

Constitutional Design | Easy and detailed Notes for class 9th

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Introduction:

In the previous chapter you learnt about Democracy. You came to know its meaning and how it is different from Non democracy. This chapter will help you to know Constitutional design of a democracy. Also the need of Constitution to run a country well. We will also know who designs them and in what way. So, here you will study the examples of two countries; South Africa and India.

Democratic Constitution in South Africa:

- The story of struggle for Independence began from the great personality '[Nelson Mandela](#)'.
- He became the first African president of Republican South Africa in 1994.
- He dared to **oppose the apartheid regime** in his country.
- As a result, he and other leaders were sentenced to **life imprisonment in 1964** (For treason).
- Fortunately, he didn't spend his entire life behind bars. However, he was the man who spent **28 years** in South Africa's most dreaded prison, **Robben Island**.

Struggle against apartheid:

Apartheid: Apartheid was the name of a system of racial discrimination. It was the official policy (by white South African Government) of racial separation and ill treatment of blacks. (1948 – 1989)

Effects of Apartheid system:

- Whites, Blacks and colored people lived in South Africa.
- However, the native people of South Africa are black in color. (three-fourth population)
- During the 17th and 18th centuries, a system called apartheid introduced.
- This system divided the people and labelled them on the basis of their skin color.

- The white rulers treated all non-whites as inferiors.
- They were forbidden from living in white areas. Also, they could work in white areas only if they had a permit.
- Apartheid system segregated Whites from Blacks.

People and organization against apartheid:

- Since 1950, the *blacks, colored and Indians* fought against the apartheid system.
 - They launched marches and strikes.
- An Organization, [African National Congress](#) (A.N.C) also led the struggle against the policies of segregation.
 - People with A.N.C. :- Workers' unions, communist party and many sensitive whites.

However, the white racist government continued to rule. It detained, tortured and killed thousands of black and colored people.

Towards a new constitution:

- After protesting against apartheid for several years, White regime changed its policies.
 - It cancelled discriminatory laws.
 - Also, lifted restrictions on the media
 - and ban on political parties.
 - Nelson Mandela walked out of jail as a free man.
- Finally, at the midnight of **26 April 1994**, the new national flag (Flag of the Republic of South Africa) was unfurled.
- It paved the way for the formation of a **multi-racial government**.
- They (oppressor and oppressive) sat together to draw up a **common constitution**.
- It took **two years** to build a finest constitution. Therefore, they became recent example of democracy.
- Since, they (Africans) followed the principle of equality of all races; men and women. Their constitution became inspiring model all over the world.
- Thus, it proves that people should have determination to transform bitter experiences. The way people of South Africa had.

Why Do We Need A Constitution?

- Take for instance the case of South Africa. It was difficult for both to trust each other. They had their fears. White minority wanted to protect its privileges and property. Whereas the black majority was keen to ensure its democratic rights.
- Even after negotiations and agreement, there was no guarantee that this trust will not be broken in future.
- Therefore, it became essential to write down some set of rules that everyone would abide by.
- For Example: Americas, France.

Constitution: It is a set of written rules that are accepted by all the people living together in a country (Supreme Law). It contains fundamental rules that govern the politics and society in a country.

Need of a constitution:

1. It generates a degree of trust and coordination that is necessary for different kind of people living together.
2. Specifies how the government will be constituted, who will have power to take which decisions.
3. It lays down limits on the powers of the government and tells us what the rights of the citizens are.
4. It expresses the aspirations of the people about creating a good society.

Making Of The Indian Constitution

- India too, had to face difficulties while creating a constitution.
- Since there was a huge diversity in the country, religious differences started to increase. Therefore, Country got divided into India and Pakistan.
- Partition killed around one million people on both sides of the border.
- Now rulers had to decide among three options :-
 - Merge with India
 - or merge with Pakistan
 - or remain Independent.
- Finally, they chose to merge the princely states with India. Even though it was difficult and uncertain task, they accomplished it.

The path to Constitution:

- Fortunately, makers of the Indian Constitution did not have to create a consensus about what a democratic India should look like.
- Although there were differences in opinion, makers gave preference to basic ideas which were accepted by almost everyone.
 - In 1928, Motilal Nehru and eight other Congress leaders drafted a constitution for India.
 - In 1931, Indian National Congress passed a resolution in Karachi session. They dwelt on how India's constitution should look like.
 - They ensured Universal adult Franchise, right to freedom and equality and protecting the rights of minorities in both documents.

