

1 The Indian Constitution

Lesson at a Glance

- A society is bound to **certain set of rules** which makes it what it is and differentiates it from other kinds of society. These rules, in large societies in which different communities of people live together, are formulated through **consensus**. In modern countries this consensus is usually available in **written form**. A written document in which we find such rules is known as a **Constitution**.
- Constitution lays **certain ideals** that form the basis of the kind of country that we as citizens aspire to live in.
- A Constitution helps serve as a set of rules and principles that all persons in a country can agree upon as the basis of the way in which they want the country to be governed. This includes the **type of government** and also **an agreement on certain ideals** that they all believe the country should uphold.
- Principles and ideals of a monarchy are quite different from those of a democracy. Therefore soon after the transition in the governing system in Nepal the government started the process on making a new Constitution of Nepal because the earlier one did not suit their new set up.
- The country of Nepal needs to change all its constitutive rules in order to usher in a new democratic society for which people had struggled for long.
- The Constitution defines the nature of a country's **political system**. In a monarchy **king is the supreme power** whereas in a democracy **people rule the country**. The government is run by the representatives elected by people at large.
- The Constitution also prescribes rules that **guard against misuse of power** by the leaders. In India such provisions have been made in the section of **Fundamental Rights**.
- The Indian Constitution guarantees the **Right to Equality**. In one of the Fundamental Rights to all persons and says that no citizen

can be **discriminated** against on grounds of religion, race, caste, gender, and place of birth.

- The Constitution ensures that a dominant group does not use its power against other, less powerful people or groups.
- The Constitution also contains rules that ensure that **minorities** are not excluded from anything that is normally available to the **majority**. Thus the Constitution prevents the tyranny or domination by the majority of a minority.
- The Constitution helps to protect us against certain decisions that we might take that could have an adverse effect on the larger principles that the country believes in.
- After independence it was unanimously felt that India should be a **democratic state** where everyone must avail **equal opportunity**.
- For this there was a need for Constitution which could ensure a perfect democracy. A group of around three hundred people who became members of the **Constituent Assembly** in 1949 and who met periodically for the next three years to write Indian Constitution.
- There were so many factors, most of them quite contrary to each of them, to be assimilated with clear cut explanations that made the task very difficult. However, the Constitution was finalised with a lot of unique features.
- **Federalism** is the prime feature of our Constitution which refers to the existence of more than one level of government in the country. In India there are governments at the **state** and the **centre**. **Panchayati Raj** is the third tier of the government.
- While each state in India enjoys autonomy in exercising powers on certain issues, they are bound to follow the laws of the central government as a matter of national concern. The Constitution clearly defines the jurisdictions of powers of the government at state and that at centre.
- **Parliamentary form of Government** is the other feature of Indian Constitution which provides that the different tiers of governments shall constitute of the representatives elected by the people. It also guarantees **universal adult suffrage** for all citizens.
- The provision for **separation of powers** in the Constitution of India recommends for three organs of the State: the **legislature**, the **executive** and the **judiciary**. The legislature refers to our

- lected representatives whereas the executive refers to a smaller group of people who are responsible for implementing laws and running the government and the judiciary refers to the system of courts in the country for preventing the misuse of power by any branch of the State. It also ensures the balance of power between all three organs.
- The feature of **Fundamental Rights** is the 'conscience' of the Indian Constitution. These Rights protect citizens against the arbitrary and absolute exercise of power by the State. The Constitution, thus, guarantees the rights of individuals against the State as well as against other individuals.
 - The Fundamental Rights in the Indian Constitution include: 1. **Right to Equality**, 2. **Right to Freedom**, 3. **Right against Exploitation**, 4. **Right to Freedom of Religion**, 5. **Cultural and Educational Rights**, 6. **Right to Constitutional Remedies**.
 - In addition to the Fundamental Rights there is the provision of **Directive Principles of State Policy** which ensure greater social and economic reform, and serve as a guide to the independent Indian State to institute laws and policies that help reduce the poverty of the masses.
 - **Secularism**, a key feature of Indian Constitution, defines that a secular state is one in which the state does not officially promote any one religion as the state religion.
 - The Constitution, thus, plays a crucial role in laying out the ideals that we would like all citizens of the country to adhere to, including the representatives that we elect to rule us.

■ IN-TEXT QUESTIONS SOLVED ■

- Q. 1. Discuss with your teacher what you understand by the term 'constitutive'. Provide one example of 'constitutive rules' from your everyday life.

[NCERT Textbook, page 6]

Ans. The term 'constitutive' means fundamental.

