

NCERT Solutions For Class 11 Political Science

CONSTITUTION AS A LIVING DOCUMENT

1. Choose the correct statement from the following.
A constitution needs to be amended from time to time because,
 1. Circumstances change and require suitable changes in the constitution.
 2. A document written at one point of time becomes outdated after some time.
 3. Every generation should have a constitution of its own liking.
 4. It must reflect the philosophy of the existing government.
1. Because circumstances change and require suitable changes in the constitution.
2. Write True / False against the following statements.
 - (a) The President cannot send back an amendment bill for reconsideration of the Parliament.
 - (b) Elected representatives alone have the power to amend the Constitution.
 - (c) The Judiciary cannot initiate the process of constitutional amendment but can effectively change the Constitution by interpreting it differently.
 - (d) The Parliament can amend any section of the Constitution.
2.
 - (a) True
 - (b) True
 - (c) True
 - (d) False
3. Which of the following are involved in the amendment of the Indian Constitution? In what way are they involved?
 - (a) Voters
 - (b) President of India
 - (c) State Legislatures
 - (d) Parliament
 - (e) Governors
 - (f) Judiciary
3.
 - (a) Voters are not involved in the amendment of the constitution.
 - (b) President of India is involved in the amendment of constitution. An amendment bill after ratification by two houses of parliament goes to the president for his approval, he has no power to send this amendment bill back for reconsideration.
 - (c) State Legislatures are involved for some articles of constitution related to distribution of powers between the centre and states and articles related to representation, is necessary to be consulted with states. In some of the amendments, half of the states have to ratify the particular amendment bill.

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- (d) Parliament involves in the amendment because some bills/article are amended by simple majority. Some by special majority in both the houses of parliament separately and later, these are ratified by at least half of the states also.
- (e) Governors have no role in the amendment of constitution of India except those articles only which are ratified by half of the states. Because, governor also signs on the bills passed by state legislatures.
- (f) Judiciary involves to specify the basic structure or to take care that in any case, constitution's basic structure should not be changed, only amendments are required.
4. You have read in this chapter that the 42nd amendment was one of the most controversial amendments so far. Which of the following were the reasons for this controversy?
- (a) It was made during national emergency, and the declaration of that emergency was itself controversial.
- (b) It was made without the support of special majority.
- (c) It was made without ratification by the State legislatures.
- (d) It contained provisions, which were controversial.
4. Because:
- It over ruled the decision of the supreme court given in the Kesavananda case.
 - The duration of Lok Sabha was extended from five to six years.
 - It imposed restrictions on the power of judicial review of court.
 - It also made changes to the preamble, seventh schedule and 53 articles of constitution,
 - Various MPs from opposition were in jail.
5. Which of the following is not a reasonable explanation of the conflict between the legislature and the judiciary over different amendments?
- (a) Different interpretations of the Constitution are possible.
- (b) In a democracy, debates and differences are natural.
- (c) Constitution has given higher importance to certain rules and principles and also allowed for amendment by special majority.
- (d) Legislature cannot be entrusted to protect the rights of the citizens.
- (e) Judiciary can only decide the constitutionality of a particular law; cannot resolve political debates about its need.
5. (d)
- Legislature cannot be entrusted to protect the rights of citizens because issues of rights are resolved by the constitution under the Right to Constitutional Remedies.

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6. Identify the correct statements about the theory of basic structure. Correct the incorrect statements.
- (a) Constitution specifies the basic tenets.
 - (b) Legislature can amend all parts of the Constitution except the basic structure.
 - (c) Judiciary has defined which aspects of the Constitution can be termed as the basic structure and which cannot.
 - (d) This theory found its first expression in the Kesavananda Bharati case and has been discussed in subsequent judgments.
 - (e) This theory has increased the powers of the judiciary and has come to be accepted by different political parties and the government.
6. (a) It is an incorrect statement because constitution does not specify basic tenets, the basic structure has been evolved by the supreme court.
(b) It is a correct statement.
(c) It is correct because the basic theory is the invention of judiciary.
(d) It is a correct statement.
(e) It is a correct statement.
7. From the information that many amendments were made during 2000-2003, which of the following conclusions would you draw?
- (a) Judiciary did not interfere in the amendments made during this period.
 - (b) One political party had a strong majority during this period.
 - (c) There was strong pressure from the public in favour of certain amendments.
 - (d) There were no real differences among the parties during this time.
 - (e) The amendments were of a non-controversial nature and parties had an agreement on the subject of amendments.
- 7.
- (c)
 - (d) and
 - (e)
8. Explain the reason for requiring special majority for amending the Constitution.
8. Special majority is required in the different manner:
- Half of the total strength of the house, who are in favour of the amendment bill.
 - Two-third of those supporters who participate in voting.
 - Both the houses of parliament must pass the bill separately also.
- The above mentioned majorities are required because:
- To take some opposition parties into confidence due to majority.
 - On the issues of distribution of powers, some articles are needed to be consulted with the states.

