

Questions & Answers about Constitution – Why and How?

Short Answer Type Questions (3–4 marks)

Q1. Explain how a constitution provides for minimal coordination in a diverse society.

Ans. A constitution lays down a common framework of rules by which all members of a society agree to function. In a society with diverse religions, languages, castes, and interests, disputes are inevitable. Without fixed rules, there would be mistrust and insecurity. The constitution ensures peaceful coexistence by:

- Establishing binding rules known to all,
- Making these rules enforceable by law, and
- Providing citizens with assurance that everyone, including the government, will follow them.

Q2. Discuss the second function of a constitution: specifying who has the power to make decisions.

Ans. A constitution decides *who takes decisions on behalf of society and how*. It defines the structure of government—for instance, whether power rests with a monarch, a ruling party, or elected representatives. In a democracy like India, citizens elect representatives to Parliament, which makes laws and policies on their behalf. Thus, the constitution determines both *who governs* and *how governing authority is exercised*.

Q3. How does a constitution impose limitations on government power? Give examples.

Ans. A constitution sets *fundamental limits* on government authority through guaranteed rights. Governments cannot violate these rights. For example:

1. Citizens cannot be arrested arbitrarily without legal reason.
2. Fundamental freedoms, such as freedom of speech, conscience, and association, cannot be curbed beyond reasonable restrictions.

Thus, the constitution prevents misuse of power and safeguards individual liberty.

Q4. Explain how the Indian Constitution acts as an enabling framework for positive goals.

Ans. Unlike older constitutions that mainly limited government power, the Indian Constitution also empowers the government to pursue *social transformation*. In a society marked by caste and economic inequalities, the Constitution allows the state to eliminate oppression and promote welfare. Through Fundamental Rights, Directive Principles, and the Preamble, it ensures dignity, equality, education, and minimum well-being for all, making it an “instrument of social change.”

Q5. How does a constitution express the ‘fundamental identity of a people’?

Ans. A constitution reflects the collective identity and shared values of a nation. By agreeing on principles of governance and rights, citizens define who they are as a political community. For instance, Germany's constitutional identity was linked to ethnicity, whereas India's Constitution embraces pluralism, with citizenship not tied to religion or language. Thus, constitutions differ across nations based on their historical context and conception of national identity.

Q6. What is the significance of the 'mode of promulgation' of a constitution? Explain with reference to India.

Ans. The way a constitution is made affects its legitimacy. Constitutions imposed by rulers often lack credibility, while those emerging from national struggles gain authority. India's Constitution was drafted by leaders of the freedom movement who enjoyed widespread respect. Though not adopted by referendum, its legitimacy came from public trust in those leaders and the convincing consensus they built. Therefore, Indians accepted it as *their own Constitution*.

Q7. Explain the importance of 'substantive provisions' for a constitution's success.

Ans. A constitution must provide all groups in society reasons to accept it. If it permanently disadvantages minorities or favours a few, it will fail. Substantive provisions—like rights to freedom, equality, and protection of minorities—help ensure fairness and justice. While no constitution can guarantee perfect equality, it must give citizens confidence that it is a fair framework within which justice can be pursued.

Q8. Discuss the concept of 'balanced institutional design' with reference to the Indian Constitution.

Ans. Balanced institutional design means dividing power so that no group or institution can dominate. The Indian Constitution achieves this by:

- Distributing powers between Legislature, Executive, and Judiciary,
- Creating independent bodies like the Election Commission.

This system of checks and balances ensures that attempts to subvert the Constitution can be resisted, protecting democracy and preventing concentration of power.

Q9. How does a successful constitution balance rigidity and flexibility?

Ans. A constitution must combine *permanence* with *adaptability*. If too rigid, it may break under pressure of change; if too flexible, it loses authority. The Indian Constitution preserves core values, while allowing amendments through a parliamentary procedure. This balance makes it both a *living document* and a stable foundation of governance, ensuring survival through changing times.

Q10. Describe the composition of the Indian Constituent Assembly.

Ans. The Constituent Assembly was elected indirectly in 1946 by members of Provincial Legislatures. It had 389 members initially, later reduced to 299 after Partition. Seats were distributed by population, and representation was given to communities like Muslims, Sikhs, and Scheduled Castes. Though not based on universal suffrage, the Assembly ensured broad representation, and the Congress Party, being internally diverse, reflected a wide spectrum of Indian opinion.

Q11. Explain the principle of deliberation in the working of the Constituent Assembly.

Ans. The Constituent Assembly worked on the principle of *deliberation*, meaning reasoned debate instead of narrow interest-based bargaining. Members spoke for the nation as a whole, seriously discussing issues such as Centre–State relations, judicial powers, or property rights. Disagreements were based on principles, not personal gain. This ensured a strong democratic commitment in constitution-making.

Q12. How did the Constituent Assembly emphasize ‘public reason’?

