

# Difference Between Written and Unwritten Constitution

## What Is Written Constitution?

The written constitution is a well-drafted and documented structure mentioning the rights, provisions and doctrines of the country. It possesses the supreme power in the nation, and the judiciary possesses more authority to ensure the supremacy of the constitution. The United States Of America is possessing the oldest written constitution.

### Constitution Of India- An Example Of Written Constitution

The Indian Constitution is a powerful and historical legacy of India's freedom struggle. As a nation of diverse cultures, India is one of the few countries in the world which has a written constitution. This document is one of the most important and revered constitutions in the world. Free speech is one of the most important areas of any constitution, and India is no different.

The Indian Constitution not only protects the freedom of speech in the media but also gives people the right to protest in public, speak out against the government, and criticize other people and groups. The Constitution provides for religious freedom for all the citizens of India regardless of their caste, creed, or gender. It also guarantees equal opportunities and equal rights for everyone. Check out the facts of the Indian Constitution as enlisted here.

- It was drafted by the Constituent Assembly, a specially elected body of representatives elected from the provinces of British India.
- The Constituent Assembly adopted it on November 26, 1949, in New Delhi, and it went into effect on January 26, 1950.
- In three phases, the Constituent Assembly worked on the Constitution for nearly three years.
- The Constitution of India is an uncodified or partly codified constitution. It is the longest written constitution of any sovereign country in the world.

- It has been amended by the Constitution (Forty-fourth Amendment) Act, 1978, which inserted two Articles, namely Article 31C and Article 31D, in the Constitution.
- The Constitution of India has several provisions with regard to the Fundamental Rights, the Directive Principles of State Policy, and the Basic Structure of the Constitution.

## What Is Unwritten Constitution?

An unwritten constitution is considered to be adopted when the fundamental principles of a constitution are developed through customs and conventions. However, it has not been formally enacted as a written document. It is also referred to as a deep Constitution or living Constitution.

## Difference Between Written And Unwritten Constitution

Both **types of constitutions** have their own importance. It is said that the written constitution is the country's supreme law. Whereas, the unwritten constitution is referred to as the set of customs, rules, and traditions. Here is the table illustrating the difference between written and unwritten constitutions. The acknowledgement of the differences will also lead the aspirants in getting well versed in the concept of **written and unwritten constitution**.

### Key Difference Between Written Constitution And Unwritten Constitution

#### Written Constitution

The constitution has supreme rights over the affairs of the state and the nation.

Cohesive in nature and can be referred to when in doubt.

The Constitution of San Marino is the world's oldest written constitution.

Ideal for democracy

Brazil, Australia, India, France, and the USA are some countries with a well-drafted written constitution.

#### Unwritten Constitution

The parliament has supreme rights.

It is unstructured.

Magna Carta is the oldest unwritten constitution.

Ideal for Monarchy

UK, New Zealand, and Israel have unwritten constitutions.