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- Through wide consensus and limited participation of states, constitution can be amended.
 - To maintain partial flexibility and rigidity, consent of half of the states and simple majority of state legislature is sufficient.
9. Many amendments to the Constitution of India have been made due to different interpretations upheld by the Judiciary and the Parliament. Explain with examples.
- 9.
- The first amendment act of 1951, made changes in the constitution due to some flaws in the working of constitution and those were to be remedied.
 - Under Article 19, Right to Freedom of speech and expression was held by some courts to be very comprehensive, not to take any action against any individual.
 - Many laws made on abolition of Zamindari System were declared Ultra Vires by courts, hence, constitution was amended.
 - In the case of Keshavananda Bharti, Parliament's power to amend the constitution was checked and limited them by instructing not to violate the basic structure of constitution as well as parliament can amend if clashes arise between the judiciary and the government.
 - In 1971, by 24th amendment parliament got the power to amend the constitution including the fundamental rights.
 - 42nd amendment (1976) was most controversial as amendment were made in the background of internal emergency as well as imposed some restrictions on the power of judicial review of the court.
 - 44th amendments cancelled most of the changes which were affected by 38th, 39th, 42nd amendments, i.e. changes in Preamble to the seventh schedule, other 53 Articles, etc.
 - Sometimes, judicial interpretations also changed the understanding of constitution, i. e. the supreme court had held that reservation in jobs and educational institutions must not exceed 50% of the total seats.
10. If amending power is with the elected representatives, judiciary should NOT have the power to decide the validity of amendments. Do you agree? Give your reasons in 100 words.
10. No, I don't agree on the view because:
- During the period of 1970-1980, whatsoever amendments were made, these created a legal and political controversy, only interference of judiciary tackled them.
 - During the period 1971-1976, the ruling party attempted to subvert the constitution by 42nd amendment Act. Again, judiciary intervened and protected the basic structure of the constitution.

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- A constitutional legal issue raises the question on the supremacy of parliament but the constitution has given the powers to every organ of government, hence, judiciary enjoys the power to decide the validity of amendments.
- 11.** What is the objective of constitution of India as embodied in the Preamble?
- 11.**
- Justice-Social, Political, Economic.
 - Liberty of thought, expression, belief, faith and worship.
 - Equality of status and opportunity.
 - Fraternity assuring the dignity of individual and unity of nation.
- 12.** In which countries, people initiate amendments to the constitution?
- 12.** Russia, Switzerland, Italy, etc.
- 13.** In which year, the 42nd Amendment took place?
- 13.** 1976
- 14.** How many times, the former Soviet Union had formal new constitutions?
- 14.** Four constitutions within 74 years (1918, 1924, 1936 and 1977)
- 15.** How the basic structure of the Constitution of India has been maintained till date?
- 15.**
- Constitution-makers were very farsighted who provided many solution for future situations.
 - The provisions for amendments were also made to changing needs of society.
- 16.** When was the Constitution of India adopted?
- 16.** On 26 November, 1949
- 17.** When did the constitution of India come into force?
- 17.** On 26 January, 1950.
- 18.** By which amendment, the age of retirement of high court judges increased from 60 to 62 years?
- 18.** 15th amendment.
- 19.** Which amendment increased the salaries of judges of high court and supreme court?
- 19.** 55th amendment.
- 20.** Which amendments are known as anti-defection amendments?

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20. 52nd and 91st Amendments (brought down the minimum age from 21 to 18 years).
21. Who enjoys the power to amend the constitution and how?
21. Parliament of India under Article 368 enjoys the power to amend the constitution by way of addition, variation or repeal any provision by the procedure laid down in Article 368:
- By simple majority in parliament.
 - By special majority in both the houses of parliament (Article 368).
 - By special majority legislatures of half of the states.
22. Mention the constitutional development in France.
22. France is getting continuously constitutional changes after the revolution and Napoleonic period:
- The first French Republic took place in 1793.
 - Second Republic commenced in 1848 with new constitution.
 - Third time it commenced in 1875 and again in 1946.
 - Fifth Republic took place in 1958 again.
23. What does the 'Ratification by States' stand for amendments in constitution?
23. If any amendment aims to modify federal structure or fundamental rights or representation of states in parliament, this amendment bill is necessary to be passed by at least half of the state legislature to ensure a wider consensus, because it affects the states directly.
24. What does the rigid as well as flexible constitution stand for?
24. A constitution is a living document which must be amended if required as per needs and aspirations of people as well as must be protected from unnecessary and frequent changes.
25. Why is the 42nd amendment called the mini constitution?
25. Because:
- It attempted to override the ruling of supreme court in the case of Keshavanand Bharti.
 - This imposed some restrictions on the power of courts to do judicial review.
 - Lok Sabha's tenure was extended from five years to six years.
 - This made changes to the preamble's seventh schedule of constitution and 53 other articles.
26. Mention any two factors which make the constitution of India a living document.
- 26.

