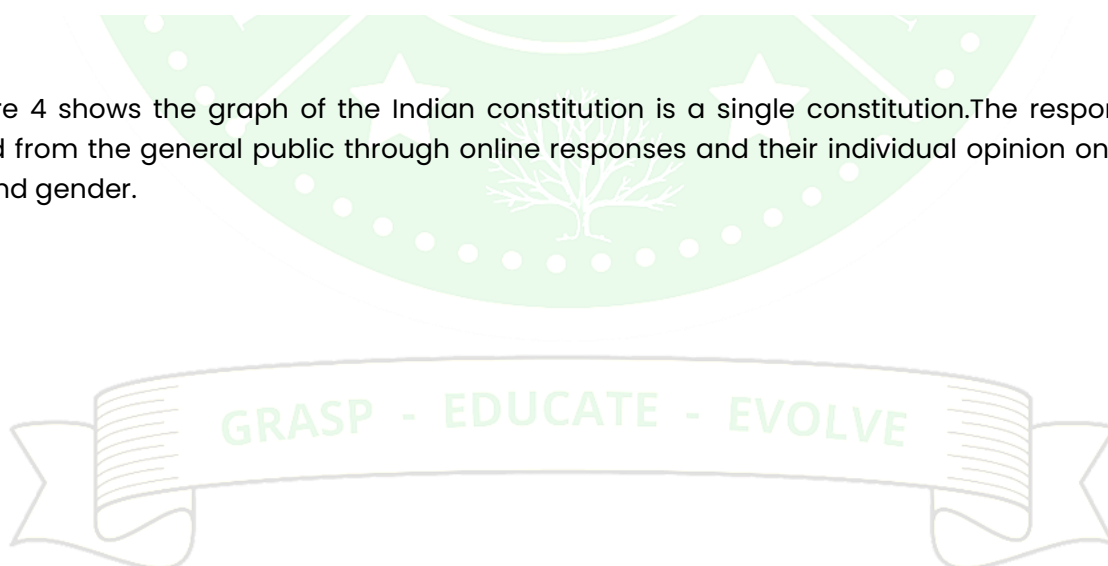
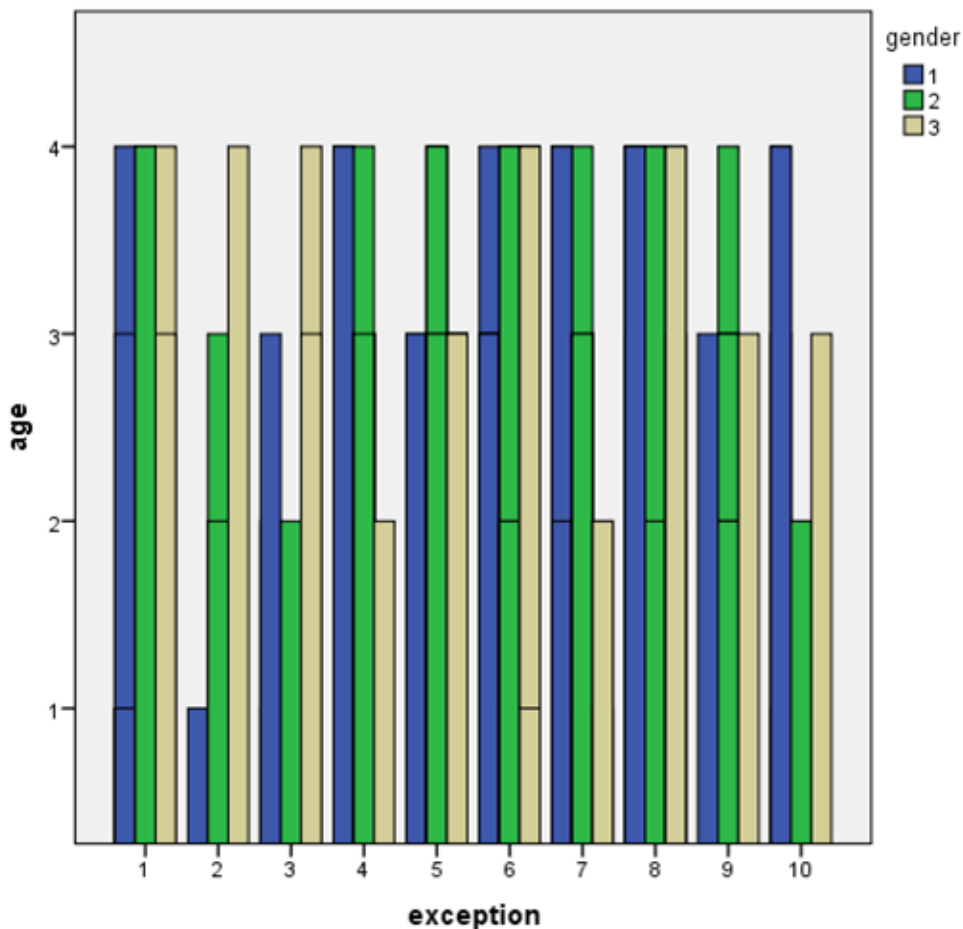