One example of constitutive rules—

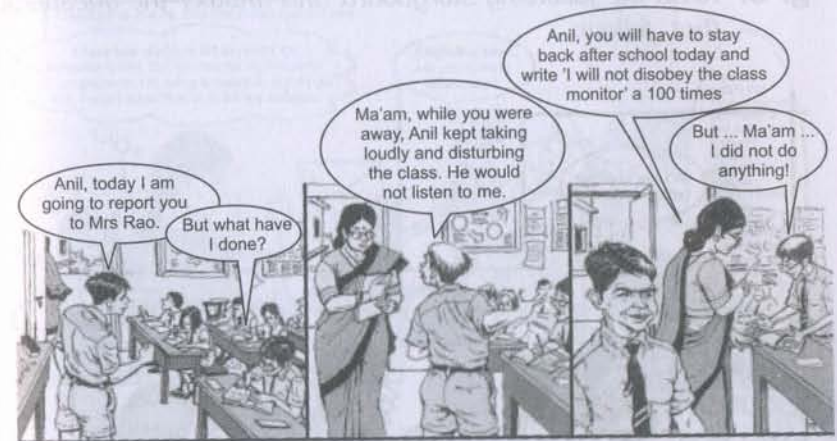
A footballer should not touch the ball with his hand.

This is a constitutive rule of the game of football.

- Q. 2. Why do the people of Nepal want a new constitution?
[NCERT Textbook, page 6]

Ans. The people of Nepal want a new Constitution because the country by moving from a monarchy to a democratic government needs to change all its constitutive rules in order to usher in a new society.

- Q. 3. Read the following storyboard and answer the following questions:



In what way is the class monitor misused his power?

[NCERT Textbook, page 7]

Ans. The class monitor misused his power by making false complain about Anil to the classteacher. Anil did not do anything, but the class monitor convinced the teacher that he was talking loudly during her absence. The teacher got annoyed and punished Anil.

- Q. 4. In which of the following situations is a minister misusing his power:

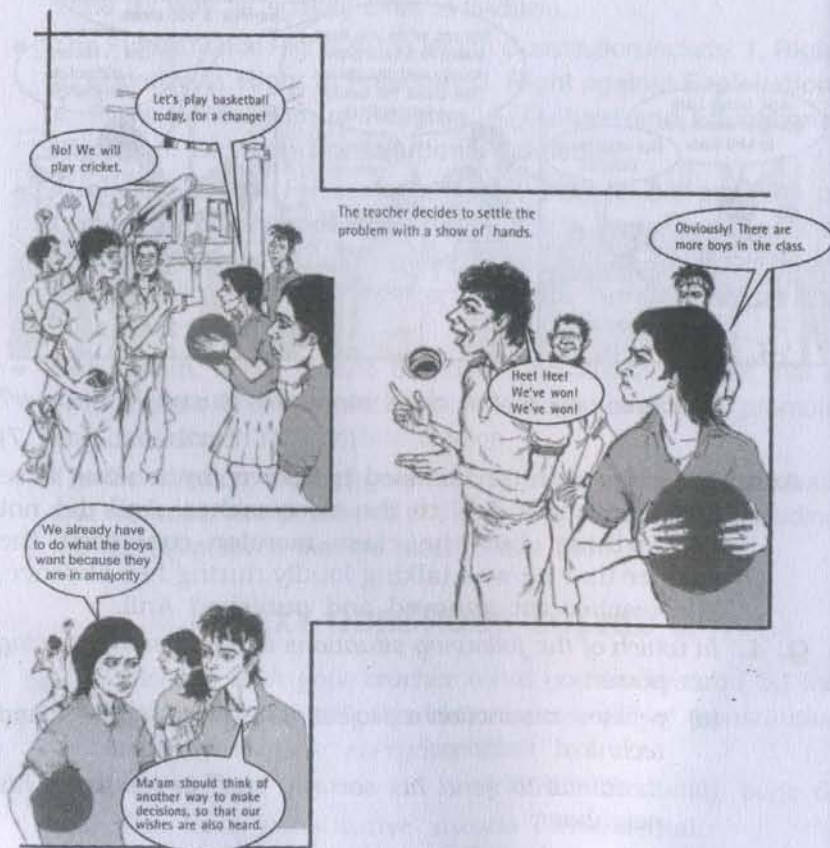
- refuses to sanction a project of his ministry for sound technical reasons;
- threatens to send his security staff to rough up his neighbour;
- calls up the police station asking them not to register a complaint that is likely to be filed against his relative.

[NCERT Textbook, page 7]

Ans. The minister misuses his power in the following situations:

- (b) threatens to send his security staff to rough up his neighbour;
- (c) calls up the police station asking them not to register a complaint that is likely to be filed against his relative.