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- The required modifications can be made as per the changing needs and aspiration of society.
 - This is flexible also to be interpreted and implemented.
27. 'The constitution of India maintains unity and integrity of the country. Justify the statement.
27. Because:
- India has been declared a secular state
 - Provision of single citizenship.
 - One constitution only.
 - 22 languages have been recognized by the constitution.
28. What do you mean by political and economic justice?
- 28.
- Political Justice-It provides that all citizens should enjoy the equal political rights without any discrimination as well as they should be free to participate in the government.
 - Economic Justice-It provides maximum welfare to the people by reducing the gaps between extremely rich or poor, so that everybody could earn livelihood by equal opportunities of employment.
29. What are the technical amendments? Explain with the examples.
29. Technical amendments are only clarifications, explanations, and modifications in the provisions of constitution, which make no substantial change to the provisions. Its examples are:
- The 15th amendment to increase the age of retirement of high court judges from 60 to 62 years.
 - To increase salaries of the judges of high court and supreme court by 55th amendment.
 - Provisions for reservation of seats for SC's and ST's in legislatures.
 - The amendment in Article 74(1) to bind the President on the advice of council of ministers.
30. How has the Keshavanand ruling contributed to the evolution of the constitution?
30. In 1973, Keshavanand ruling contributed to maintain the basic structure of the constitution:
- It limited the power of parliament that the basic structured could not be violated.
 - It allows parliament to amend any and all parts of the constitution within this limitation only.

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- It places the judiciary as a final decision maker if any amendment violates the basic structure and its constituents.

Passage 1.

Read the passage NCERT Textbook, page 204) given below carefully and answer the questions that follow:

For some articles of the Constitution, special majority is not sufficient. When an amendment aims to modify an article related to distribution of powers between the States and the central government, or articles related to representation, it is necessary that the States must be consulted and that they give their consent. We have studied the federal nature of the Constitution. Federalism means that powers of the States must not be at the mercy of the central government. The Constitution has ensured this by providing that legislatures of half the States have to pass the amendment bill before the amendment comes into effect. Apart from the provisions related to federal structure, provisions about fundamental rights are also protected in this way. We can say that for some parts of the Constitution, greater or wider consensus in the polity is expected. This provision also respects the States and gives them participation in the process of amendment. At the same time, care is taken to keep this procedure somewhat flexible even in its more rigid format: consent of only half the States is required and simple majority of the State legislature is sufficient. Thus, the amendment process is not impracticable even after taking into consideration this more stringent condition.

31. What is federalism?
31. Federalism means that the powers of the state must not be at the mercy of the central government.
32. When the consent of states is necessary in Parliament?
32. If any amendment is related to the distribution of powers between the center and the states and the articles related to the representation. Then the consent of states is necessary in parliament.
33. What is the provision for these amendments?
33. Consent of half of the states.
Simple majority of the state legislature.

Passage 2.

Read the passage (NCERT Textbook, page 208) given below carefully and answer the questions that follow:

A number of amendments are a product of different interpretations of the Constitution given by the judiciary and the government of the day. When these clashed, the Parliament had to insert an amendment underlining one particular interpretation as the

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authentic one. It is a part of the democratic politics that various institutions would interpret the Constitution and particularly the scope of their own powers in a different manner. Many times, the Parliament did not agree with the judicial interpretation and therefore, sought to amend the Constitution to overcome the ruling of the judiciary. In the period between 1970 and 1975 this situation arose frequently.

- 34.** What are the amendments?
- 34.** Amendments are the products of different interpretations of the Constitution given by the judiciary and the government of the day.
- 35.** What can be done if any clash arises between the judiciary and the government on amendments?
- 35.** In case of clash, the Parliament had to insert an amendment underlining one particular interpretation as authentic one.
- 36.** Did this situation arise practically and when?
- 36.** Yes, this situation arose in the period between 1970 and 1975.
- 37.** "The Constitution of India is a living document". Explain.
- 37.** The Constitution of India is a living document. It can be enumerated in the following terms:
- It has continuously been responding to the various circumstances from time to time.
 - Our constitution came into force on January 26, 1950, since then the government is supposed to work within its framework
 - The constitution makers made the best efforts to accommodate the various changes as per needs and aspirations of society.
 - It is open to interpretations and the ability to respond to the changing situations.
 - It protects the rule of law in favour of democratic set up.
 - The constitution responds to various experiences also.
 - Though many changes have taken place, still the constitution works in an effective manner.
- 38.** Mention the different methods to amend the constitution.
- 38.** By a simple majority:
- Amendments can take place by a resolution passed by simple majority in both the houses of parliament.
 - It creates the most flexible features of the constitution.
 - It can be amended/passed by simple majority of members present and voting in both the houses.
 - Its examples are changing the boundaries of states, creation of new states, fixing the number of judges in Supreme Court, etc.

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By two third majority in both the houses of Parliament:

- Resolution should be passed by a two-third majority of the members present and voting in both the houses of parliament.
- Amendment resolution can be moved in any house and if passed by majority of total membership and 2/3 majority of members present and voting it is sent to the other house.
- If the same procedure takes place in the other house also, the bill is passed. id) Many times Rajya Sabha has rejected the amendment bills passed by Lok Sabha, i.e. bill on Panchayats and Nagarpalikas.

By two-third majority in both the houses of Parliament and approval of half of the state legislature:

- Amendment should be passed by both the houses of Parliament with majority of total member strength and of 2/3 majority of those present and voting.
- The resolution should be ratified by at least half of the state legislature.

