





PRELIMS & MAINS

For Civil Services Exams

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Chapter 1 Constitution: Meaning and its Types

Introduction

From the time human beings started living in settlements, there arose a need to establish rules to regulate human behaviour including their interactions with one another. These rules prescribe the expected behaviours, the prohibited behaviours and the punishments for carrying out prohibited behaviours. These rules were established in the form of laws, religious doctrines and treatise. In a broad sense, these rules can be regarded as a form of Constitution.

In a narrow sense, the Constitution is a law that puts limitations on the powers of the government. Consider a State ruled by a King with absolute authority. In such a State, Rex (King) is Supreme. The state is governed according to the single law which is the rule of the king. Such a state can also be considered to have a constitution, which in this case is the rule of the king. However, in modern usage, we rule out this form of the Constitution. Political theorists use the term 'Constitution' to denote the rules and laws that place constraints on the government. In other words, a modern Constitution along with defining the powers of government, also puts a limitation on these powers.

Meaning

Let us first understand the literal meaning of the term 'Constitution'. The term 'Constitution' is derived from the latin word 'Constitutio', used for regulations and orders of the highest order. For instance, 'Constitutio' was used for important orders issued by the kings. Later on, the term was also used for the important orders issued by the Pope.

After understanding the literal meaning, let us now attempt to define the term. Can we have a single definition of 'Constitution'? A Constitution has multifaceted aspects. It is almost impossible to cover all these aspects in a single definition. Thus, for the purpose of this book we have chosen some of the best definitions that bring out the various aspects related to a Constitution.

A Constitution, in simple terms, is the law that details how countries, bodies or organisations' function. In other words, not only countries, but various forms of entities such as governmental or non-governmental organisations can have a constitution. However, the constitution we will refer to, in this book, is the constitution of a country.

If we attempt to define the word 'constitution' in terms of its coverage or contents covered within it, then we can say that a constitution is a set of rules that guides the working of a country. It provides for the form of government that is set up in the country, the powers of

the government, the restrictions on those powers and the rights and duties of citizens. In other words, the Constitution is a set or a body of principles and rules determining the structure, powers and limitations of the government of the country as well as defining the rights and duties of the governed.

According to C.F. Strong, a Constitutional expert of the 20th Century, "A Constitution may be said to be a collection of principles according to which the powers of the government, the rights of the governed and relation between the two are adjusted "The constitution defines the structure, functions and powers of the organs of government. It also defines the relationship or bonds between the citizens and the government.

Rod Hague and Martin Harrop, Political scientists from the United Kingdom, define the constitution as "Constitutions express the overtaking principles within which non-constitutional law and the legal system generally operates". In this sense, the constitution acts as the 'Law of the Laws', i.e., it details principles which are followed in making ordinary laws. Further, the constitution holds a place above ordinary laws.

According to Uday S. Mehta, an Indian-American Political Scientist, 'Constitutions are scripts in which people inscribe the text of their professed collective destiny. They write down who they think they are, what they want to be, and the principles that will guide their interaction along that path in the future'. The constitution in this sense, is the collective identity of a society. It charts the aspirations and future goals of a country. In this sense, it is a future looking and aspirational document.

According to B.R. Ambedkar, the father of Indian Constitution "Constitution is not a mere lawyer's document, it is a vehicle of Life, and its spirit is always the spirit of Age." This definition makes it amply clear that the Constitution of a country determines the lives of the people.

These diverse views suggest the following points with reference to Constitution:

- 1. A constitution contains a set of rules that define how the government of a country is organised, its powers and functions.
- 2. The government is expected to function within the bounds of the constitution. Hence, the constitution places certain limitations on the power of the government.
- 3. It specifies the rights and duties of the citizens of the country.
- 4. The political system adopted by a country through its constitution has an enormous impact on its future. Thus, a constitution is also regarded as a shared vision for the future of the people of a country.

5. Though the constitution is a law, it is the fundamental law in the country. This means all the other ordinary laws in the country are made within the bounds of the constitution. In other words, if a law is unconstitutional (not in accordance with the constitution), it is not applicable.

Constitutional government

A constitutional government is a government that carries out its functions in accordance with the constitution. As we have discussed earlier, a constitution is a set of rules of principles. As the government has to work in accordance with the rules and principles established by the constitution, a constitution limits the exercise of powers by the government. For instance, Andrew Gamble, a British professor of politics noted that a Constitutional government by definition is a 'limited government'. A constitution seeks to limit and regulate the exercise of political power by the government.

