

FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1II Semester

SUBJECT: Political science-III

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Lecture-1



Constitution of USA: Features, Comparison with Indian

Salient Features

While American Constitution is the shortest (of any major government in the world) and the first written constitution, India's Constitution is the lengthiest written constitution in the World. American Constitution is a very rigid constitution consisting of only Seven Articles and twenty-seven amendments, so far.

Originally, the India Constitution consisted of 395 Articles in 22 Parts, with 8 Schedules. Now, it consists of 448 Articles in 22 Parts, with 12 Schedules.

The US Constitution was finalized in a convention held on September 17, 1787, which required its ratification by a minimum of nine States, for it to be enforced.

By the end of July 1788, eleven States had ratified it and the Constitution was put into operation on 13th September 1788. The Indian Constitution, on the other hand, was adopted by her Constituent Assembly on 26th November 1949, and came into effect on 26th January 1950.

America has adopted the doctrine of dual ship in respect of its Constitution and citizenship. It has two Constitutions, one, for America as whole and another for each State. American people have two citizenships, one of USA and another of their respective State.

On the other hand, India has one constitution and concept of single citizenship for every citizen of the country.

- **Nature of the Constitution**

The American Constitution is described as a truly Federal Constitution. It was ratified by 50 Independent States. Further, the Federal Government and States have their own Constitutions and do not interfere in each other's functions. On the other hand, India has only one Constitution, wherein the Central government interferes with functions of State governments in the form of, inter alia:

1. Appointment of Governors.
2. Governor having the power of reserving the States' bills for consent of the President.
3. Central government's power to impose President's rule in the States.

- **Nature of Federalism**

While USA is a Dual Federation, India is a Cooperative Federation.

Dual Federation (USA) – both the Centre and state are completely independent. They are complete governments

Centrifugal federalism

Symmetrical federalism: All states are given equal representation in Senate

USA is a Legislative federation. This means that States have dominance in law making.

USA is an indestructible union of indestructible states

USA constitution provides a role to states in ratifying the international treaties through the Senate.

Cooperative Federation (India) – Interdependence of Centre and state govt. Neither of them is independent of the other. Centre usually has the role of big brother.

Centripetal federalism

Asymmetrical federalism:

1. States have been given representation in Rajya Sabha on the basis of their population.

2. Articles 370, 371 provide special provisions to few states.

India is an Executive federation. This means that states are important at the executive level only.

India is an indestructible union of destructible states

There is no such provision for states in the Indian Constitution.

MCQ

1. In U.S.A. The form of government is:

A.Parliamentary

C.Absolute monarchy

E.Dictatorship

B.Presidential

D.Limited monarchy

2. In U.S.A. The President is:

A.Directly elected by the people

C.Elected by the House of Representatives

E.Nominated by the Chief Justice of the state

B.Elected indirectly by an electoral college

D.Elected by the Senate

3. In U.S.A. President is elected:

A.For a fixed term

C.Leaves office as soon as his party loses in
the House of Representatives

B.Can be called back by the people

D.Leaves office as soon as his party loses in
the Senate

4. For his acts of omission and commission, the President is accountable directly to:

A.Senate

C.Supreme Court

E.The state to which he belongs

B.House of Representatives

D.The people of the U.S.A.

5. The President of U.S.A. is elected for a period of:

A.4 years

C.6 years

B.5 years

D.3 years