
DEFINITIONS OF CONSTITUTION

The following are the definitions of the term "Constitution":

- (1) According to Aristotle, "Constitution is the way in which, citizens who are the component parts of the State, are arranged in relation to one another".
- (2) According to Bryce, "Constitution is a set of established rules embodying and enacting the practice of Government".
- (3) Herman Finer says, "Constitution is a system of fundamental political institutions".
- (4) Lewis has described Constitution as under:-
"The term Constitution signifies the arrangement and distribution of the sovereign power in the community or form of Government".
- (5) According to Woolsey, "Constitution is the collection of principles according to which the powers of the Government, the rights of the governed and the relation between the two are adjusted".
- (6) According to Leacock, "Constitution is the form of Government".
- (7) Austin has defined Constitution saying that, "it fixes the structure of Supreme Government".
- (8) "Constitution", according to Jellineck, "is a body of judicial rules which determine the supreme organs of the states, prescribe their mode of creation, their mutual relation, their sphere of action and finally the fundamental place of each of them in relation to State".
- (9) According to Gilchrist, Constitution is, "That body of rules or laws, written or unwritten which determine the organisation of Government, the distribution of powers of various organs of Government and the general principles on which these powers are exercised".

Contents of the Constitution.

In an ideal constitution, the following points are essentially present—

- (1) Organisation and form of the administration of state;
- (2) Functions of different organs of the government, their powers and mutual relations;
- (3) Mention of the fundamental rights of the citizens;
- (4) The relation of the government with the people; and
- (5) The procedure of the amendment of the constitution.

The features mentioned above are present in almost all the good constitution of the world. In the constitutions of U.S.A., India, Canada, Soviet Union, France, West Germany, Japan, Italy, etc., all these elements are available. Besides, in certain constitutions, there is a mention of the Directive Principles of State Policy, Emergency Provisions, Constitution of the units of federation, etc. In the Constitution of India, besides the inclusion of these elements, there is a mention of many steps taken for the uplift of the Harijan and Backward Classes. Thus, the Constitution of India is an ideal Constitution in the world and it has all those qualities which are essential for an ideal constitution.

ESSENTIALS OR REQUISITES OF A GOOD CONSTITUTION

Whether a constitution is suitable or unsuitable for a particular country depends upon the circumstances which prevail there. It is possible that a particular type of constitution may prove useful for a particular country, but for another country it may not prove useful. For example, Parliamentary and Federal Constitution is suitable for India, but it is not suitable for Pakistan, Nepal, Burma and China. The reason for this is that each country has its own separate social, economic and religious set-up, and the constitution proves suitable according to that set-up. Thus, every country has a right to frame its own separate constitution. Aristotle only that constitution is good where the rules serve to