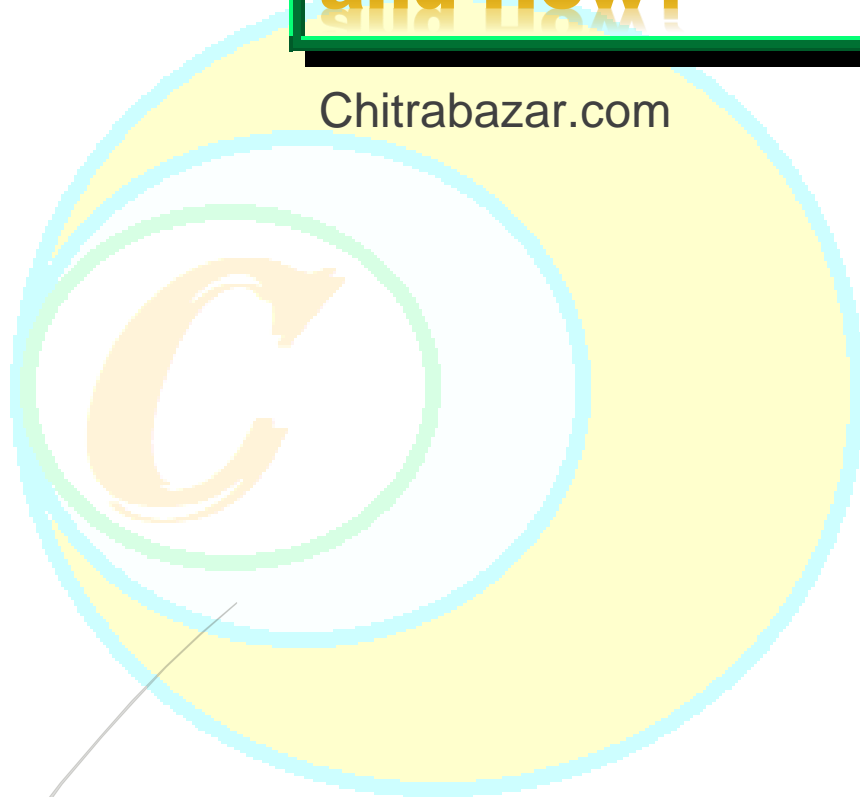


Chapter one "Constitution: Why and How?"

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Question Answer

Q1. Which of these is not a function of the constitution?

- a. It gives a guarantee of the rights of the citizen.
- b. It marks out different spheres of power for different branches of government.
- c. It ensures that good people come to power.
- d. It gives expression to some shared values.

Answer: c. It ensures that good people come to power.

Q2. Which of the following is a good reason to conclude that the authority of the constitution is higher than that of the parliament?

- a. The constitution was framed before the parliament came into being.
- b. The constitution makers were more eminent leaders than the members of the parliament.
- c. The constitution specifies how parliament is to be formed and

what are its powers.

d. The constitution cannot be amended by the parliament.

Answer: c. The constitution specifies how parliament is to be formed and what are its powers.

Q3. State whether the following statements about a constitution are True or False.

a. Constitutions are written documents about formation and power of the government.

b. Constitutions exist and are required only in democratic countries.

c. Constitution is a legal document that does not deal with ideals and values.

d. A constitution gives its citizens a new identity.

Answer

a. True - Constitutions are written documents about the formation and power of the government.

b. False - Constitutions exist and are required in both democratic and non-democratic countries.

c. False - A constitution is a legal document that deals with both ideals and values.

d. True - A constitution can give its citizens a new identity.

Q4. State whether the following inferences about the making of the Indian Constitution are Correct or Incorrect. Give reasons to support your answer.

- a. The Constituent Assembly did not represent the Indian people since it was not elected by all citizens.
- b. Constitution making did not involve any major decision since there was a general consensus among the leaders at that time about its basic framework.
- c. There was little originality in the Constitution, for much of it was borrowed from other countries.

Answer

- a. Correct - The Constituent Assembly did not represent all Indian citizens as it was not elected by all; it was formed based on indirect elections.
- b. Incorrect - Constitution making involved major decisions and debates among leaders about its framework, and consensus was not always easy to achieve.
- c. Correct - The Indian Constitution drew inspiration from various sources, including other countries' constitutions, but it also contained significant original elements tailored to India's needs.

Q5. Give two examples each to support the following conclusions about the Indian Constitution:

- a. The Constitution was made by credible leaders who commanded people's respect.

