

Lesson -10

The Constitution and its Necessity



Learning outcomes :

Students will–

- ✦ know the basic concept of a constitution.
- ✦ understand the necessity and importance of a constitution.
- ✦ know the characteristics of different types of constitutions.

You all watch cricket match, don't you? You must have noticed that the game is played within the framework of certain rules. Therefore to conduct the match along with the decisive players two umpires are also present in the cricket playground. The umpires conduct the game following certain rules and regulations. Without such rules and regulations there would be chaos in the playground. Similarly other games and sports also have their own rules. In the same way a society also needs certain rules and regulations to function properly.

The state is the main social institution of the human society. There is need of certain rules and laws for the smooth functioning of a state and for providing security to its citizens. These rules and laws can be written or unwritten. A constitution is the sum total of the fundamental laws for the functioning of a country.

The constitution contains the fundamental laws of a country. Constitution is a set of guidelines. All countries have their own constitution. Without a constitution existence of a country is impossible.

Some Characteristics of a Constitution :

- The constitution is an embodiment of certain rules and principles.
- Generally these rules and principles are in written form.
- The constitution determines the relationships among the different organs of the government.
- The constitution provides and protects the Fundamental Rights and includes the Fundamental Duties.
- The constitution is dynamic. It changes with time. Changes are made following certain procedures.

The procedures of making changes to the constitution is called Amendment.

Write Answer :

- ✦ What is the name of the written document which incorporate the rules for functioning of a country?
- ✦ What is the need of constitution in a country?
- ✦ Who provide safeguard to citizen's Rights and Duties?
- ✦ What do you understand by amendment to the constitution?

Necessity of a Constitution :

From the above discussion you have learnt about constitution. You have also learnt that all countries have a constitution and a country cannot function smoothly without a constitution. A constitution determines the administrative nature of a country. A constitution is the foundation of a country. Now let's learn about the necessity of a constitution.

People of different communities, castes, religions, races, languages and cultures live together in a country. They have different attitudes and beliefs and may not agree on all issues. A constitution plays an important role in smooth functioning of the country by serving a set of rules and principles that all person in a country can agree upon.

A constitution plays a significant role in providing individual freedom and rights to the citizens of a country.

The constitution of a democratic country empowers its citizens to directly or indirectly elect their leaders to govern the country. It also incorporates the nature of election and the persons to be involved in the electoral process.

A constitution controls the powers of the government. It also states the distribution of powers and functions of the different organs of the government.

A constitution guides a country to function in a planned way. Think of your daily routine in school—Horen kokai rings the school bell at 8.30 a.m. The head teacher along with the other teachers assemble for the prayer in the morning assembly. Next assistant teacher Deven sir conducts physical exercise and allows the children to go to their respective classrooms. The children walk in a line and enter their classroom in a disciplined way. After that the teachers go to their respective classrooms to perform their duties. Have you noticed that each and every member of the school has carried out their own duties and responsibilities? Therefore, the school is running very smoothly.

Similarly the constitution has divided powers and functions of the country into three organs—the Legislator, the Executive and the Judiciary. The Constitution has also determined the structure and functioning of these three organs and their inter-relationship with one another without which there would be administrative chaos in the country.

Activity :

- ★ Make groups and discuss what situation would arise in the society in the absence of rules and laws.

Let us know :

- ★ The Legislature enacts laws for the smooth administration
- ★ The Executive implements laws which are passed by the Legislature
- ★ The Judiciary interprets laws and delivers justice on the basis of laws made by the Legislature

Sometimes the constitution fails to satisfy the needs and aspirations of the general public which results in agitation and demand for change. Let us try to understand this with few examples.

Our neighbouring country Nepal had a monarchy. According to the Constitution of Nepal adopted in 1990, the final authority rested with the King. To establish democracy the people of Nepal started a democratic movement in 2006. After two years of peoples' movement ie in April 2008, democratic election was held and democracy was established putting an end to monarchy. The reason was that the previous constitution failed to reflect the ideals of the country. Similarly in Bhutan, another neighbouring country, democracy was established through election in 2008 and power was entrusted upon its people and it became a democratic country inspite of having a King. In such a situation the King or the Queen is the titular head of the country. The power rests in the hands of the people. Myanmar is also in the process of establishing democracy.

Write Answer :

- ★ Name the three organs of the government.
- ★ In a school why does everyone carry out their duties?
- ★ What was the type of government in Nepal before 2008?

