CIVICS

Chapter 2: Constitutional Designs

Constitutional Designs

South Africa – From Apartheid to the Formulation of the Constitution

The Constitution can be defined as the set of rules and laws which the citizens and the Government have to follow. It is the supreme law of the country. It lays down the rights and the freedoms of the citizens and the power and the responsibilities of the Government.

The Policy of Apartheid

- Apartheid refers to the racial discrimination on the basis of the colour of skin. Many Europeans had settled in South Africa during the seventeenth and the eighteenth centuries.
- These white Europeans began to rule the country. They followed the policy of apartheid in which the natives called „blacks" and the coloured (people of mixed
- races and Indians) were treated as inferiors.
- The blacks and the coloured people could not live in the areas inhabited by the whites. They could work in these areas only if they had the permit to work in the white areas.
- Swimming pools, libraries, cinema halls, beaches and colleges were all separate for the whites and the blacks. The coloured and the blacks could not even enter into churches
- which were reserved for the whites. Non-whites also did not have the right to vote.
- The blacks and the Indians began to raise their voice against the oppressive apartheid policy. The African National Congress led the struggle against the apartheid policy. Many whites who opposed the policy of apartheid also joined this organisation and protested against the policies of the white Government. Nelson Mandela led the struggle of the non-whites against the South African Government.
- The South African Government detained, tortured and killed many protestors and continued to rule. Nelson Mandela was detained and sent to prison for a period of 28 years by the Government.
- By 1994, the Government realised that it will not be possible to rule South Africa, and thus, the white Government changed its policies. All discriminatory laws were repealed, and

freedom of speech and expression was granted to the people. Nelson Mandela was liberated from prison, and he became the President of South Africa.

Nelson Mandela

South Africa – Drawing of the Constitution

The whites, blacks and coloured population of the country together formulated the Constitution of the country. They decided that every section of society should be part of the Constitution and should get equal rights. Some negotiations among the South Africans which became the basis of the South African Constitution are

- The whites agreed to the principle of majority rule and the concept of one person having one vote.
- The blacks agreed that the majority rule would not be absolute, and the rights of the minority will not be taken away.
- The Constitution further defined the way the Government was to be elected and its functions.
- The rights and the freedoms of the citizens were laid down.

Necessity of the Constitution

A Constitution is necessary because of the following reasons:

- It is an important law of the land. It determines the relationship of the citizens with the governments.
- It lays down principles and guidelines which are required for people belonging to different ethnic and religious groups to live in harmony.
- It specifies on how the Government would be elected and who will have the power and the responsibility to take important decisions.
- It outlines the limits on the power of the Government and tells us about the rights of the citizens.
- It expresses the aspirations of the people about creating a good society.

Making of the Constitution of India

It was not easy for the framers of our Constitution to draw a constitution because of the following reasons:

- India was a large country which was inhabited by various diversified communities.
- India had just become independent from the colonial rule and Indians had experienced the pain and trauma which was related to the partition of the country.
- The British had drafted the instrument of accession according to which the princely states were free to decide if they wanted to remain as a part of India or join Pakistan or to remain independent. This was a threat to the unity of our country.
- The framers of the Constitution also had anxieties about the present and the future of the country. Motilal Nehru

Motilal Nehru

Our Constitution informally had begun to take shape during the later years of the British rule. In 1928, Motilal Nehru and eight other Congress leaders had drafted a constitution for the people of India. In 1931, in the Karachi session of the Indian National Congress (INC), discussions took place on the Constitution which should be framed for the country. All leaders agreed on the universal adult franchise, protection of the rights of the minorities and right to equality to be granted to the citizens.

The holding of elections in 1937 in all parts of British India and the passing of various Acts of the Government of India helped the Indians to gain experience in the working of legislative assemblies and drafting of the Constitution. The leaders of the country also drew inspiration from the American Revolution, French Revolution and the practice of the parliamentary democracy in Great Britain. They had also read constitutions of other countries and were inspired by features of these constitutions. This helped our leaders to frame the Constitution of the country.