- Dr. B.R. Ambedkar, a key architect of the Constitution, was a highly respected leader.
- Jawaharlal Nehru, India's first Prime Minister, played a significant role in its making and was widely respected.

b. The Constitution has distributed power in such a way as to make it difficult to subvert it.

- Separation of powers between the executive, legislature, and judiciary prevents any single entity from gaining unchecked power.
- The fundamental rights in the Constitution protect individual citizens from potential abuse of power.

Q6. Why is it necessary for a country to have a clear demarcation of powers and responsibilities in the constitution? What would happen in the absence of such a demarcation?

Answer: Clear demarcation of powers and responsibilities prevents the concentration of power in one entity, ensuring a system of checks and balances. Without it, there could be power abuse, authoritarian rule, and a lack of accountability.

Q7. Why is it necessary for a constitution to place limitations on the rulers? Can there be a constitution that gives no power at all to the citizens?

Answer: Placing limitations on rulers is crucial to prevent misuse of power and protect citizens' rights. A constitution without any power to citizens would be undemocratic; it's essential to balance power between rulers and citizens.

Q 8. The Japanese Constitution was made when the US occupation army was still in control of Japan after its defeat in the Second World War. The Japanese constitution could not have had any provision that the US government did not like. Do you see any problem in this way of making the constitution? In which way was the Indian experience different from this?

Answer

The Japanese experience suggests a lack of full sovereignty in constitution-making. In contrast, India's Constitution was drafted by its own Constituent Assembly, which had more autonomy, allowing for the inclusion of diverse voices and values, making it a more genuine representation of the Indian people's aspirations.

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Q 9. Rajat asked his teacher this question: “The constitution is a fifty year old and therefore outdated book. No one took my consent for implementing it. It is written in such tough language that I cannot understand it. Tell me why should I obey this document?” If you were the teacher, how would you answer Rajat?

Answer: I would explain to Rajat that the constitution is a product of collective wisdom, aimed at providing a just and orderly society. While citizens may not have individually consented, their elected representatives played a role in its formation. Understanding the constitution is essential for being an informed and responsible citizen, and it can be a tool to protect one's rights.

Q 10. In a discussion on the experience of the working of our Constitution, three speakers took three different positions:

a. Harbans: The Indian Constitution has succeeded in giving us a framework of democratic government.

b. Neha: The Constitution made solemn promises of ensuring liberty, equality and fraternity. Since this has not happened, the Constitution has failed.

c. Nazima: The Constitution has not failed us. We have failed the Constitution.

Do you agree with any of these positions? If yes, why? If not, what is your own position?

Answer

- a. Harbans: Agree, as the Indian Constitution has provided a stable framework for democratic government.

- b. Neha: Agree, to some extent, as the Constitution has not fully realized its promises in all aspects, but it remains a work in progress.
- c. Nazima: Agree, as the Constitution, when followed and implemented effectively, can address many issues, and failures often result from inadequate implementation rather than the Constitution itself.

Notes:

YOU WILL LEARN:

- ± ***WHAT A CONSTITUTION MEANS;***
- ± ***WHAT A CONSTITUTION DOES TO THE SOCIETY;***
- ± ***HOW CONSTITUTIONS GOVERN THE ALLOCATION OF POWER IN SOCIETY; AND***
- ± ***WHAT WAS THE WAY IN WHICH THE CONSTITUTION OF INDIA WAS MADE.***

1. Constitution:

- A constitution is a fundamental document that outlines the principles, structure, and functioning of a government.
- It serves as a supreme law that governs a country and protects the rights and freedoms of its citizens.

2. Need for a Constitution:

- A constitution is necessary to provide a framework for governance and prevent the abuse of power.

- It ensures the protection of individual rights and the rule of law, fostering stability and order.

3. Origin of Constitutions:

- Constitutions can evolve through various processes, such as historical evolution, consensus, or revolutionary change.
- They can be written (codified) or unwritten (uncodified), depending on a country's traditions.

4. Constitution-Making in India:

- India's Constitution-making process involved extensive debates, discussions, and contributions from various leaders.
- The Constituent Assembly, consisting of elected representatives, drafted the Indian Constitution, which came into effect in 1950.

5. Preamble:

- The Preamble to the Indian Constitution outlines its objectives and goals, emphasizing justice, liberty, equality, and fraternity.
- It serves as a guiding philosophy for the nation.