Evolution of Constitution

The earliest form of Constitution is believed to have been introduced in Greece. In later times, in the 13th century (1215 CE), nobles in England forced the King to sign a document called 'Magna Carta' that guaranteed them certain rights and limited the authority of the king. These were the rudimentary forms of the Constitution. However, the Constitution as we know in present times is different from these initial documents. The Constitutions of present times can be traced to the US Constitution, which is considered as the oldest written Constitution.

Types of Constitutions

Most of the countries in the present times have a constitution. However, these constitutions differ significantly from each other. Broadly, constitutions are classified into different types on the basis of the following criteria:

S.No.	Classification	Criteria	
1	Written and	Based on	
	unwritten	whether the	
	constitution	constitution is	
		codified into a	
· ·		single document	
		or not	
2	Rigid and flexible	Based on the	
	constitution	difficulty of the	
		procedure for	
		amending the	
		constitution	
3	Federal and	Based on how	
	unitary	the powers are	
	constitution	distributed	
		between the	

			centre and the	
			states	
4	Evolved	and	Based on how	
	enacted		the constitution	
	constitution		originated	

Written constitution

A written constitution is the constitution in which the fundamental principles that govern the functioning of the government, its powers, restrictions on those powers, citizens' rights and provisions related to other matters are codified into a single document. This single document is recognised as the constitution. Most nations of the world have adopted their own written constitutions. For instance, India and the USA have written constitutions.

In countries with a written constitution, the constitution is considered supreme. This means that the written constitution puts restrictions on the powers of all the organs of the government including legislature (Lawmaking body). This also means that all the laws or policies of the government should be in accordance with the provisions of the constitution. If any law or policy of the government violates the provisions or is inconsistent with the provisions of the constitution, then such a law or policy is considered unconstitutional and thus, invalid.

Let us now understand the merits and demerits of a written constitution.

Merits

- 1. Precise and consistent: Written constitutions are precise and consistent. These constitutions are precise because all the provisions of the constitution are codified into a single legal document. Also, all the provisions of a written constitution are written at the same point of time and in a single document, thus are consistent with each other.
- 2. Limits the powers of the Organs of government: Written constitutions also mention the procedure to amend their provisions. The procedure of amendment is often difficult and thus, written constitutions cannot be easily amended and hence there is less scope for the organs of government to acquire more powers than the constitution has granted them.
- **3. Secures rights of the people:** The rights of the people are considered secure, as they are written down in the constitution.

Demerits

1. Difficulty in understanding: It is difficult to be read or understood by ordinary citizens, especially in countries where literacy levels of the population are low.

- **2. Rigidity:** We have read that the written constitutions are difficult to amend. Such difficulty in amendment may create a sense of rigidity and resistance to change.
- **3.** Adaptation to changing circumstances: Rigidity makes it difficult to adapt the written constitution quickly to changing circumstances. This increases the chances of popular uprisings on one hand and makes the constitution redundant on the other.

Unwritten constitution

An unwritten constitution is not codified into a single legal document, rather the provisions of the constitution are written across a multitude of laws and are also based upon conventions. In other words, multiple laws and conventions are together considered the constitution of a country. An unwritten constitution does not mean that constitutional provisions are not written down. It means that the constitution is not codified in a single document. Unlike written constitution, unwritten constitution evolves over a period of time. The constitutions of the United Kingdom, Israel and New Zealand are examples of unwritten constitutions.

In countries with an unwritten constitution, parliament is considered supreme because the provisions of the constitution can easily be changed by the parliament like any other law passed by the legislature.

Let us now understand the merits and demerits of an unwritten constitution.

Merits

- 1. Flexible: The unwritten constitution is considered flexible as it is easy to add new laws to the constitution. As a result, it is easily adaptable to changing circumstances. Thus, the possibilities of mass upheavals are reduced as the concerns of people can be addressed by amending the constitution.
- 2. Adaptable: Unwritten constitution is considered resilient as it can absorb shocks which can destroy a written constitution. For example, Britain's constitution was able to withstand the country's transition from a feudal monarchy to a constitutional monarchy with parliamentary sovereignty. In written constitutions, such transitions are possible either by creating a completely new constitution or by amending the original one significantly.

Demerits

1. Imprecise and inconsistent: Unlike written constitution, unwritten constitutions are not precise or consistent. Numerous laws, conventions and customs make it difficult to understand and interpret the constitution.