Dr. B.R. Ambedkar

The Constituent Assembly

- The Constituent Assembly was a body of elected representatives which drafted and framed the Constitution of our country. The elections to the Constituent Assembly were held in July 1946, and the first meeting was held in December 1946.

- The Constituent Assembly adopted the Constitution on 26 November 1949, but it came into effect on 26 January 1950. Thus, we celebrate 26 January as Republic Day every year.

Why should we accept a constitution framed fifty years ago?

- Our Constitution has granted basic rights and freedoms to all citizens. Any kinds of discriminations are illegal, and minority communities are given protection from any kind of discrimination. This is the reason why until now, no group or political party has questioned the legitimacy of the Constitution.

- The Constituent Assembly which drafted the Constitution had representatives of the people of India. Although no elections were held at that time, the members of the Constituent Assembly were elected by the members of Provincial Legislatures. The assembly represented people from various regions and linguistic and religious communities.

- The Constituent Assembly worked in a systematic, open and consensual manner while drafting the Constitution of the country. Discussions took place on each clause of the Constitution. Every document was debated. The Constituent Assembly took three years to prepare the Constitution of the country. These are called the „Constituent Assembly Debates".

Some Members of the Constituent Assembly

a. Vallabhbhai Patel: He was the first Home Minister of India and played a prominent role in Bardoli Satyagraha.

b. Abul Kalam Azad: He was the first Education Minister of India and opposed Muslim separatist politics.

c. T. T. Krishnamachari: He was the finance minister and an entrepreneur.

d. Rajendra Prasad: He was the first President of India and a lawyer by profession.

e. Jaipal Singh: He was a sportsman and an educationist. He was the captain of the Indian hockey team. He was also the founder of Adivasi Mahasabha.

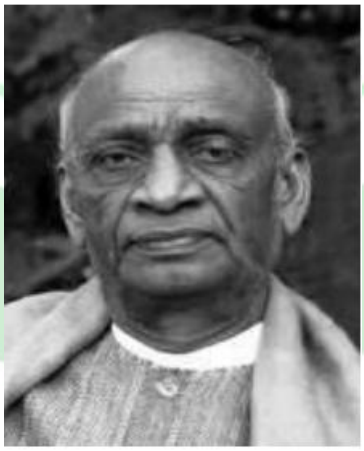
f. H. C. Mookerjee: He was the Vice Chairman of the Constituent Assembly and later became the Governor of Bengal.

g. G. Durgabai Deshmukh: She was the founder of Andhra Mahila Sabha and advocated women emancipation.

h. Baldev Singh: He was an entrepreneur and was the defense minister in the union cabinet.

i. B. R. Ambedkar: He was the Chairman of the drafting assembly. He denounced the caste system and was the first Law Minister of independent India. Some other members were Sarojini Naidu, S. P. Mukherjee, Jawaharlal Nehru, Somnath Lahiri and K. M. Munshi.

Sarojini Naidu



Sardar Patel

Preamble and Features of the Constitution of India

Our Constitution begins from "We the people of India" which means that the Constitution derives its authority from the people of India. The Preamble is the guiding line of the Constitution. The Preamble declares India to be a sovereign, secular, socialist, democratic republic. It also secures the principles of justice, liberty, equality, and fraternity to all citizens.

Sovereign: It means that our country has the right to make decisions on external or internal matters of the country. No external or internal authority can pressurise the Government to take any decisions.

Socialist: It means that wealth should be divided among all sections of society. The Government should work for the upliftment of the downtrodden sections of society.

Secular: The people of India are free to follow any religion. India has no official religion and neither it encourages or discourages any religion in India.

Democratic: The Government is elected by the people. The Government is run according to some basic rules, and people enjoy basic rights and freedoms. Preamble of our Constitution

Republic: The head of the state is elected for a fixed period of time and the position is not hereditary.

Justice: Citizens cannot be discriminated on the grounds of caste, religion, and gender.

Liberty: Citizens are free to think and express their thoughts.

Equality: All citizens are equal before the law irrespective of their caste, class, or gender.