6. Salient Features of the Indian Constitution:

- **Federalism:** A division of powers between the central and state governments.
- **Secularism:** The state treats all religions equally and does not favor any particular religion.
- **Parliamentary System:** The government is responsible to the legislature.
- **Fundamental Rights:** Guaranteed individual rights and freedoms.

- Directive Principles: Guidelines for the government to promote social and economic justice.

7. Constitution as a Living Document:

- The Constitution can be amended to adapt to changing needs and circumstances.
- The amendment process is rigorous to ensure the Constitution's stability while allowing for necessary changes.

8. Challenges in Constitution-Making:

- Balancing conflicting interests and diverse opinions.
- Ensuring representation of marginalized groups and protecting minority rights.

9. The Indian Constitution: A Unique Experiment:

- India's Constitution is one of the world's lengthiest and most comprehensive.
- It reflects the country's diversity, values, and commitment to democracy and social justice.

10. Conclusion:

- The Indian Constitution plays a vital role in shaping the nation's governance and upholding its core values.
- It is a testament to India's commitment to democracy, justice, and the well-being of its citizens.

Important Points

- India is an independent, sovereign, republic;

- India shall be a Union of erstwhile British Indian territories, Indian States, and other parts outside British India and Indian States as are willing to be a part of the Union;
- Territories forming the Union shall be autonomous units and exercise all powers and functions of the Government and administration, except those assigned to or vested in the Union;
- All powers and authority of sovereign and independent India and its constitution shall flow from the people;
- All people of India shall be guaranteed and secured social, economic and political justice; equality of status and opportunities and equality before law; and fundamental freedoms - of speech, expression, belief, faith, worship, vocation, association and action - subject to law and public morality;
- The minorities, backward and tribal areas, depressed and other backward classes shall be provided adequate safeguards;
- The territorial integrity of the Republic and its sovereign rights on land, sea and air shall be maintained according to justice and law of civilized nations;
- The land would make full and willing contribution to the promotion of world peace and welfare of mankind.

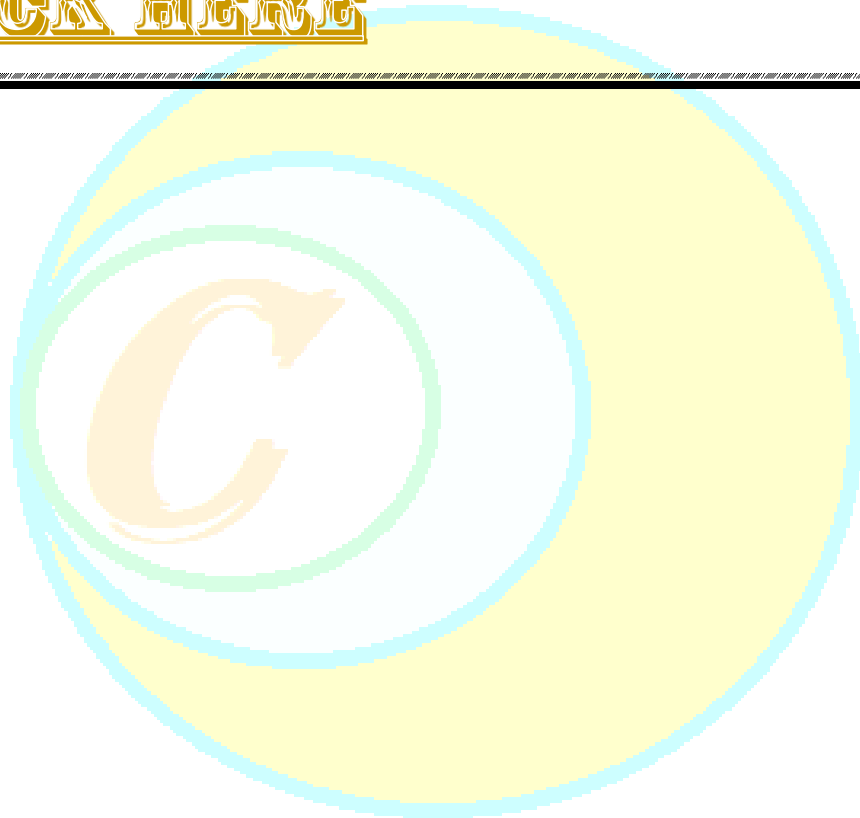
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