



Constitution of India: Characteristics with Emphasis on Federal Structure and Forms of Government

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The advent of the internet has transformed various aspects of modern life, including business practices through the emergence of e-commerce. E-commerce refers to online business models that involve buying and selling products and services using electronic means such as electronic funds transfer, electronic data interchange, and internet marketing. Despite its advantages, e-commerce presents challenges, particularly in terms of cybercrime, which has prompted the development of legal frameworks like the UNICITRAL Model Law and the IT Act. This paper explores the concept of e-commerce and the associated legal regulations.

Introduction

India gained independence on August 15, 1947, and was initially governed by the Government of India Act 1919 and 1935. Recognizing the need for a comprehensive legal framework, the process of drafting the Indian Constitution began in 1947 and was enacted on January 26, 1950.

India, a vast and diverse nation, was divided into states to facilitate governance. The primary objective of the framers of the Constitution was to empower states while establishing a strong central government. The Indian Constitution is distinguished by several salient features:

1. The Longest Constitution

The Indian Constitution is the longest and most detailed written constitution globally. Originally comprising 395 Articles, 22 Parts, and 8 Schedules, it has since expanded to 460 Articles, 25 Parts, and 12 Schedules. It incorporates features from various constitutions, including Fundamental Rights from the U.S. Constitution, Directive Principles from the Irish Constitution, and the parliamentary system from the British Constitution.

2. Establishment of a Sovereign, Socialist, Secular, Democratic Republic

The Preamble declares India a Sovereign, Socialist, Secular, Democratic Republic. "Sovereign" indicates India's independence from external authority. "Socialist" was added by the 42nd Amendment Act of 1976, clarifying the commitment to social equity. "Secular" denotes equal treatment of all religions, and "Democratic" reflects the people's authority in electing their rulers. "Republic" means the head of state is elected, not hereditary.

3. Parliamentary Form of Government

India follows a parliamentary system where the President is the nominal head, and real executive power rests with the Prime Minister and the Council of Ministers. This contrasts with the presidential system in the U.S., where the President is both the head of state and government.

4. Fundamental Rights

The Constitution guarantees Fundamental Rights essential for individual development. These rights are enforceable by the judiciary, though they can be restricted in the public interest.

5. Directive Principles of State Policy

These principles, outlined in Part IV, guide state policies and governance. Although not justiciable, they are fundamental and cannot be ignored by governments.

6. Flexibility and Rigidity

The Indian Constitution is a blend of rigidity and flexibility. While some provisions require special procedures for amendments, most can be changed through ordinary legislative processes. The Constitution has been amended 97 times in 62 years, demonstrating its adaptability.

7. Federal Structure with Centralizing Tendencies

The Indian Constitution is federal but acquires a unitary character during emergencies, centralizing power in the Union Government. This feature reflects a balance between federalism and centralization.

8. Adult Suffrage

All Indian citizens aged 18 and above are entitled to vote in parliamentary and state elections, ensuring equal participation regardless of sex, caste, religion, or property.

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* Received: 16-June-2024 || Revised: 25-July-2024 || Accepted: 30-July-2024 || Published Online: 30-July-2024

9. **Independent Judiciary**

The Constitution establishes an independent judiciary to protect citizens' rights from arbitrary legislative and executive actions.

10. **Secular State**

India is a secular state, treating all religions equally without endorsing any particular religion. Articles 25 to 28 concretize this secularism.

11. **Single Citizenship**

India provides single citizenship, unlike the U.S., which offers dual citizenship at the state and federal levels.

12. **Fundamental Duties**

The 42nd Amendment Act of 1976 introduced Fundamental Duties, reminding citizens of their responsibilities alongside their rights.

The Indian Constitution is unique in its scope and detail, reflecting India's vast diversity and the need for a comprehensive legal framework.

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