- **2.** Chances of instability: As it is easy to change the constitution, it may lead to situations of instability. The constitution may be changed as per the emotions and passions of the people, and even ill desire of greedy politicians.
- 3. Possibility of abuse of power: Written constitutions are considered to be more suitable for democracies as they detail the rights of the citizens. Further, as law makers cannot change the constitution easily, citizens can be assured of these rights. On the other hand, unwritten constitutions are considered to be a feature of monarchical systems. The unwritten constitutions increase the possibility of abuse of power by putting unrestrained power in the hands of lawmakers. It requires active and aware citizens to restrain such efforts from the government.

Flexible constitution

A constitution is considered as flexible or rigid based on the procedure of amending (changing) it. If the procedure of amending the provisions of a Constitution is easy, then it is considered a flexible constitution.

A flexible constitution is usually amended just like ordinary laws of the country i.e. by a simple majority of the members of legislature. Simple majority refers to a majority of 50% or more members in the legislature.

If the constitution of a nation is unwritten (not codified into a single legal document), then there is no differentiation between constitution and other laws passed by the legislature. Thus, like other laws, the constitution is also amended by simple majority. The constitution of Britain is considered as an example of a flexible constitution. It is to be noted that even a written constitution can be a flexible constitution, if it prescribes an easy procedure for its amendment.

Let us now consider the merits and demerits of a flexible constitution.

Merits

- **1. Dynamic:** A flexible constitution can be easily amended to adapt to changing circumstances especially in the times of crisis.
- **2. Representation to national interests:** A flexible constitution is considered to be a better representation of the national interests, especially in democracies. As the constitution can be changed by law makers, who are elected representatives of people, the thoughts of people are captured easily into the constitution.

Demerits

1. Chances of misuse: Powerful politicians may unnecessarily amend a flexible constitution to suit their selfish interests.

2. Suitable for mature democracies: Flexible constitution is suitable only for mature democracies where common people have knowledge about their rights and they can hold the government accountable for its misdeeds. If the population is illiterate or unaware, people cannot keep a check on arbitrary amendments into the constitution by the members of legislature.

Rigid constitution

A constitution is considered rigid if the procedure of amending its provisions is difficult. The procedure to amend a rigid constitution is generally mentioned in the constitution itself.

We have learned that a flexible constitution can be amended like an ordinary law of the country, i.e. by simple majority. This means that if more than 50% of the members of the Union legislature agree, a flexible constitution can be amended. On the other hand, amending a rigid constitution requires a higher majority such as the approval by a majority of 2/3rd of the members of the Union legislature. Apart from approval from the Union legislature, the rigid constitution may also require approval by State Legislatures and in some cases even by the common public by way of referendum.

There is a clear distinction between an ordinary law and a constitutional law in the countries that have a rigid constitution. As it is more difficult to change a constitutional law, it has higher sanctity compared to an ordinary law. All the laws in the country shall be consistent with the provisions of the constitution. In other words, an ordinary law is not applicable if it is contrary to the provisions of the constitution. Most nations have adopted rigid constitutions over flexible constitutions. The US, France and Australia's constitution are examples of rigid constitutions.

Let us now consider the merits and demerits of a rigid constitution.

Merits

- **1. Sense of permanence:** A rigid constitution offers a sense of permanence and stability as the legislature of the country cannot change it easily and arbitrarily.
- **2. Protects powers of States:** A rigid constitution helps in protecting the powers and rights of the States vis-avis the Centre. For instance, as the amendments in the constitution need approval from the states, changes that are not acceptable to the states cannot be included into the constitution.
- **3. Protects rights of citizens:** The rights and liberties of the citizens mentioned in the constitution are also

secure as the politicians cannot change them at their whims.

Demerits

- 1. Lack of adaptation: A rigid constitution may not adapt to the changing times. If a constitution doesn't change with the demands of time, it may become obsolete. Further, a constitution that does not meet the aspirations of its people may eventually collapse.
- **2. Judicial Supremacy:** Whenever there is dispute on provisions of the constitution, courts will be required to interpret the constitution. Thus, provisions of the constitution are applicable in accordance with the interpretation of the judiciary. Thus, a rigid constitution may give rise to judicial supremacy.

This may lead to too much power in the hands of an unelected judiciary vis-a-vis an elected legislature. In other words, instead of the legislature which is made of people's representatives, the judiciary may become the ultimate interpreter of the constitution.

