

Class 11th | Political Science



**BOOK: Indian
Constitution at work**

Constitution: Why & How?

Chapter : 1 | Lecture 3

- What is Constitution?
- Why do we need a Constitution?

OR

Functions of Const.

↓
1. Coordination

2. Decision Making power of how govt is
Const

3. Limit the power of government
 4. Aspiration and goal of society
- Fundamental Identity of people

THE AUTHORITY OF A CONSTITUTION

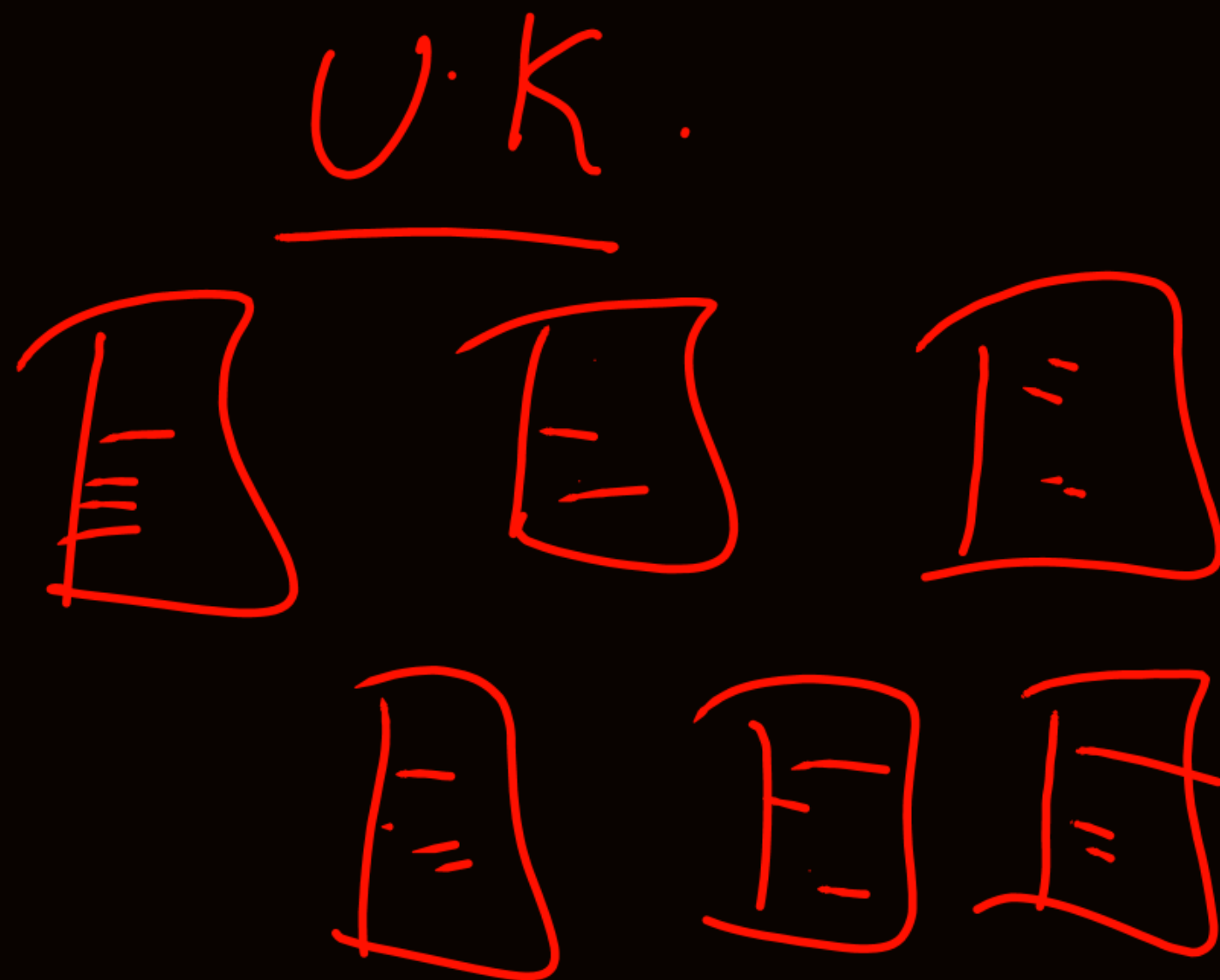
- We have outlined some of the functions a constitution performs. These functions explain why most societies have a constitution. But there are three further questions we can ask about constitutions:
 - What is a constitution?
 - How effective is a constitution?
 - Is a constitution just?



- In most countries, 'Constitution' is a compact document that comprises a number of articles about the state, specifying how the state is to be constituted and what norms it should follow.
- When we ask for the constitution of a country we are usually referring to this document. But some countries, the United Kingdom for instance, do not have one single document that can be called the Constitution. Rather they have a series of documents and decisions that, taken collectively, are referred to as the constitution.
- So, we can say that constitution is the document or set of documents that seeks to perform the functions that we mentioned above.