Functions of the Constitution :

- ★ The constitution sets out the goals and objectives of the country.
- ★ The constitution determines the authority of power.
- ★ The constitution sets the limit of power.
- ★ The constitution guarantees the rights of the people.
- ★ The constitution establishes unity and solidarity among the people.

Types of constitution :

From the above discussion you have come to know about the necessity and importance of a constitution. But the same type of constitution is not applicable to all countries. Constitution varies according to the nature of the country Now let us learn about the different types of Constitution.

Written constitution :

Constitutions which are in written form are known as written constitution. Most countries have written constitutions.

Characteristics of a written constitution :

- ✦ Written constitutions are clear and definite.
- ✦ The written Constitution clearly mentions the division of power, civil rights, etc.

Let us know :

- ✦ The Constitution of United States of America is said to be the first written constitution.
- ✦ India, United States of America, Russia, Switzerland, France, etc., have written constitutions.

Unwritten constitution

Almost all countries of the world have written constitutions except England. The constitution of England is an unwritten one. Such type of constitution which is unwritten is known as an unwritten constitution. This type of constitution is based upon the existing customs and traditions of the country.

Characteristics of unwritten constitution :

- ✦ The unwritten constitution is based upon customs, old traditions, existing rules and regulations.
- ✦ Nothing is in written form.

Write Answer :

- What is a written constitution?
- Which country has the first written constitution?
- What do you understand by unwritten constitution?
- Is the constitution of England a written or an unwritten one ?

Let us know :

- ✦ The outstanding characteristic of the constitution of England is that it is a flexible constitution.

Flexible constitution :

You have already learnt that England has an unwritten constitution. The constitution can be amended by passing general law as and when needed. Such constitution which can be amended easily is called flexible constitution.

Characteristics of a flexible constitution :

- ✦ A flexible constitution can be easily amended.
- ✦ It may be in a written or unwritten form.

Rigid constitution :

Special procedures are needed to amend some constitutions. This special procedure is a complex one and therefore the constitution can not be amended easily. Such constitutions are called rigid constitution. The American Constitution is an example of a rigid constitution.

Characteristics of rigid constitution :

- ✦ The amendment procedure is very complicated.
- ✦ They are always in a written form.

The Indian Constitution is a combination of flexible and rigid constitution.

Write Answer :

- ✦ What do you understand by flexible constitution?
- ✦ What is the amendment procedure of the constitution of England?
- ✦ Is the American constitution a rigid or a flexible one?

From the above discussion we have learnt that a constitution is necessary for smooth functioning of a country. Thus the system governed by the constitution or with the highest constitutional priority is known as constitutionalism. All the countries run according to the constitution. It may be written or un-written. At different times even countries make necessary changes or amendments to the constitution to adapt to the changing situation.

Let us remember :

- ✦ The constitution is a set of fundamental laws. It speaks of the administrative structure, power and function of the government of a country.
- ✦ The constitution plays an important role in the functioning of a country.
- ✦ The constitution incorporates the powers and functions of a government.
- ✦ The constitution plays an important role in the division of powers of the three organs of the government– the legislature, the executive and the judiciary.
- ✦ The constitution guarantees the citizen's freedom and rights.
- ✦ The constitution also incorporates the electoral process of a country.

- ✦ The constitution determines the relationship between the different organs of the government.
- ✦ There are different types of constitutions like - written, unwritten, flexible and rigid.

Exercise

1. Write short answers—
 - (a) What do you understand by a constitution?
 - (b) What is the process of bringing changes to a constitution called?
 - (c) In which year democracy was established in Nepal?
 - (d) Name three countries having written constitution.
2. Write short notes—

Flexible Constitution

Unwritten Constitution, Distribution of powers.
3. Choose the correct answer and put a tick (✓)
 - (a) The Constitution of England is written/unwritten.
 - (b) The Indian Constitution is rigid/combination of flexible and rigid.
 - (c) The executive/the legislature/the judiciary frames law for a country.
4. What are the different types of a constitution? Explain
5. Write answer—
 - (a) Two differences between written and unwritten constitution.
 - (b) Two characteristics of a rigid constitution.
6. “A constitution is necessary in a democratic country.”— Discuss with argument.
7. Put the following countries in the right column—
India, United States of America, England

Flexible	Rigid	Combination of flexible and rigid

8. Project—
Collect the names of organisations/institutions of your locality and try to find out the nature of their work and function and also write a report with the help of your teacher/guardian/member of the organisation.