It is to be noted that the merits and demerits of a rigid constitution are generally the vice-versa as that of the written constitution. In other words, an unwritten constitution has a flexible character and a written constitution generally (not always) has a rigid character. However, to ensure the continued relevance of the rigid constitution, the makers of the constitution make provisions for amendment within the constitution itself.

Federal Constitution

A federal constitution is a constitution which provides for distribution of powers between the Central and State governments. The powers are distributed in such a manner that matters which have implications on the whole nation such as defense, international relations, power to declare war or peace with other countries are retained with the central government. On the other hand, each State government is responsible for administration of local matters within its territory. These local matters include public health and law and order. The State governments administer local matters without interference by the Central government. In other words, under a federal constitution, the state governments enjoy autonomy in administration of their powers.

Also, the provisions related to distribution of powers between the Centre and the States can be amended by the Central government only after the approval of the State governments. This ensures that the powers of the State governments are not usurped by the Central government without their consent.

Moreover, in case there is any dispute on distribution of powers between the Central and State governments, such disputes are addressed by an independent and impartial judiciary. Thus, the Central government has no influence over the resolution of such disputes.

Let us now understand the merits and demerits of a federal constitution.

Merits

- 1. Regional Representation: As the federal constitution divides the powers between the Centre and the States, each State enjoys its respective share of powers. These powers can be exercised according to the needs and view of the people of the respective state. Thus, the federal constitution facilitates representation of various regions in governance.
- **2. Suitable for diverse countries:** Countries marked by large geographical area often have culturally diverse population groups in different states. Under a federal constitution, states can exercise their powers according to the needs of the respective population groups within them. Thus, a federal constitution facilitates better fulfillment of needs of a culturally diverse population such as of India and of the USA.
- **3.** Avoids too much power with the Centre: Federal constitution prevents power concentration in the Centre. If all the administrative powers are concentrated in one single body at the centre, then there are chances that the single powerful central body may act in an arbitrary manner.

Demerits

1. Weakens the Control of Central Government: By dividing the powers between the Centre and the states, the federal constitution weakens the control of the central government over the state governments. In such a scenario, there are chances that State governments may not agree to work in sync with the Central government. In extreme cases, State governments may even aim to secede from the nation.

To deal with emergencies such as possible secession by state governments and war with other nations, the powers of State governments are also assigned to the Central government. In other words, during emergencies, the distribution of powers between the Centre and the States remains suspended and the powers are vested in the Central Government.

2. Element of rigidity: Federal constitutions can be amended only if the amendments passed by the Central Legislature are approved by the State Legislatures. Thus, the procedure to amend the federal constitution is lengthy and consequently, federal constitutions tend to be rigid. As a result, they may not adapt to the changing times and may lead to discontent and popular uprisings.

3. Judicial Supremacy: Judiciary is empowered by a federal constitution to resolve the disputes between the states and between the centre and the state(s). This may give rise to excessive supremacy of unelected judiciary at the cost of elected legislature and executive.

Unitary Constitution

A unitary constitution vests all the administrative powers in the hands of the Central government. In other words, a unitary constitution vets powers over national matters as well as the local matters to the Central government.

Even though all the administrative powers are with the Central government, it does not mean that there are no separate state governments. The State governments also exist along with the Central government. However, the powers are assigned to the State governments by the Central government, and not directly by the Constitution. As the powers are assigned to State governments by the Central government, these powers can be withdrawn by the centre at any point of time.

On the other hand, in the case of the federal constitution, the powers are assigned to the State governments by the constitution itself. As the powers are assigned to the State governments by the constitution itself, these powers cannot be withdrawn by the Central government.

Let us now understand the merits and demerits of a Unitary constitution.

Merits

- 1. Strong Central government: The unitary constitution provides for a strong Central government. Strong Central Government is equipped with powers to handle emergency situations such as secession movements in parts of the country.
- **2. Flexible constitution:** Amendment in Unitary constitution does not require approval from States. Hence, a Unitary constitution can be easily adapted to changing times.

Demerits

- 1. No real power to states: As the powers of the state governments are not guaranteed by the constitution, the central government can easily dictate the state governments. As a result, the states have less autonomy to make their own decisions.
- **2. Regional aspirations are ignored:** People of different states may have different customs, demands and may face different issues. Unitary constitution does not assign powers to State governments to address the regional aspirations of the people.

Centralisation, Decentralisation and Delegation

The terms centralisation, decentralisation and delegation are used to denote the nature of the distribution of powers between different levels of government i.e., the Centre and the States.

