

# Question - Describe Salient Features of U.S Constitution.

## 1) Introduction :-

The U.S Constitution has the oldest written national framework of government in the world. At the end of 20th century, there were about 159 other national constitutions in the world. While the United States has been governed by a single framework of government for over two centuries. The United States has been radically transformed over past two centuries. The most significant features of U.S Constitution are the establishment of the rule of law, the creation of a federal system with supreme national government, the separation of governmental powers into three branches that check and balance each other, its flexibility and establishment of a republican form of government.

## 2) Salient Features of U.S Constitution :-

The major features of U.S Constitution are as follows:-

### 2-1) Documented form of the constitution:-

First prominent feature of American constitution is that, it is written or documentary. It is very brief document and contains about **4000** words and at least **10-12** pages. It consists of preamble and seven articles only. Three of the articles related to structure and powers of legislative (**Article 1**), Executive (**Article 2**) and Judiciary (**Article 3**) and other four dedicated to position of position of states (**Article 4**), modes of Amendments (**Article 5**), supremacy of national power (**Article 6**) and ratification (**Article 7**). Article 1 is the longest and cannot be amended. Constitution is the supreme law of land.

## 2-2) Rigid Constitution:-

U.S Constitution is rigid and it means that it cannot be amended by Congress by the ordinary procedure. The procedure is very intricate and difficult.

The procedure to amend the Constitution consists of two steps:-

### a) Proposal for Amendment:-

There are two ways to propose for amendment:-

(i) Two-third (67%) of both the houses (Senate and House of Representatives) shall propose for amendment to constitution.

ii) On the application of legislatures of two-third (67%) states shall call a convention for proposing amendment.

### b) Ratification of Proposal:-

The amendment shall be satisfied by the legislatures of three-fourth (75%) of all states or by the convention of three-fourth of states.

It is because of this rigidity that American constitution has been amended only **27 times** in over **200 years**. It is therefore, rightly remarked that:-

“if the founding fathers were to return to life today, they would not find it difficult to recognise their handiwork.”

### 2.3) Popular Sovereignty:-

The American constitution establishes the popular sovereignty of the people. It means that all powers have delegated to the government and the government owes its authority to the will of people. The principle of sovereignty is stated in the Preamble of constitution as “we the people do ordain and establish this constitution for United States of America.”

### 2.4) Bicameral Legislature:-

The constitution of America provides

System prevents misuse of powers. Congress has been given a share in the executive powers. It can check president's powers of making treaties and appointments. Similarly, the president enjoys the powers of suspense veto and can influence legislation. He also enjoys judicial powers of giving pardon and reprieve.

### 2.7) Judicial Independence:-

The direct consequence of separation of powers is doctrine of judicial independence. In United States all judicial powers are enjoyed by Supreme Court and other federal courts, no other office can influence its independence.

### 2.8) Federal System:-

Federalism is a device by which the independent states form a union without losing their identity. According to Article 1, the federal government has jurisdiction over **18 matters** and residuary powers are vested in states. States are autonomous

bodies and cannot interfere in their affairs. In case of conflict, Supreme Court decides or settles the dispute.

## 2-9) Presidential System:-

Article 2 provides powers, election and their matters related to president. He is elected for a period of 04 years and is not answerable to Congress and cannot dissolve Congress. He has a cabinet to assist him in running his executive powers.

## 2-10) Republicanism:-

The constitution calls for a republican system with President as elected head of state. The constitution derives its authority from the people and is supreme law of land.

## 2-11) Fundamental Rights & Liberty:-

Citizen cannot be deprived of fundamental rights by any lawful authority. The first 10 amendments to constitution are called "**Bill of Rights**" which provides

for bicameral legislature. According to the Article 1, "**All legislative powers are vested in Congress.**" In United States, Congress is the parliament, which consists of two houses:-

Senate / Upper House

House of Representatives / Lower House

### a) House of Representatives:-

It has 435 members who are elected by people for a period of two years on population basis i.e., state with larger population gets more seats in this house like **California** has **53** members.

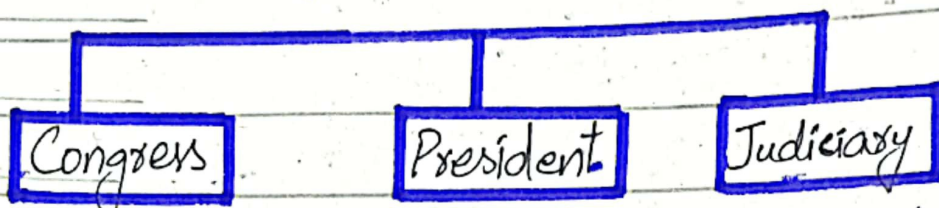
### b) Senate:-

The members of Senate are elected by the state legislatures. Each state has two senators which means each state has two votes in Senate. These senators are elected for a period of 6 years. The total number of senators are **100**

as total states are 50.

## 2.5) Separation of Powers:-

US constitution is based on the principle of "separation of powers." The powers are divided among:-



i) **Congress** has the power to make laws - which outline general policies and set certain standards.

ii) **President** can enforce, execute and administer law. He is assisted by his cabinet but is solely responsible for all actions of Executive Branch.

iii) **Judicial powers** are exercised by Supreme Court which interprets laws and decided cases and controversies in conformity with the law and by the methods prescribed by law.

## 2.6) Checks and Balances:-

The separation of powers confirms the system of checks and balances. This



for the rights of a person's liberty, property, freedom of speech, press, religion and assembly.

### 2-12) Dual citizenship:-

Every American citizen is entitled to the right of dual citizenship. First of all, he is the citizen of America and secondly he is the citizen of that state in which he lives. This feature was introduced by 4th amendment.

### 2-13) System of Spoils:-

When a president is elected, he does appointment of public officers. If in elections, the president is elected who is of the opposition party, he dismisses the public office bearers and makes fresh appointments.

### 2-14) Judicial Review:-

The Supreme Court in US is supreme not only in theory but also in practice. All the laws passed by the Congress and state

Legislatures are subject to judicial review.

## 2.15) Rule of Law:-

In the United States, Constitution is the 'king'. Only laws passed through the mechanisms established by Constitution are valid.

## 2.16) Limited Government:-

In United States, the constitution is supreme and powers of government organs are limited.

## 2.17) Voting Rights:-

The Constitution did not bar anyone from voting. It only said that voting for members of the House of Representatives should be the same in each state as that state's requirements for voting for the most numerous branch of legislature.

e.g.

The New Jersey constitution allowed women to vote if they met the same property requirements as men.

## 2-18) Constitution and Slavery:-

The word "slave" does not appear in the Constitution. It also prohibited Congress from outlawing the Atlantic slave trade for twenty years. It gave federal government the power to put down domestic rebellions, including slave insurrections.

## 3) Conclusion:-

Collectively, the provisions of Constitution sought to establish a "**new covenant**" for the American people. More than at any other time in political history, the people of nation had the opportunity to covenant with one another to govern themselves. Instead of viewing government as the enemy, the new Constitution challenged the people to view the government as protect of liberty.