

Constitutional Government

EXERCISE [PAGE 36]

Exercise | Q 1. (A) 1. | Page 36

Choose the correct alternative and complete the following statement.

Unwritten Constitution exist in _____.

1. United Kingdom
2. India
3. South Africa
4. United States

Solution: Unwritten Constitution exist in United Kingdom.

Exercise | Q 1. (A) 2. | Page 36

Choose the correct alternative and complete the following statement.

In a parliamentary system there is a _____ of legislative and executive powers.

1. seperation
2. coordination
3. merger
4. centralisation

Solution: In a parliamentary system there is a merger of legislative and executive powers.

Exercise | Q 1. (A) 3. | Page 36

Choose the correct alternative and complete the following statement.

The first ten amendments to the American Constitution are collectively referred to as _____.

1. Bill of Rights
2. Magna Carta
3. Basic Structure Doctrine
4. Fundamental Rights

Solution: The first ten amendments to the American Constitution are collectively referred to as Bill of Rights.

Exercise | Q 1. (B) | Page 36

Identify the incorrect pair in every set, correct it and rewrite.

1. Magna Carta - England
2. Veto - United Kingdom
3. Keshvanand Bharati Case - Basic structure doctrine

Solution: Veto - USA

Exercise | Q 1. (C) 1. | Page 36

Find the odd word in the given set.

1. England
2. Scotland
3. Wales
4. Republic of Ireland

Solution: Republic of Ireland (not part of UK)

Exercise | Q 1. (C) 2. | Page 36

Find the odd word in the given set.

1. India
2. Australia
3. Canada
4. Argentina

Solution: Argentina (not a parliamentary system)

Exercise | Q 2.1 | Page 36

State whether the following statement is true or false with reasons.

Indian Federation can be described as a 'quasi-federation'.

1. True
2. False

Solution: This statement is True

Reasons:

- i. The Indian Constitution provides for dual set of governments i.e Union State governments. There is a distribution of powers on the basis of three lists viz. Union list, State list, and Concurrent list
- ii. However, India has a federal structure with a powerful central government. The constitution framers felt that a strong Union government was needed to ensure the balanced development of the country.

Exercise | Q 2.2 | Page 36

State whether the following statement is true or false with reasons.

Parliamentary system exists in the United States.

1. True
2. False

Solution: This statement is False

Reasons:

- i. In a Parliamentary system, there is a merger of legislative and executive functioning. There are two executives. i.e., real and normal executives. This is noticed in India, United Kingdom, etc.
- ii. The United States follows the Presidential system based on the separation of government powers. Here, there is only one executive i.e., President who is directly elected by citizens.

Exercise | Q 3 | Page 36

Explain co-relation between the following.

President and Legislature in presidential system.

Solution: In a Presidential system, there is a separation of government powers and a system of 'checks and balances'. The President i.e., head of the executive is directly elected by the citizens for a fixed tenure. He/she enjoys powers granted to the office by the constitution and must conduct his/her administration in accordance with laws passed by the legislature. Members of the executive are prohibited from being members of the legislature. The legislature is also popularly elected. Its powers are not absolute since the President can exercise 'Veto Power' to reject a law passed by the legislature. Similarly, the legislature can also impeach the President if it is proved that the constitution has been violated by him/her. The President continues in office irrespective of whether he/she enjoys majority support in the legislature. However such lack of support may lead to a breakdown or impasse in government functioning.

Exercise | Q 3.1 | Page 36

Explain co-relation between the following.

Legislature and Executive in parliamentary system.

Solution: In a parliamentary system, there is a fusion of legislative and executive functions. The real executive i.e. the Prime Minister and Council of Ministers is drawn from the Legislature. There is no separate election for the post of Prime Minister and

other Ministers. The Prime Minister and the Ministers play a dual role i.e., they are part of both Legislature and Executive. Thus, they also attend Parliamentary sessions. The leader of the party or group which commands a majority in the legislature is invited by the nominal executive (President) to form the government and assume the post of Prime Minister. The Ministry stays in power only as long as it enjoys majority support in Parliament. The lower house of the Parliament in England (House of Commons) and in India (Lok Sabha) can pass a vote of no-confidence against the Ministry which means that the Prime Minister and his/her Council of Ministers must resign. This is due to parliamentary sovereignty. Thus, the executive is subordinate to and responsible to the Parliament (legislature).

Exercise | Q 4.1 | Page 36

Answer the following.

Explain Constitutionalism and constitutional morality.

Solution: Constitutionalism refers to the idea that there should be limitations on the powers of the government which may be specified in the constitution or may arise due to historical developments. The Magna Carta (Great Charter) (1215) and the Bill of Rights (1689) in England were attempts to restrict the powers of the Monarchs. As the concept of separation of legislative, executive, judicial powers became popular, so also, the idea of restricting powers of the government as a whole emerged. The origins of constitutionalism can be traced to the Social Contract Theory propounded by John Locke. He believed that people should have the right to change the government if it committed any wrongdoings. The first ten amendments to the American Constitution (collectively called the Bill of Rights) imposed restrictions on the government. The Indian Constitution also restricts government jurisdiction so that it doesn't violate Fundamental Rights. Any constitution is subject to amendments. Thus, it is possible that certain governments may use their amendment powers to remove restrictions on its policies and actions. In any democracy, Constitutionalism refers to restrictions on the power of the government and adherence to the spirit of the constitution. It refers to the values which form its foundations and the manner in which those who hold power are expected to behave. This can be described by the term 'Constitutional Monarchy'.

Exercise | Q 4.2 | Page 36

Answer the following.

Explain the nature of Indian Federation

Solution: In India, at the time of independence, there were Princely States and areas under British administration. The States were created after independence on the basis of language i.e., linguistic reorganisation of States. The Union Government created the States. The journey of Indian Federalism has been mixed. After independence, the States had been granted additional powers. However, later economic and technological changes had led to the enhancement of the powers of the Central government. The Indian Federation differs greatly from the US federation. India has been described as a 'quasi-federation' or a 'federation with an unitary spirit' as the division of powers favors the central government for e.g., it has full control over the Union list and Residuary subjects and its laws have precedence over state legislations even in case of the subjects in Concurrent list.

Exercise | Q 5 | Page 36

Answer the following in detail with reference to the given points. Explain Constitution and its three distinct interrelated components.

- i. what is a Constitution?
- ii. set of rules
- iii. set of rights
- iv. set of objectives and values

Solution:

- i. The constitution is the highest law of the country. It reflects the objectives of the state and the rights and aspirations of its citizens. It establishes the rule of law and sets limits on government authority. A constitution is a living document that indicates the way in which a country is governed. The primary function of the constitution is to lay out the basic structure of the government according to which the people are to be governed. A constitution has three distinct but interrelated components.
- ii. **Set of Rules** - A constitution is a set of rules that describes the structure, powers and functions of the three organs of government to ensure that each organ functions without its jurisdiction. It lays down the limitations on what the government can do or cannot do.
- iii. **Set of Rights** - A constitution lists the rights of the citizens, means for protection of these rights, and the duties of citizens. It also lists the means of protecting the rights e.g., in India, the judiciary is entrusted with protecting the rights. The rights guaranteed by the constitution are not unlimited i.e. they are subject to reasonable limitations.
- iv. **Set of Objectives and Values** - A constitution enumerates the values and objectives that it seeks to fulfill. For e.g., Indian Constitution seeks to ensure the values of justice, liberty, and equality