Centralisation implies that the majority of powers are concentrated in a single person or at most a few persons in the organisation. In other words, it implies that the top management in the organisation controls the decision-making power in the organisation. The decision-making power is not shared with lower levels of management.

In the context of the system of government, Centralisation implies that the majority of the powers are with the Centre vis-a-vis the states. Thus, it is the Centre that takes decisions on all the important matters. The State governments are required to follow the directions and implement the decisions of the Centre. To enable the State governments to follow the directions of the central government, Centre assigns some powers to the state governments. This process of assignment of power to the states by the Centre is termed as **delegation**.

The Unitary constitution provides for centralisation of powers in the hands of the Central government. The Central government delegates the powers to the state governments for proper implementation of its decisions.

Decentralisation implies that powers are distributed across the organisation at various levels of management. It also implies that the lower levels of organisation also have decision making powers.

In the context of the system of government, Decentralisation implies that powers are distributed between the Centre and States. Such distribution of powers is mentioned in the Constitution itself. For instance, power to take decisions on subjects which have national importance such as national defence and external relations is with the Central government. Similarly, the State governments have the power to take decisions on subjects which have local importance such as law and order and health. In such a scenario, the Central government cannot force the States to follow its decisions on the subjects which have been assigned by the constitution to the States.

The federal constitution provides for decentralisation of powers between the Central and the State governments. The Central government and the State governments respectively exercise their own set of powers given to them by the Constitution.

Now, let us understand how decentralisation is different from delegation from the perspective of State governments. In decentralisation, the powers are assigned to the States by the Constitution itself, and not by the Central government. On the other hand, in delegation, the powers are assigned to the State governments by the Central government, and not by the Constitution. There are two major differences in the powers of the State governments depending upon whether the powers have been assigned on account of delegation or decentralisation.

Firstly, the constitution assigns (in decentralisation) larger powers to the State governments as compared to the powers assigned by the Central government (in delegation). Secondly, the Central government can take back the assigned powers in case those powers have been assigned on account of delegation, and not through decentralisation.

Evolved Constitution

On the basis of how a constitution comes into existence, it can be divided into evolved or enacted constitution.

An evolved constitution, as the name indicates, is a result of a gradual process of development. In other words, it is not enacted at a particular point of time. Instead, it develops over a period of time with the addition of new laws and conventions. As it is not drafted at a particular point of time, there is no separate dedicated body such as Constituent assembly (body of people entrusted with the task of making a constitution) for drafting such a type of Constitution.

An unwritten constitution is not codified into a single legal document, it keeps on evolving over a period of time with the addition of new laws and conventions and thus, is also regarded as evolved constitution. Since the constitution of Britain is an unwritten constitution, it is also an example of an evolved constitution.

Let us now understand the merits and demerits of an evolved constitution.

Merits

- 1. Flexible: Ordinary laws of a country constitute an evolved constitution. Ordinary laws of the country can be changed by following simple procedure. Thus, it is easy to change the evolved constitution and hence, new provisions can be incorporated into the constitution with ease.
- **2.** Incorporates the aspirations of people: The members of legislature are elected by the people of the country and thus, these members represent the people of the country. Thus, the laws passed by the legislature in democracies represent the popular views. As these laws

are a part of the Constitution, the constitution incorporate the aspirations of the people.

Demerits

- **1. Scattered:** An evolved constitution is scattered across multiple laws and conventions. This in turn restricts the ability of the citizens to study and understand their constitution.
- **2. Element of instability:** An evolved constitution can be changed easily at frequent intervals. This may lead to instability in the polity of the country.

Enacted Constitution

An enacted constitution, as the name indicates, is drafted at a particular point of time. It is drafted by a body named Constituent Assembly which is created exclusively for this purpose. The Constituent Assembly codifies the provisions into a single document, which is officially recognised as the Constitution of the country. Once the constitution is drafted, the Constituent Assembly is dissolved. The Constitution of India and the Constitution of the US are examples of enacted constitutions.

Merits

- **1. Easy to identify:** As the enacted constitution is codified into a single document, the people of a country can easily identify their constitution.
- **2. Stability:** Usually, the provisions of the enacted constitution can be changed after adoption of a special procedure, which is mentioned in the constitution itself. Also, the Constituent assembly is dissolved after making the constitution. Thus, the provisions of the constitution cannot be changed easily. Hence, an enacted constitution is stable.
- **3. Protection of individuals' rights:** The rights of the citizens included in an enacted constitution are better protected. Once the constituent assembly makes provisions for these rights in the constitution, they cannot be arbitrarily taken away by the future governments.