Factors contributed to the making of our Constitution:

1. **Experiences during British Indian Government:** In 1937, Elections held to Provincial Legislatures and Ministers. It proved to be useful for Indians as they gained experience of working in the system.
2. **Time the leaders devoted on the Framework of the Constitution:** Deliberations and debated helped leaders to frame a better constitution.
3. **Inspiration from other countries:** Our leaders gained confidence to learn from other countries. For Example: French Revolution, the practice of parliamentary democracy in Britain and the Bill of Rights in the US, the socialist revolution in Russia.

The Constituent Assembly: (Makers of Indian Constitution)

Constituent Assembly: An assembly of people's representatives that writes a constitution for a country.

- **July 1946:** Elections to Constituent Assembly.
- **December 1946:** The first meeting of Constituent Assembly.
- **Members in Constituent assembly:** 299 (After Partition).
- **26 Nov. 1949:** The Assembly adopted the constitution.
- Finally, In **26 January 1950:** Constitution came into effect (We celebrate it as Republic Day).

Reasons for accepting the Constitution made by Assembly:

1. The Constitution does not reflect the views of its members alone. It **expresses a broad consensus** of its time.
2. Since there was no Universal Adult Franchise at that time, Constituent Assembly **represented the people of India**. It represented members from different language groups, castes, classes, religions and occupations.
3. Moreover, Constituent Assembly worked in a **systematic, open and consensual** manner.
 - For Example: First, Assembly decided basic principles.
 - After that, they prepared a draft.
 - Several discussions and deliberations took place for 114 days.
 - They considered thousand amendments.
 - At last, they recorded and preserved copies of all works as well.

Guiding Values Of The Indian Constitution

Let's understand the constitution of India through two things:-

- Views of our major leaders on our Constitution.
- Preamble of the Constitution.

The Dream and the Promise (Views of major leaders)

1. **Mahatma Gandhi:** Even though he was not a member, many followed his vision. He had also written his views regarding constitution in his writings (Young India).
2. **Dr. Ambedkar:** He had different understanding about the removal of inequalities. Also, He often criticized Mahatma Gandhi and his vision.
3. **Jawaharlal Nehru:** He gave famous speech (Tryst with destiny) to the Constituent Assembly at the stroke of midnight on 15 August 1947.

Philosophy of the Constitution (Preamble)

Preamble: An introductory statement in a constitution which states the reasons and guiding values of

the constitution.

- Values formed the foundation for India's democracy.
- And you can find these values in the Preamble of the Indian Constitution.
- They guide all the articles of the Indian Constitution. Since all the articles are based on these values.

Note: Preamble is a American Model.

Preamble contains the philosophy on which the entire Constitution has been built.

WE, THE PEOPLE OF INDIA : The people of India has drawn up and enacted the constitution. Therefore, no outsider or king can rule. People rule the country through representatives.

SOVEREIGN : No external power can dictate the government of India. Thus, people have supreme right to make decisions.

SOCIALIST : Government should ensure social and economic equality.

SECULAR : Citizens have complete freedom to follow any religion.

DEMOCRATIC : People enjoy equal political rights, elect their rulers and hold them accountable.

REPUBLIC: The head of the state is elected person.

JUSTICE: No discrimination on any basis. So, people from disadvantage groups can also seek for justice.

LIBERTY : No unreasonable restrictions on the citizens. Hence, They are free to express their thoughts.

EQUALITY : All are equal before the law. Therefore, equal opportunity should be there for all.

FRATERNITY: There should be brotherhood feeling among the citizens.

Institutional Design

- Besides values and philosophy, **Institutional arrangements** are also made.
- There are several **features of the Indian Constitution**.
 1. Our constitution is *very long and detailed* document. Therefore, it *needs to be amended quite regularly* to keep it updated.
 2. Changes should be made *according to the trend in society*.
 3. Constitution tells about the *powers and functions of government*.
 4. It also *sets limits in the power* of government.
 5. It tells *rights and duties*.
 6. There are special *provisions for minorities* as well.

Category

1. Class 9th

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