

UNIT – I

Constitution and forms of the State

Constitution · Kinds · Federal / unitary · Good constitution

Explanatory Lecture Slides

Political Science — Organisation & Institutions · Minor-I-2 · Semester II

POLITICAL SCIENCE — ORGANISATION & INSTITUTIONS

Topics covered in this unit

01

Define constitution and its importance

02

Classify constitutions

03

Define a good constitution

04

Contrast unitary and federal governments

05

Place India as a Union with federal features

06

Note rigid/flexible and written/unwritten

How this unit is organised

01

Meaning of
constitution

02

Kinds

03

Good constitution

04

Unitary

05

Federal

06

India

Meaning and importance of a constitution

The fundamental law that creates, limits and directs the State. It is both a political document and a legal one.

- PYQ: meaning and importance; conditions of a good constitution (2022, 2023, 2024, 2025).
- Importance: limits power, grants rights, allocates functions, symbolises the political community.
- Without one (or without conventions), there is only force.
- Dicey's rule of law and constitutionalism are the spirit; the text is the body.

Meaning and importance of a constitution

LEGAL

- Supreme law.
- Art. 13, 141, 368.

POLITICAL

- Who may rule, how, for how long.

Kinds of constitutions

Written / unwritten; rigid / flexible; federal / unitary; evolved / enacted; supreme / subordinate.

- PYQ: kinds of constitution (2023, 2025).
- UK: unwritten (uncodified) + flexible. US: written + rigid. India: written + both rigid and flexible parts (Art. 368 three methods).
- A 'written' constitution can still grow by convention and by basic-structure case-law.

Kinds of constitutions

WRITTEN

- India, USA.
- Certainty.
- Litigation over every word.

UNWRITTEN

- UK.
- Elasticity.
- Needs a political culture.

A good constitution

Brevity with clarity; adaptability; protection of rights; independent amending process that is not too easy; independent judiciary; correspondence with social reality.

- PYQ: meaning of a good constitution; conditions (2024, 2025).
- India's length is a defect in elegance, a merit in social engineering (Parts III, IV, XVI).
- Kesavananda is the judicial idea of a 'good' constitution that cannot be gutted.

A good constitution

MUST HAVE

- Rights.
- Amendment.
- Judiciary.
- Workability.

MUST NOT HAVE

- Unalterable tyranny.
- Amendment by a midnight ordinance.

Unitary government

One sovereign centre; local units exist at its pleasure. UK, France, Sri Lanka in the main.

- PYQ: unitary — merits, demerits; differences with federal (2021).
- Merits: energy, uniformity, cheaper. Demerits: over-centralisation, neglect of regions, danger in large diverse countries.
- India looks unitary in emergencies (Arts. 352–360) and in Art. 3 (redrawing States).

Unitary government

MERITS

- Speed.
- Uniform law.
- No conflict of lists.

DEMERITS

- Delhi will not know a district.
- Diversity suffers.

Federal government

Two (or more) levels, each with a constitutionally guaranteed sphere. US, Australia, Canada, Switzerland.

- PYQ: federal form — features, merits, demerits; with examples (2023–25).
- Features: written constitution, supremacy, rigid-ish amendment, independent judiciary, bicameralism often.
- Merits: diversity, check on power, local democracy. Demerits: delay, duplication, secession risk.
- Wheare called India 'quasi-federal'. Austin: cooperative federalism. Bommai: federalism as basic structure.

Federal government

NEED

- Written text.
- Division of powers.
- Umpire (SC).

INDIA'S TWIST

- Strong centre.
- Art. 3.
- All-India services.
- Emergency.

Amendment — the US illustration

PYQ: amendment procedure of the American Constitution (2022, 2021 6-mark).

- Art. V US: 2/3 of both Houses + 3/4 of States (the usual path).
- Very rigid — 27 amendments in 230+ years.
- India's Art. 368 is a three-track compared with that one steep track.
- Do not confuse US Art. V with Indian Art. 368 in the same sentence without labelling.

Amendment — the US illustration

US

- 2/3 + 3/4.
- Rare.

INDIA

- Simple / special / special+States — three doors.

Unitary government

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Cases a KSLU answer should name

CASE

S.R. Bommai v Union of India

(1994) 3 SCC 1

Federalism and secularism as basic features; Art. 356 disciplined.

CASE

Kesavananda Bharati

(1973) 4 SCC 225

A constitution may be amended, not destroyed.

CASE

Re Berubari Union

AIR 1960 SC 845

Territory and constitutional process.

Provisions & materials to quote

Art. 1

Union of States.

Art. 3

Parliament may redraw States — a unitary streak.

Sch. VII

Three lists — the federal map.

Art. 368

Amendment.

Arts. 352–360

Emergencies — temporary unitariness.

10 / 16-mark frames from this unit

Q1

Define constitution. Explain its importance and the conditions of a good constitution.

Q2

Explain the kinds of constitutions.

Q3

Define federal government. Explain its features, merits and demerits.

Q4

Distinguish unitary and federal governments with Indian illustrations.

Unit recap

- 1 Constitution = fundamental law that creates and limits power.
- 2 India: written, partly rigid, federal with a strong centre.
- 3 Good constitution: rights + umpire + adaptable amendment.
- 4 Bommai: federalism is basic structure.
- 5 US Art. V is the rigidity example KSLU wants.