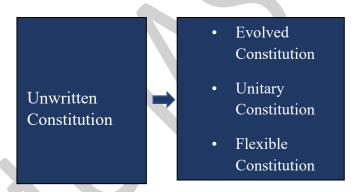
Demerits

- 1. Tends to be rigid: It is difficult to make changes in the enacted constitution after the constituent assembly is dissolved. The amendment to the constitution requires a higher majority than amending an ordinary law. As a result, changing the constitution becomes a lengthy and cumbersome process.
- **2. Relevance in present times:** An enacted constitution is a reflection of the socio-political values of a particular time. However, it may not accurately represent the aspirations of the people in the present times. As time progresses, if the enacted constitution does not change,

it may become a historical document with little practical value.

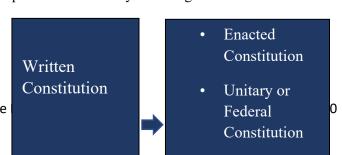
Interrelation between different types of Constitutions

Generally unwritten constitutions tend to be flexible and are also evolved constitutions. As unwritten constitutions can be easily changed by the central legislature, the powers of State governments are controlled by the Central legislature. These powers, even if delegated to the State governments in the first instance, can be anytime withdrawn by the Central government. Thus, unwritten constitutions are also associated with the unitary form of government.



On the other hand, written constitutions are also enacted constitutions. They are generally rigid, but can also be flexible or a combination of both. For instance, Indian constitution is considered both rigid as well as flexible because some provisions of the India constitution are very difficult to be amended, while other provisions are comparatively easier to be amended. Also, Written constitutions may provide for either federal or unitary form of government. For instance, American constitution is a written constitution and provides for a federal form of government. On the other hand, the Sri Lankan constitution is also a written constitution, but it provides for a unitary form of government.

Written Constitution and Federalism: One of the features of the federal form of government is the presence of a written constitution. In other words, a country with a federal form of government essentially has a written constitution. However, the reverse is not true. A written constitution does not always lead to the formation of a federal government. A written constitution may confer all the powers on a Central government and lead to a unitary form of government. To summarise, federalism implies a written constitution whereas a written constitution does not necessarily guarantee federalism. A written constitution may provide for a unitary form of government.



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Nature of Indian Constitution

Now that we have understood the various types of constitutions, let us understand the nature of Indian constitution:

- 1. Written Constitution: Since the Constitution of India is codified into a single legal document, it is a written constitution. The Constitution of India has the distinction of being the lengthiest and most detailed constitutional document the world has produced so far.
- 2. Both rigid and flexible Constitution: Another distinctive feature of the Indian constitution is that it has a certain degree of flexibility as well as rigidity. Most of the provisions of the constitution can be amended by the Central legislature by a special majority i.e. majority of not less than two-thirds of the members present and voting, and not less than half of the total strength of the house. The amendment of only a few of the provisions of the constitution which involve division of the powers between the Centre and the States requires special majority by Central legislature and ratification by the state legislatures; Even then ratification by only half of the State legislatures is sufficient to pass the amendment (while the American constitution requires ratification by three-fourth of the State legislatures).
- 1. Quasi-federal Constitution: Indian Constitution is considered quasi-federal. The Constitution of India provides for division of powers between the Centre and the States. However, the balance of power tends towards the Union. Further, in times of emergency, the Central Government can even take the powers of the State Governments. Hence, it is even said that Indian constitution is federal in normal times and assumes unitary character in times of emergency.
- **2. Enacted Constitution:** Indian Constitution was drafted by the Constituent assembly which was formed specifically for this purpose in November 1946. The Assembly met for the first time in New Delhi on 9 December 1946, and its last session was held on 24 January 1950. The assembly took almost three years (two years, eleven months and seventeen days to be precise) to complete the drafting of the Constitution.

Prelims Practice Questions

- 1. A constitution that is an accumulation of conventions, laws and court judgements which originated over a period of time, is called:
- (a) Written constitution
- (b) Flexible constitution
- (c) Evolved constitution
- (d) Unitary constitution
- 2. Consider the following statements:
- 1. If a country has an unwritten constitution, the constitution is considered supreme law.
- 2. Parliamentary supremacy is a feature of an unwritten constitution.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2
- 3. Consider the following statements:
- 1. Indian constitution is an example of an evolved constitution.
- 2. Indian constitution is an example of a written constitution.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2
- 4. Which of the following can be considered as the demerits of a written constitution?
- 1. A written constitution may lead to conservative attitudes and rigidity.
- 2. A written constitution leads to situations of instability as it changes frequently with the emotions and passions of the people.

