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# **INDIAN POLITY**

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*for Civil Services Exam*

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## INDIAN POLITY

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**CHAPTER**

**1**

**CONSTITUTIONAL  
FRAMEWORK**



# CONSTITUTION & IT'S TYPES

## ■ What is a Constitution?

- A constitution is a **basic law of the land** which establishes the **relations between** various **organs of the government** and the relations between them. It also **defines the nature and polity of that country**.

## ■ Types of Constitution?

Broadly speaking, a constitution can be based on:

### The Nature of a document:

Written Constitution	Unwritten Constitution
The Constitution in which all provisions are <b>systematically and serially arranged</b> in Parts, Articles and Schedules is known a Written Constitution.	Its provisions are <b>not systematically</b> and <b>serially arranged</b> .
It is <b>codified and compiled in One Book</b> form.	It is also <b>codified but not compiled</b> in a book form.
It is <b>formulated by a Constituent Assembly</b> formed for this purpose only.	It is <b>formulated by laws passed by the Parliament</b> .
<b>Constitution is Supreme</b> and all the three <b>organs of the Government</b> - Legislature, Executive and Judiciary are <b>subordinate to the Constitution</b> .	Principle of <b>Parliamentary Supremacy</b> is found. Hence, <b>Judiciary and Executive are subordinate to the Parliament</b> .
<b>Legislature, Executive and Judiciary are equivalent to each other</b> . They derive their functions and powers in the polity from the Constitution.	<b>Parliament itself decides</b> what shall be the <b>Constitution and according to that functions and authority of Executive and Judiciary are determined</b>
Consequently, <b>Right to Judicial Review</b> is found i.e. the Judiciary can declare a piece of legislation null and void if it is not in accordance with the substance and spirit of the Constitution.	<b>Judiciary does not have this right</b> and the <b>laws passed by the Parliament</b> are absolute and ultimate. Thus the <b>Parliament is final though fallible</b> .

## ■ Functions of the Constitution

The constitution whether written or unwritten, is a political structure having several functions:

- **Expression of Ideology:** It reflects the ideology and philosophy of a nation state

- **Expression of Basic Law:** Constitution present's basic laws which could be modified or replaced through a process called extra-ordinary procedure of amendment.
- **Organizational framework:** It provides organizational framework for the governments. It defines the functions of the legislature, executive, and judiciary, their inter-relationship, restrictions on their authority etc.
- **Amendment provision:** As it would not be possible to foretell all possibilities in future with a great degree of accuracy, there must be sufficient provisions for amendment of the constitution. It should contain a set of directions for its own modifications. The system might collapse if it lacks in scope for modification.

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