FIGURE 5:

Jammu and Kashmir is the only exception because it has its own constitution.



LEGEND:

The figure 5 shows the scaling graph of the exception. The responses were collected from the general public through online responses and their individual opinion on the basis of age and gender.

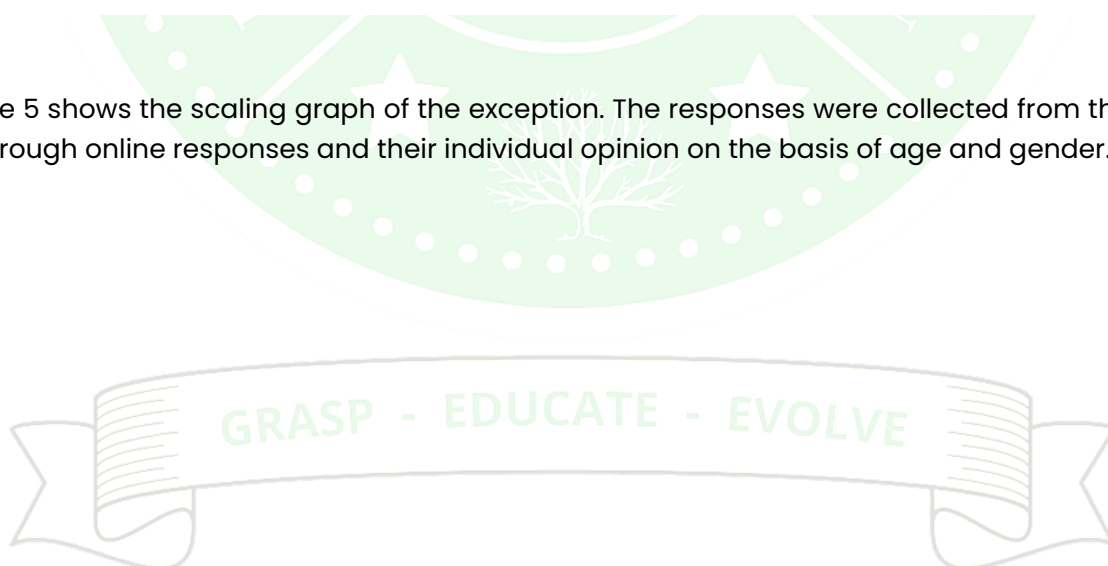
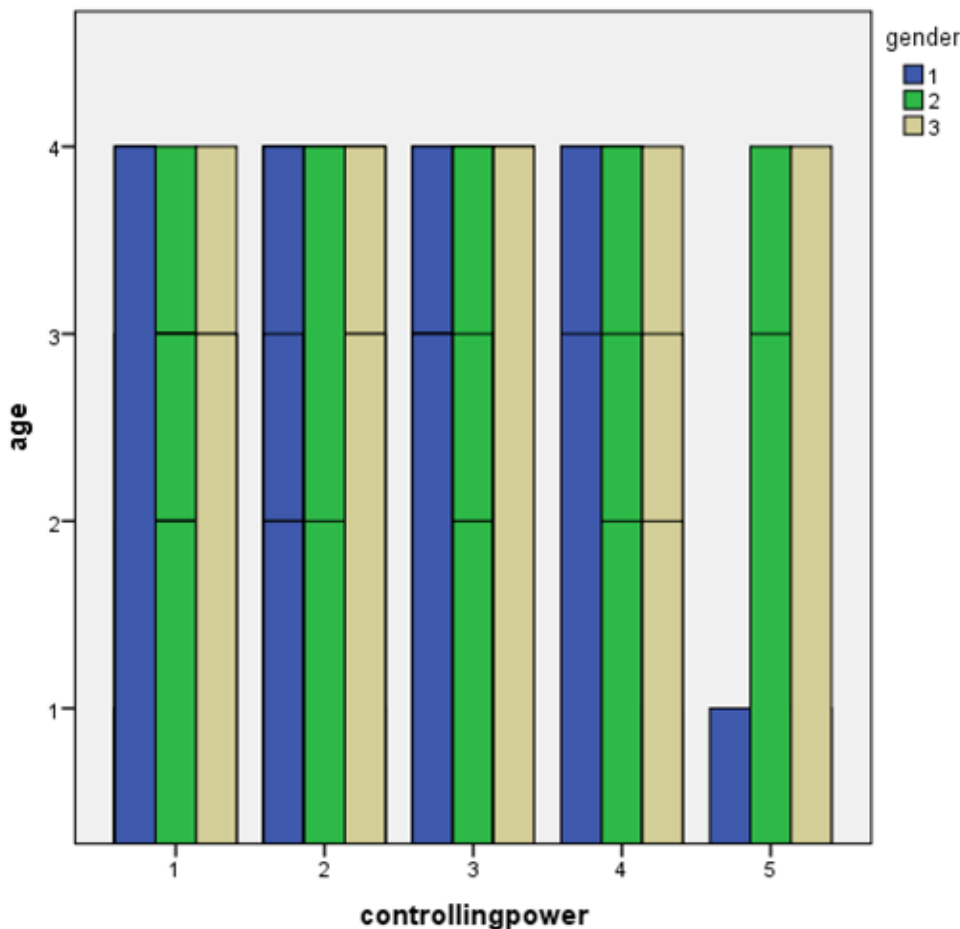


FIGURE 6:

Controlling power is vested with the government



LEGEND:

The figure 6 shows the graph of the controlling power is vested with the government. The responses were collected from the general public through online responses and their individual opinion on the basis of age and gender.

RESULT:

The occupation, blue colour indicates private sector, green colour indicates public sector, yellow colour indicates government sector, and the qualification is based on higher secondary, post graduate, undergraduate and illiteracy . Most of the people agree that Indian constitution is a single constitution.(Figure 1)

The occupation blue colour indicates private sector, green colour indicates public sector, yellow colour indicates government sector, and the qualification is based on higher secondary, post graduate, undergraduate and illiteracy through the online responses. The respondents

responded to various ratings for Jammu and Kashmir as the only exception because it has its own constitution(Figure 2)

The occupation blue colour indicates private sector, green colour indicates public sector, yellow colour indicates government sector, and the qualification is based on higher secondary, post graduate, undergraduate and illiteracy .Most of the public sector and government sector were strongly agree and the undergraduate were strongly disagree that the controlling power of people is vested with the government.(Figure 3)