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2
- 5. Which of the following are the provisions of a federal constitution?
- 1. Distribution of powers between the Centre and the
- 2. Independent judiciary to settle the disputes between the Centre and the States
- 3. Presence of a strong central government Select the correct answer using the code given below:
- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3
- 6. Consider the following statements:
- 1. A written constitution can be rigid or flexible or both.

2. As compared to evolved constitution, an enacted constitution is a rigid constitution.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2
- 7. Which of the following can be considered as the features of a Constitutional government?
- 1. Judicial supremacy
- 2. Limitations on powers of government
- 3. Parliamentary form of democracy

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3
- 8. Which of the following statements are correct with reference to the Indian Constitution?
- 1. Indian constitution assumes federal character in times of emergency.
- 2. Indian constitution is considered both flexible and rigid.
- 3. Indian constitution is the lengthiest written constitution in the world.

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3
- 9. A country is characterised by the following features: The geographical extent of the country is large and the people practise different religions and customs. Further, a number of races co-exist in the country. The population of the country is mostly illiterate and the country got independence very recently. Which of the following types of constitution, do you think, is ideal for such a country?
- 1. Written constitution
- 2. Unwritten constitution
- 3. Evolved constitution
- 4. Federal constitution
- 5. Completely rigid constitution

Select the correct answer using the code given below:

- (a) 1 and 4 only
- (b) 2 and 3 only
- (c) 1, 3 and 5 only
- (d) 1, 4 and 5 only
- (e) 2 and 4 only
- 10. Which of the following statements is/are correct with reference to an unitary constitution?
- 1. Unitary constitution vests large powers in the hands of the Central government.
- 2. The Central government can delegate powers to the State governments.

3. Decentralisation of power to state governments is a feature of this type of constitution.

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

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- 1. Consider the following statements: A Constitutional Government is one which (2014)
- 1. places effective restrictions on individual liberty in the interest of State Authority
- 2. places effective restrictions on the Authority of the State in the interest of individual liberty

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2
- 2. A constitutional government by definition is a (2020)
- (a) government by legislature
- (b) popular government
- (c) Multi party government
- (d) Limited government
- 3. Constitutional government means (2021)
- (a) a representative government of a nation with federal structure
- (b) a government whose Head enjoys nominal powers
- (c) a government whose Head enjoys real powers
- (d) a government limited by the terms of the Constitution
- 4. Which one of the following in Indian polity is an essential feature that indicates that it is federal in character?

(2021)

- (a) The independence of the judiciary is safeguarded
- (b) The Union Legislature has elected representatives from constituent units.
- (c) the Union cabinet can have elected representatives from regional parties
- (d) The Fundamental rights are enforceable by Courts of Law.
- 5. Which one of the following statements best reflects the Chief purpose of the 'Constitution' of a country? (2023)
- (a) It determines the objective for the making of necessary laws.
- (b) It enables the creation of political offices and a government.
- (c) It defines and limits the powers of government.
- (d) It secures social justice, social equality and social security.

Answer Key

Practice Questions

1. (c)	2. (b)	3. (b)	4. (a)	5. (a)
6. (c)	7. (b)	8. (b)	9. (a)	10. (a)

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1. (b)	2. (d)	3. (d)	4. (a)	5.(c)

Solutions

Practice Questions

Sol. 1 (c) Evolved Constitution develops over a period of time on account of accumulation of conventions, laws and court judgements.

Sol. 2 (b) Statement 1 is incorrect: An unwritten constitution is like an ordinary law of the country. Thus, an unwritten constitution is not a supreme law. The Constitution

is considered supreme in case of a written constitution. Statement 2 is correct: Parliamentary supremacy is a feature of an unwritten constitution as parliament can easily make changes to the unwritten constitution.

Sol. 3 (b) Statement 1 is incorrect: Indian constitution is an example of an enacted constitution, not an evolved constitution.

Statement 2 is correct: Indian Constitution is codified into s single legal document. Hence, it is a written constitution.

Sol.4 (a) Statement 1 is correct: As most of the times a written constitution is difficult to change, it may lead to conservative attitudes and rigidity.