**MAIN TO BHARAT KA HU
LEKIN TUM BTAO OLIVIA
KAHA SE HAI**



Art

1.

Art

2.

Art

3

Art

4.

A hand-drawn sketch of a notepad or a page from a notebook. It features a series of horizontal lines, approximately 10 in total, spaced evenly apart. The lines are drawn with a simple, slightly irregular hand-drawn style. The notepad is tilted slightly to the right. The entire drawing is done in a single color, likely black or dark grey, on a white background.

- But many constitutions around the world exist only on paper; they are mere words existing on a parchment. The crucial question is:
 - How effective is a constitution?
 - What makes it effective?
 - What ensures that it has a real impact on the lives of people? Making a constitution effective depends upon many factors.



MODE OF PROMULGATION

- This refers to how a constitution comes into being.
- Who crafted the constitution and how much authority did they have?
- In many countries constitutions remain defunct because they are crafted by military leaders or leaders who are not popular and do not have the ability to carry the people with them.
- The most successful constitutions, like India, South Africa and the United States, are constitutions which were created in the aftermath of popular national movements.
- Although India's Constitution was formally created by a Constituent Assembly between December 1946 and November 1949, it drew upon a long history of the nationalist movement that had a remarkable ability to take along different sections of Indian society together.

MODE OF PROMULGATION

- The Constitution drew enormous legitimacy from the fact that it was drawn up by people who enjoyed immense public credibility, who had the capacity to negotiate and command the respect of a wide cross-section of society, and who were able to convince the people that the constitution was not an instrument for the aggrandisement of their personal power. The final document reflected the broad national consensus at the time



- Some countries have subjected their constitution to a full-fledged referendum, where all the people vote on the desirability of a constitution. The Indian Constitution was never subjected to such a referendum, but nevertheless carried enormous public authority, because it had the consensus and backing of leaders who were themselves popular.
- Although the Constitution itself was not subjected to a referendum, the people adopted it as their own by abiding by its provisions. Therefore, the authority of people who enact the constitution helps determine in part its prospects for success.

DEBATE OVER CONSTITUTION MAKING IN NEPAL:

- Making a constitution is not always an easy and smooth affair. Nepal is an example of the complicated nature of constitution making. Since **1948**, Nepal has had five constitutions, in **1948, 1951, 1959, 1962 and 1990**.
- But all these constitutions were 'granted' by the King of Nepal. The **1990** constitution introduced a multiparty competition, though the King continued to hold final powers in many respects.
- For many years Nepal was faced with militant political agitations for restructuring the government. The main issue was the role of the monarchy in the constitution of Nepal.

DEBATE OVER CONSTITUTION MAKING IN NEPAL:

- Some groups in Nepal wanted to abolish the institution of monarchy and establish republican form of government. Others believed that it may be useful to shift to limited monarchy with a reduced role for the King. The King himself was not ready to give up powers. He took over all powers in October 2002.



- Many political parties and organisations demanded the formation of a new constituent assembly. The Communist Party of Nepal (Maoist) was in the forefront of the struggle for a popularly elected constituent assembly.
- Finally, under pressure of popular agitation, the King had to install a government acceptable to the agitating parties. This government has stripped the King of almost all powers.
- In 2008, Nepal emerged as a democratic republic after abolishing the monarchy. Finally, Nepal adopted a new constitution in 2015.



THE SUBSTANTIVE PROVISIONS OF A CONSTITUTION

- It is the hallmark of a successful constitution that it gives everyone in society some reason to go along with its provisions. A constitution that, for instance, allowed permanent majorities to oppress minority groups within society would give minorities no reason to go along with the provision of the constitution.
- Or a constitution that systematically privileged some members at the expense of others, or that systematically entrenched the power of small groups in society, would cease to command allegiance.



- If any group feels their identity is being stifled, they will have no reason to abide by the constitution.
- No constitution by itself achieves perfect justice. But it has to convince people that it provides the framework for pursuing basic justice.
- Do this thought experiment. Ask yourself this question: What would be the content of some basic rules in society, such that they gave everyone a reason to go along with them?
- The more a constitution preserves the freedom and equality of all its members, the more likely it is to succeed.
- Does the Indian Constitution, broadly speaking, give everyone a reason to go along with its broad outlines?
- After studying this book, one should be able to answer this question in the affirmative.

*Maza
aaya !*

*agar maza aaya
toh yea maza
mein pura desh
ko dena chahta
hoon...*

Designed by Trisha ❤️

चाणक्यनीति से लेके
राजनीति तक
तुम्हे जो चाहिए सब है मेरे पास ।





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