The age categories are ,18 – 25, 25 – 40, 40 – 60, Above 60 and the gender blue indicates male , green indicates female, and yellow indicates prefer not to say.The responses were collected through the online responses.Most of the people under age group above 60 and 18 – 25 agree that Indian constitution is a single constitution.(Figure 4)

The age categories are ,18 – 25, 25 – 40, 40 – 60, Above 60 and the gender blue indicates male , green indicates female, and yellow indicates prefer not to say.The responses were responded into various ratings for Jammu and Kashmir is the only exception because it has its own constitution.(Figure 5)

The age categories are ,18 – 25, 25 – 40, 40 – 60, Above 60 and the gender blue indicates male,green indicates female, and yellow indicates prefer not to say. Some of the people who are under the age group of 40 – 60 in all gender agreed and some of the people under age group 18 – 25 in all gender categories disagreed that the controlling power of people is vested with the government.(Figure 6)

DISCUSSION :

Most of the people agree that Indian constitution is a single constitution. because The Indian Constitution has set up a coordinated legal framework with the Supreme Court at the top and the states High courts underneath it. There is no arrangement of an isolated Constitution for the state in India, in contrast to the USA(Figure 1).The respondents responded to various ratings for Jammu and Kashmir as the only exception because it has its own constitution because the people currently did not know about the constitution in Jammu and Kashmir. If they are aware about the matter surely they rated ten.(Figure 2)Probably Most of the public sector and government sector strongly agree and the undergraduates strongly disagree that the controlling power of people is vested with the government as per my opinion the sovereign power is vested with the government (Figure 3) Most of the people under the age group above 60 and 18 – 25

agree that Indian constitution is a single constitution. In India there is only one constitution which each and every of our country follows.(Figure 4) when it is compared with age and gender,The respondents were responded to various ratings for Jammu and Kashmir is the only exception because it has its own constitution(Figure 5) All age groups of people agree with the statement that controlling power is vested with the government because the government only makes the laws and it punishes the people when they are violating any laws.(Figure 6).

LIMITATIONS :

The major limitation of the study is the single frame . The sample frame collected through online platforms like sending mail , sending links via WhatsApp is the limitation of the study , the real field experience is missed out due to corona pandemic.The restrictive area of sample size is yet another drawback of the research. Collection of data via online platforms is limiting the research to collect data from the field . Since the data is collected on online platforms wherein the respondent is not known , the original opinion of the respondent is not found. The researchers could only come to an approximate conclusion of what the respondent is feeling to convey.

CONCLUSION:

This conclusion is dedicated to an explanation of both the test that the Federalists confronted and the idea of the state they grown.The Constitution of India has been shaped on the standards of law and order, so the Legislature in India has been vested with its sacred capacities and controls thus has impediment as well. It tends to be said that the superb capacity of assembly is to moor for the desire of individuals and to institute laws.The main objectives of the research is to give equal power between the state and centre government and to secure justice, liberty , equality to all citizens and promote fraternity to maintain unity and integrity of the nation.The findings of the topic is to follow every rule and

regulation of the Indian constitution by every citizen of the nation. However, the most fascinating is that, however division of forces has been maintained to be fundamental construction of the Indian Constitution, since the previous many years and particularly through as of late articulated a wide number of milestone decisions, it stays an inquiry concerning how far this is pertinent in India.

PAPERPILE REFERENCE:

1. Aniruddha Datta [People in Control].” *IEEE Control Systems*, vol. 34, no. 1, 2014, pp. 26–27, doi:10.1109/mcs.2013.2287361.
2. Asmis, Elizabeth. “A New Kind of Model: Cicero’s Roman Constitution in De Republica.” *American Journal of Philology*, vol. 126, no. 3, 2005, pp. 377–416, doi:10.1353/ajp.2005.0036.
3. Banerjee, Sayan, and Charles R. Hankla. “Party Systems and Public Goods: The Dynamics of Good Governance in the Indian States.” *SSRN Electronic Journal*, doi:10.2139/ssrn.2484794.
4. Bhattacharyya, Harihar, and LSE. “FEDERALISM OVER DEMOCRACY IN INDIA: DIALECTICS OF DIVERSITY-CLAIMS OVER EQUALITY-CLAIMS.” *US-China Law Review*, vol. 14, no. 8, 2017, doi:10.17265/1548-6605/2017.08.003.
5. Black, Charles L. “Amending the Constitution: A Letter to a Congressman.” *The Yale Law Journal*, vol. 82, no. 2, 1972, p. 189, doi:10.2307/795111.
6. Claude, A. “THE CONSTITUTION OF PROTOPLASM.” *Science*, vol. 97, no. 2525, 1943, pp. 451–56, doi:10.1126/science.97.2525.451.
7. Due, John F. “Agenda for Progressive Taxation. William Vickrey.” *Journal of Political Economy*, vol. 55, no. 5, 1947, pp. 484–85, doi:10.1086/256601.
8. Ghosh, Juvith, and M. Arun. “Adjustable Linear Actuator Based Power Seat for Occupational Disorders.” *2020 6th International Conference on Advanced Computing and Communication Systems (ICACCS)*, 2020, doi:10.1109/icaccs48705.2020.9074199.
9. Holleck, H., et al. “Multilayer Coatings— influence of Fabrication Parameters on Constitution and Properties.” *Surface and Coatings Technology*, vol. 41, no. 2, 1990, pp. 179–90, doi:10.1016/0257-8972(90)90166.
10. Meston, and Meston. “Freedom.” *International Affairs*, vol. 15, no. 6, 1936, pp. 912–13, doi:10.2307/2602337.
11. Pankaj, Ashok. “Political Federalism in the Liberalisation Phase.” *Indian Journal of Public Administration*, vol. 51, no. 2, 2005, pp. 287–95, doi:10.1177/0019556120050209.
12. Pathak, Jyotiraj Raj. “An Analytical Study on Rights of Children and the Constitution of India.” *SSRN Electronic Journal*, doi:10.2139/ssrn.2018853.
13. Rajashekara, H. M. “The Nature of Indian Federalism: A Critique.” *Asian Survey*, vol. 37, no. 3, 1997, pp. 245–53, doi:10.2307/2645661.
14. Ramaswamy, Vijaya. “Jammu Miscellany.” *Indian Historical Review*, vol. 34, no. 1, 2007, pp. 327–30, doi:10.1177/037698360703400123.
15. Rothman, Emily F., et al. “Batterer Intervention Program Enrollment and Completion among Immigrant Men in Massachusetts.” *Violence against Women*, vol. 13, no. 5, May 2007, pp. 527–43.
16. Sankarshan, B. M., and T. K. Umesh. “Determination of the Effective Atomic Number: A Theoretical Justification.” *EPL (Europhysics Letters)*, vol. 123, no. 2, 2018, p. 27001, doi:10.1209/0295-5075/123/27001.
17. Srikanth, N., and OSMANIA UNIVERSITY. “Remembering the Father of Indian

Constitution - Dr. B R Ambedkar and His Role in Framing Indian Constitution." *International Journal of Trend in Scientific Research and Development*, vol. -2, no. -1, 2017, pp. 995–1001, doi:10.31142/ijtsrd7170.

18. Thornhill, Chris. "Constitution Making and Constitutionalism in Europe." *Comparative Constitution Making*, 2019, pp. 427–45, doi:10.4337/9781785365263.00028.
19. Tremblay, Reeta C. "Globalisation and Indian Federalism." *Indian Journal of Public Administration*, vol. 47, no. 2, 2001, pp. 208–21, doi:10.1177/0019556120010206.
20. Waldron, Jeremy. "A Right-Based Critique of Constitutional Rights†." *Bills of Rights*, 2017, pp. 3–36, doi:10.4324/9781315096339-2.