Statement 2 is incorrect: A written constitution is considered stable as it cannot be easily amended. An unwritten constitution, on the other hand, is easy to be amended and thus, can be frequently changed.

Sol. 5 (a) Statement 3 is incorrect: Presence of a strong central government is a feature of unitary constitution, not a federal constitution. Since there is division of powers between Union and States in a federal constitution, the Central government is relatively less strong as compared to that in a unitary constitution.

Statements 1 and 2 are correct: Distribution of powers between the Centre and the States, and independent judiciary to settle the disputes between the Centre and the States are both the features of a written constitution.

Sol. 6 (c) Statement 1 is correct: A written constitution may provide for a rigid or flexible procedure for its amendment. Hence, a written constitution can be rigid or flexible or both.

Statement 2 is correct: An enacted constitution is a written constitution. On the other hand, an evolved constitution is an unwritten constitution. An unwritten

constitution can be amended like the ordinary laws of the country. Thus, an unwritten constitution is easier to amend, than the written constitution.

Sol. 7 (b) Statement 1 is incorrect: Judiciary interprets the constitution. It is not always supreme in the constitutional government. The Constitution can even provide for supremacy of Parliament, rather than judiciary.

Statement 2 is correct: As constitution sets the limitations or restrictions on the powers of the government, a constitutional government is a limited government.

Statement 3 is incorrect: It is not necessary that the Constitutional government is a democracy. Moreover, a Constitutional government can also be a presidential form of government.

Sol. 8 (b) Statement 1 is incorrect: In times of emergency, Indian constitution assumes a unitary character.

Statement 2 is correct: Indian constitution is considered both rigid as well as flexible because some provisions of Indian constitution are difficult to amend, while other provisions can be amended easily.

Statement 3 is correct: Indian constitution has detailed provisions regarding not just the structure of the government, but also regarding the rights and duties of the citizens. Infact, it is the lengthiest written constitution in the world.

Sol. 9 (a) Statement 1 is correct: Written constitution is ideal as it can ensure that the rights of the citizens are protected. Further, a written constitution clearly defines powers and limitations of various organs of the government and thus, brings stability in the governance of the country.

Statements 2 and 3 are incorrect: As the population is mostly illiterate, unwritten and evolved constitutions may not be suitable as such constitutions run the risk of being manipulated by those in power.

Statement 4 is correct: Federal constitution is suitable as the country is geographically large and diverse because the State governments are granted powers by the federal constitution to fulfill the particular needs and demands of local people.

Statement 5 is incorrect: Complete rigidity of the constitution makes it unsuitable to change according to the times. Hence it is not recommended.

Sol. 10 (a) Statement 3 is incorrect: Decentralisation of power is a feature of the federal constitution, not unitary constitution.

Statement 1 is correct: In a Unitary constitution, powers are not divided between the Central government and the State governments. More powers are vested with the Central government.

Statement 2 is correct: In a Unitary constitution, Central government can delegate the powers to the State governments as per its will. The powers are not conferred to the State governments directly by the Constitution.

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Sol.1 (b) Statement 1 is incorrect and Statement 2 is correct. A constitutional government is a government that is defined under a constitution. The Constitution defines the structure, powers and also puts the limitations on the powers. In other words, the Constitution government is required to function according to the provisions of the Constitution.

A Constitutional Government seeks to place restrictions on the authority of State to protect the liberty of individuals and not vice versa.

Sol. 2 (d) As the government has to work in accordance with the rules and principles established by the constitution, a constitution limits the exercise of powers by the government. Hence, a Constitutional government by definition is a 'limited government'

Sol. 3 (d) This question is also asked on the concept of Constitutional government. A question on the same concept was asked in Prelims 2020. The explanation for this question would also be the same as given for the previous question, which was asked in Prelims 2020.

Sol. 4 (a) The core feature of Federal Polity is the division of powers between the Central and State governments. There can be disputes between the Central and the State governments on this division of powers in the future. If there is an independent judiciary to interpret such disputes, then the division of powers between the Central and the State governments would remain. However, if the judiciary is not independent, then there are chances that it will be titled towards the Centre and thus, when there will be disputes on division of powers, then biased judiciary will favour the Centre. Hence, the division of powers will gradually tilt towards the Centre; and the federalism would cease to exist.

Sol.5 (c) Although a constitution serves multiple purposes, its chief purpose is to limit the power of government. In fact, Constitutional government by definition is a limited government.