Ans. The Assembly stressed reasoned arguments and transparency. Every clause was debated over nearly three years before adoption. Eight subject committees prepared drafts for full debate, and leaders responded carefully to every objection. The debates were open to the public and reported in the press. This emphasis on public reasoning, rather than bargaining, gave the Constitution moral and democratic legitimacy.

Q13. Describe the role of committees in the Constitution-making process.

Ans. The Assembly functioned through eight major committees, chaired by leaders like Nehru, Patel, and Ambedkar. Committees drafted provisions on specific subjects, which were then debated in the Assembly. This system:

- Distributed workload,
- Encouraged consensus-building,
- Made the process efficient and inclusive.

Thus, committees ensured careful drafting and responsiveness to concerns, strengthening the Constitution’s foundation.

Q14. Explain how the nationalist movement shaped consensus in the making of the Constitution.

Ans. The freedom struggle had already debated issues of governance, democracy, and equality. By the time the Assembly met, there was consensus that independence must mean justice, equality, and representative government. Nehru’s Objectives Resolution (1946) reflected this inherited vision. Thus, the Assembly was not creating principles from scratch but giving *institutional form* to values forged during the national movement.

Q15. What was the Objectives Resolution, and what values did it embody?

Ans. Moved by Nehru in 1946, the Objectives Resolution outlined the basic philosophy of the Constitution. It proclaimed India as independent, sovereign, and republican; emphasized unity of territories; declared that authority rests with the people; guaranteed justice, equality, freedoms, and minority safeguards; and committed India to world peace. These principles later shaped the Preamble and the Constitution's structure.

Q16. How did the makers of the Indian Constitution borrow from other constitutions?

Ans. The framers studied global constitutions and borrowed relevant provisions but adapted them to India's conditions. For example, they adopted a parliamentary system (UK), judicial review and rights (USA), Directive Principles (Ireland), and a quasi-federal structure (Canada). This borrowing was *selective and contextual*, ensuring a balance between global wisdom and India's unique needs.

Q17. Mention four specific provisions borrowed from other constitutions, with source countries.

Ans. Examples include:

- From the UK: Parliamentary system, Rule of Law.
- From the USA: Fundamental Rights, Judicial Review.
- From Ireland: Directive Principles of State Policy.
- From Canada: Federal system with a strong Centre.

Q18. Distinguish between a 'mere document' and an 'effective constitution'.

Ans. A constitution as a text is only words on paper. It becomes effective when its principles guide real governance. An effective constitution is marked by:

- Legitimate promulgation through respected leaders,
- Just provisions ensuring equality and rights,
- Institutions with checks and balances,
- Flexibility to adapt while preserving core values.

Such a constitution shapes citizens' lives meaningfully, unlike paper constitutions that remain dormant.

Q19. What challenges did Nepal face in its constitution-making process?

Ans. Nepal faced difficulties due to lack of consensus and legitimacy. The king's imposed constitutions lacked popular support. Disagreements arose over the monarchy's role, leading to instability. Struggles between traditional authority and democratic forces delayed agreement. Ultimately,

demands for a popularly elected Constituent Assembly highlighted that only a broadly representative body can create a durable and widely accepted constitution.

Q20. How would you respond to a student who questions obeying the Constitution as outdated and imposed?

Ans. The Indian Constitution is not outdated; it is a *living document*, designed with flexibility to change with time while keeping core values intact. Though individuals today did not directly vote on it, its legitimacy comes from the respected leadership of the freedom movement and decades of public acceptance. Most importantly, the Constitution:

- Ensures liberty and equality,
- Prevents arbitrary government power,
- Empowers the state to remove inequalities,
- Provides checks and balances for stability.

Thus, obeying the Constitution means upholding our shared values and protecting the rights of all citizens.

Long Answer Type Questions (5–6 marks)

Q1. State whether the following inferences about the making of the Indian Constitution are Correct or Incorrect. Give reasons.

a. The Constituent Assembly did not represent the Indian people since it was not elected by all citizens.

Incorrect. It is true that the Assembly was not based on universal adult suffrage. However, it ensured broad representation. All communities were given seats, including Scheduled Castes. Congress, though dominant, was itself a diverse party and accommodated almost all shades of opinion. The Assembly's authority also came from its procedures and the moral legitimacy of its leaders.

b. Constitution-making did not involve any major decision since there was consensus.

Incorrect. There were debates on fundamental issues like centre-state relations, property rights, and power of the judiciary. Only the principle of universal suffrage was passed without debate; otherwise, every provision was seriously discussed. Hence, the process involved major decisions and careful reasoning.

c. There was little originality since much was borrowed from abroad.

Incorrect. While many provisions were borrowed, they were never blindly copied. Each provision was defended for its suitability to Indian conditions. Ambedkar rightly said the Constitution varied and adapted borrowed ideas to India's needs. Thus, originality came from how global experiences were reshaped for Indian realities.

Q2. 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.

The Assembly included respected figures like Nehru, Patel, Ambedkar, and Rajendra Prasad. These leaders carried moral authority from the freedom struggle. Even without a referendum, the Constitution enjoyed legitimacy because it reflected a broad consensus and came from leaders trusted by the public.

