Chapter: Constitution

A. UNDERSTANDING THE CONSTITUTION

Introduction:

Why Are We Studying the Constitution?

The Constitution provides the basic rules of the political system. It explains how government is organised, distributes and limits public power, and protects citizens' rights. It helps us understand both the functioning and limitations of government.

Key Functions of a Constitution

CREATES ORGANS	LIMITS POWER	GUARANTEES RIGHTS
Executive • Legislature • Judiciary	Defines and limits governmental authority	Protects Fundamental Rights of citizens

What Is a Constitution?

DEFINITION

A Constitution is a set of basic rules governing the political system, establishing organs of government, defining and limiting their powers, and guaranteeing rights to citizens.

Constitution and Constitutionalism

A Constitution lays down the basic rules and structure of government. Constitutionalism means that government must be limited by the Constitution and exercise power within constitutional boundaries.

Significance in the Indian Constitutional Framework

- **Establishes institutions:** Provides for the Union and State legislatures, executive and an independent judiciary.
- **Distributes and limits power:** The federal structure and separation of functions prevent concentration of public power.
- **Protects rights:** Part III guarantees Fundamental Rights; Article 32 and Article 226 provide constitutional remedies.
- **Guides governance:** The Preamble and Directive Principles set out constitutional values and goals.
- **Ensures accountability:** Parliamentary responsibility and judicial review require public authorities to act within constitutional limits.

Illustration:

How Does the Constitution Limit Government Power?

Suppose Parliament enacts a law that violates a Fundamental Right. An affected person may approach the Supreme Court or a High Court for constitutional remedies.

The judiciary can examine the law through judicial review and, if it is unconstitutional, declare it invalid.

KEY IDEA: The Constitution creates government institutions, but also places limits on their authority.

B. MAJOR CLASSIFICATIONS OF CONSTITUTIONS

FORM	AMENDMENT	OPERATION
Written / Codified • Unwritten / Uncodified	Rigid • Flexible	Effective • Nominal

(i) Written / Codified and Unwritten / Uncodified Constitution

A written or codified Constitution is contained in a single formal document. It generally provides clear and detailed rules and greater certainty. **Examples:** India and the USA.

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An unwritten or uncodified Constitution is not contained in a single document. It draws on multiple sources such as statutes, conventions and judicial decisions, and can evolve over time. **Example:** United Kingdom.

Illustration:

Written and Unwritten Constitutions

India's Constitution is contained in a single written document. The United Kingdom relies on statutes, conventions, judicial decisions and other sources rather than one single codified constitutional document.

KEY IDEA: The distinction concerns the form and sources in which constitutional rules are found.

(ii) Rigid and Flexible Constitution

A rigid Constitution is difficult to amend and requires a special procedure, providing greater stability. **Example:** USA.

A flexible Constitution can be amended through a relatively simple or ordinary legislative procedure, allowing greater adaptability. **Example:** United Kingdom.

India combines rigidity and flexibility: some provisions can be amended by a simple majority; others require a special majority and, in specified cases, ratification by at least half of the State Legislatures.

Illustration:

How Is the Indian Constitution Both Rigid and Flexible?

An amendment affecting specified federal features requires a special majority in Parliament and ratification by at least half of the State Legislatures.

Certain other changes can be made by a simple majority of Parliament, outside the procedure under Article 368.

KEY IDEA: The Indian Constitution combines stability with the ability to adapt.

(iii) Effective and Nominal Constitution

An effective Constitution is one whose core principles operate in practice: governmental powers are meaningfully limited, rights are protected and constitutional morality is upheld.

A nominal Constitution exists formally, but its core principles may not be effectively implemented. Institutions and procedures may exist while meaningful limits on government power and protection of rights remain absent.

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Illustration:

Effective and Nominal Constitutions

A system in which courts independently review government action, rights are enforceable and public authorities comply with constitutional limits reflects an effective Constitution.

Where constitutional provisions exist on paper but institutions cannot enforce them and government power remains unchecked, the Constitution may be nominal in operation.

KEY IDEA: The real test is not only what the constitutional text says, but whether its principles are followed in practice.

C. KEY TAKEAWAYS

KEY DIMENSION	QUICK REVISION
MEANING	Basic rules of the political system.
FUNCTIONS	Creates organs of government; defines and limits governmental powers; guarantees rights.
CONSTITUTIONALISM	Government must operate within constitutional limits.
WRITTEN / UNWRITTEN	Written: one codified document (India, USA). Unwritten: multiple sources, including statutes and conventions (UK).

KEY DIMENSION	QUICK REVISION
RIGID / FLEXIBLE	Rigid: special and difficult amendment procedure (USA). Flexible: relatively easy amendment (UK). India combines both.
EFFECTIVE / NOMINAL	Effective: constitutional principles and limits operate in practice. Nominal: constitutional text exists but core principles are not meaningfully implemented.
CENTRAL LEARNING	Constitutions differ in form, amendability and actual operation; a written text alone does not ensure constitutional government.

D. UPSC PRELIMS PYQS

Question 1

Constitutional government means

(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

Question 2

A constitutional government by definition is a

(a) government by legislature
(b) popular government
(c) multi-party government
(d) limited government

Question 3

Which one of the following statements best reflects the chief purpose of the 'Constitution' of a country?

(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.

Question 4

Consider the following statements: A Constitutional Government is one which

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

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