Q. 5. Read the following storyboard and answer the questions that follow:



Who is in a minority in the above storyboard?
In what way is this minority being dominated by the decision taken by the majority?

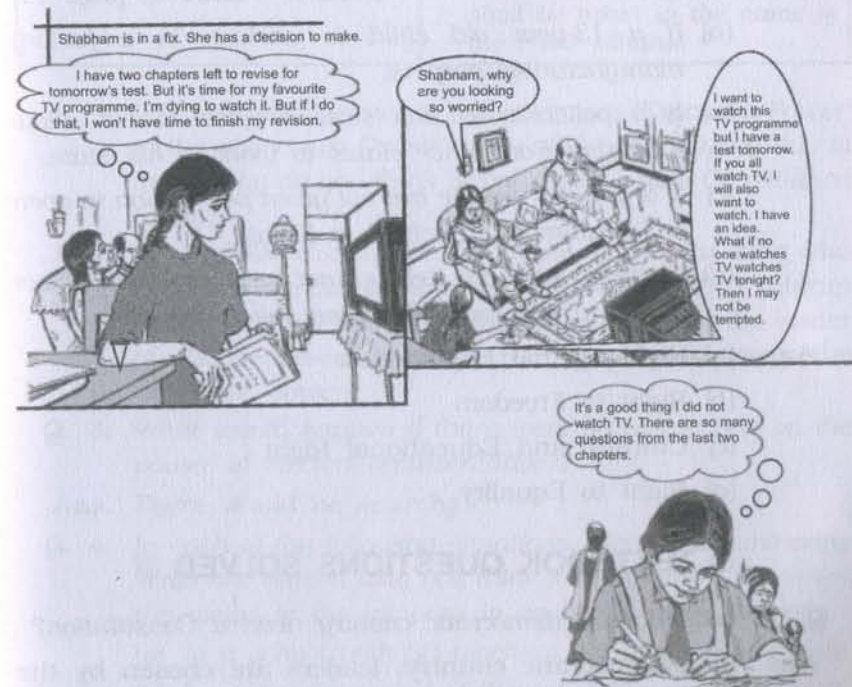
[NCERT Textbook, page 8]

Ans. Girls are in minority. The majority imposes its will on the minority. Finally girls have to do what boys want.

Q. 6. Read the following storyboard and answer the question that follows:

Why was Shabnam happy that she had not watched TV? What would you have done in a similar situation?

[NCERT Textbook, page 9]



Ans. Instead of watching her favourite T.V. programme Shabnam used that time in revising two chapters for the test. As a result, she did excellent in the test because many questions were from those two chapters. Therefore, she was very happy.

If I were in place of Shabnam, I would have done the same.

Q. 7. Discuss the difference between State and Government with your teacher.

[NCERT Textbook, page 13]

Ans. Government is responsible for administering and enforcing laws. It can change with elections. The state on the other hand refers to a political institution that represents a sovereign people who occupy a definite territory. For example, the Indian State.

Q. 8. Which Fundamental Rights will the following situations violate: [NCERT Textbook, page 14]

- If a 13-year old child is working in a factory manufacturing carpets.
- If a politician in one state decides to not allow labourers from other states to work in his state.
- If a group of people are not given permission to open a Telugu-medium school in Kerala.
- If the government decides not to promote an officer of the armed forces because she is a woman.

- Ans.**
- Right against Exploitation
 - Right to Freedom
 - Cultural and Educational Right
 - Right to Equality.

■ TEXTBOOK QUESTIONS SOLVED ■

Q. 1. Why does a democratic country need a Constitution?

Ans. In a democratic country, leaders are chosen by the people. These leaders are expected to exercise power responsibly on our behalf. But there is always the possibility that these leaders might misuse their power. Here comes the Constitution. It provides safeguards against this.

Q. 2. Look at the wordings of the two documents given below. The first column is from the 1990 Nepal Constitution. The second column is from the more recent Interim Constitution of Nepal.

1990 Constitution of Nepal Part 7: Executive	2007 Interim Constitution Part 5: Executive
Article 35: Executive power: The executive power of the kingdom of Nepal shall be exercised exclusively by His Majesty.	<ul style="list-style-type: none"> The executive power of Nepal shall, pursuant to this Constitution and other laws, be vested in the Council of Ministers. The executive functions of Nepal shall be taken in the name of the Prime Minister.

What is the difference in who exercises 'Executive Power' in the above two Constitutions of Nepal? Keeping this in mind, why do you think Nepal needs a new Constitution today?

Ans. In the 1990 Constitution of Nepal, it was the king who exercises the executive power while in the 2007 Interim Constitution of Nepal it is the Prime Minister, the leader of the representatives of the people, exercises the executive power.