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

Powers are horizontally divided between Legislature, Executive, and Judiciary, and also with independent bodies such as the Election Commission. This system of checks and balances prevents monopoly of power. Moreover, the Constitution balances rigidity with flexibility through amendments, ensuring change but protecting core principles.

c. The Constitution is the locus of people's hopes and aspirations.

It provides enabling provisions to build a just society—guaranteeing rights, promoting equality, and empowering the state to overcome caste or economic inequalities. Nehru's Objectives Resolution embodied commitments to liberty, equality, justice, and safeguards for minorities, capturing the collective aspirations of Indians.

Q3. Why is clear demarcation of powers and responsibilities necessary in a constitution? What would happen in its absence?

Necessity:

1. It brings *coordination and assurance* in a diverse society.
2. It specifies who makes laws and how the government is formed, ensuring authority and predictability.
3. It puts *limitations on government* and safeguards rights against arbitrary rule.
4. By dividing powers across institutions, it prevents concentration of power.
5. It enables the government to pursue positive goals like welfare and justice.

Absence:

- There would be *chaos and insecurity*, as people wouldn't know whose rules to follow.
- Government could pass unjust or discriminatory laws.
- Without checks, one group could subvert the system and become authoritarian.
- People would face unpredictability, lack of justice, and loss of trust in governance.

Thus, clear demarcation of responsibilities is vital for stability, justice, and realization of collective aspirations.

Q4. Why is it necessary for a constitution to place limitations on rulers? Can there be a constitution that gives no power to citizens?

Necessity:

- It prevents arbitrary government action and safeguards *fundamental rights*.
- It ensures fairness, e.g., preventing discrimination or arbitrary arrests.
- It protects liberties such as freedom of speech, faith, and association.
- It prevents majority groups from oppressing minorities, thereby sustaining allegiance to the Constitution.
- It provides a just framework, ensuring rulers govern responsibly.

About no power to citizens:

- A document may exist that gives absolute power to rulers, but it cannot be a truly *effective constitution*.
- The effectiveness of any constitution rests on giving citizens certain rights and reasons to accept it.
- The Indian Constitution reflects this principle through Fundamental Rights and Directive Principles.

Thus, a constitution without citizen empowerment would remain ineffective, merely “words on paper.”

Q5. Compare problems in Japan's constitution-making with the Indian experience.

Japanese experience:

- Drafting occurred under US occupation after World War II.
- The Constitution had to satisfy the occupying power, not necessarily reflect Japan's people.
- This raised questions of legitimacy, as it lacked popular consent and could not fully express a national identity.
- Such external imposition risks being unjust and less enduring, as it is not a product of collective will.

Indian experience:

- India's Constitution was framed after a long nationalist struggle, giving it both legitimacy and moral authority.
- Drafting was done by a broadly representative Constituent Assembly through rigorous debate and consensus.
- The process was independent and reflected Indian conditions, not enforced by foreign powers.
- Although India borrowed from global traditions, the provisions were carefully adapted, not imposed.

Therefore, while Japan's Constitution was externally directed, India's emerged from *internal will and popular legitimacy*.

Q6. How would you answer Rajat who questions why he should obey the Constitution?

I would tell Rajat:

1. **On “outdated”:** The Indian Constitution is not outdated—it's a *living document*. It has flexibility to adapt through amendments while keeping core principles intact. Hence, it grows with society.
2. **On “no consent”:** Though not based on referendum, it was framed by leaders of the national movement who enjoyed immense trust. Its legitimacy comes from their representativeness and the fact that the people have followed and accepted it for decades.
3. **On “tough language”:** Its legal style ensures accuracy, but its essence is simple:
 - It lays down basic rules for peaceful coexistence.
 - It decides how the government is formed and who makes decisions.
 - It limits government power to protect your rights like free speech and equality.
 - It empowers society to achieve justice, welfare, and dignity for all.

Thus, obeying the Constitution means upholding your own rights, ensuring stability, and contributing to a just democratic society.

Q7. Do you agree with Harbans, Neha, or Nazima on the working of the Constitution?

- **Harbans’ view** is correct: The Constitution has clearly given India a democratic framework, based on universal suffrage, division of powers, and checks and balances among institutions.
- **Neha’s view** points out a real gap between promises of liberty, equality, fraternity and their incomplete fulfilment. However, it is not fair to call the Constitution a “failure,” since such ideals cannot be achieved overnight and require continuous effort.
- **Nazima’s view** is most balanced: The Constitution has provided the necessary framework, but we as citizens and governments often fail to live up to its spirit.

My position: I agree with Harbans and Nazima together. The Constitution has succeeded in laying down strong democratic and just principles, but achieving them is our responsibility. Failures should be attributed not to the document itself, but to gaps in implementation and social practice. The Constitution remains a “living document” that gives us the means to strive for justice and equality.