Q. 3. What would happen if there were no restrictions on the power of elected representatives?

Ans. There would be anarchy.

Q. 4. In each of the following situations, identify the minority. Write one reason why you think it is important to respect the views of the minority in each of these situations.

- In a school with 30 teachers, 20 of them are male.
- In a city, 5 per cent of the population are Buddhists.
- In a factory mess for all employees, 80 per cent are vegetarians.
- In a class of 50 students, 40 belong to more well off families.

Ans. (a) Female teachers are in minority. It is important to respect their views because they also contribute to the standard of teaching of the school.

(b) Buddhists are in minority. Their views must be respected because they represent a religious sect.

(c) Non-vegetarians are in minority. Their views must be respected because they are also human beings like those who are vegetarians.

(d) The rest 10 per cent poor/middle class students are in minority. We must respect their views because they are equal to others.

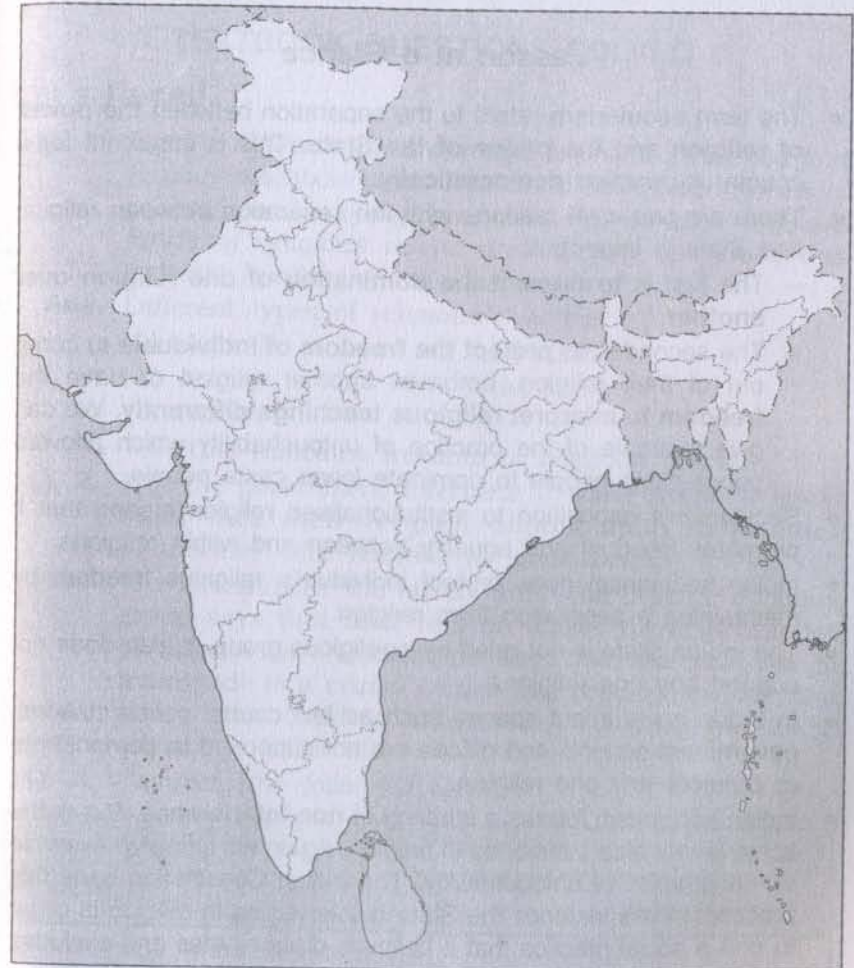
9. 5. The column on the left lists some of the key features of the Indian Constitution. In the other column write two sentences, in your own words, on why you think this feature is important:

Key Features	Significance
Federalism	
Separation of Powers	
Fundamental Rights	
Parliamentary form of Government	

Ans.

Key Features	Significance
Federalism	Federalism helps to manage a vast country smoothly. Distribution of power makes the progress of a country fast.
Separation of Power	The three organs of the state, the legislature, the executive and the judiciary, exercise different powers. Thus, each organ acts as a check on the other organs of the state and this ensures the balance of power between the three.
Fundamental Rights	Fundamental Rights protect citizens against the absolute exercise of power by the state. These rights are essential for an individual to develop his/her personality and lead a life with decency.
Parliamentary form of Government	It gives a chance to the people of the country to play a role in electing their representatives. Also, every citizen of the country can contest in elections.

9. 6. Colour in the following countries in this map:
 (a) Colour India in red.
 (b) Colour Nepal in green.
 (c) Colour Bangladesh in yellow.



Ans. For self-attempt.