Fraternity: All citizens of India are equal, and no one is inferior to another

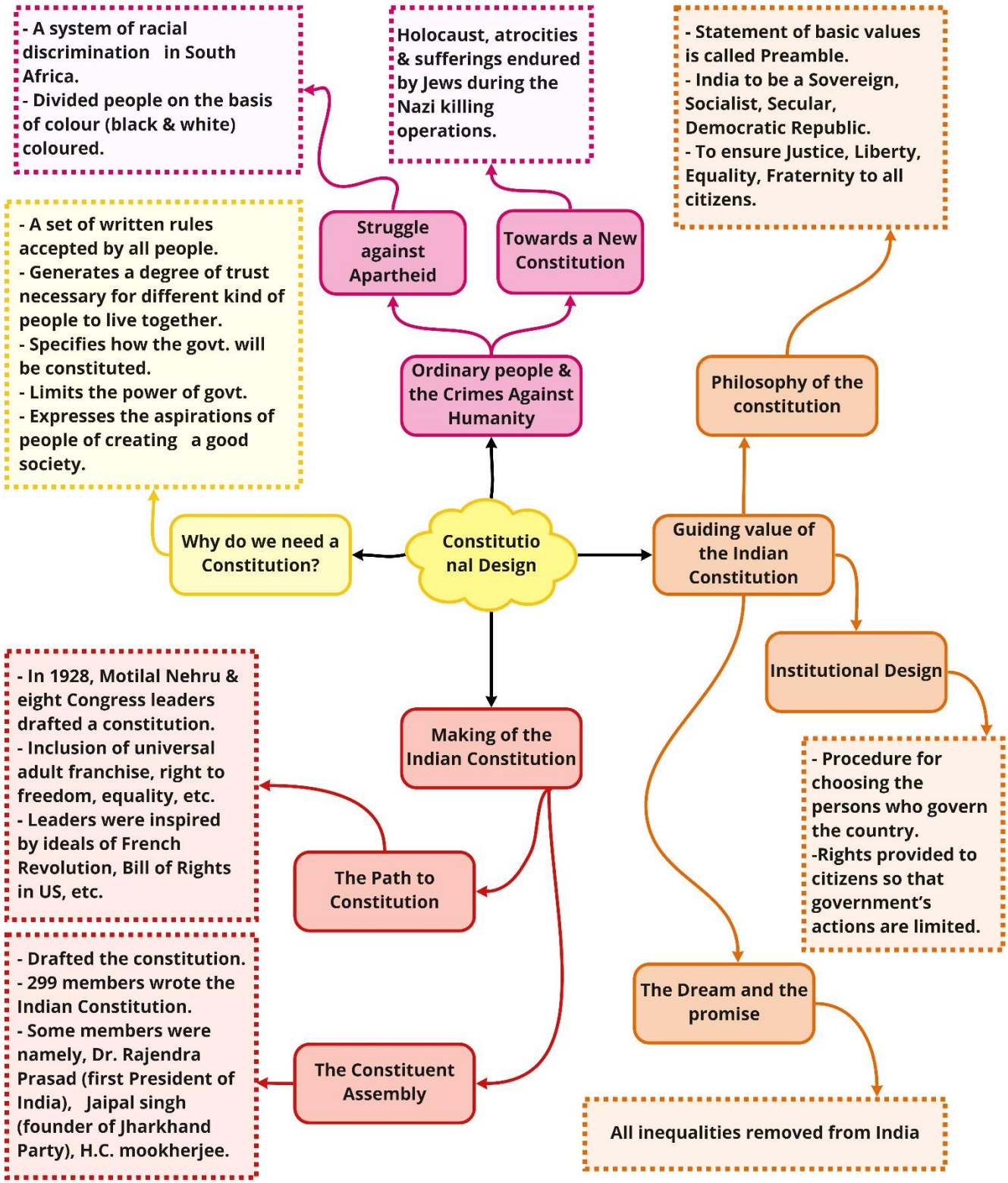
PREAMBLE

WE THE PEOPLE OF INDIA having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all it's citizen

JUSTICE, social, economic and political
LIBERTY of thought, expression,belief, faith and worship
EQUALITY of status and of opportunity
and to promote among them all.
FRATERNITY assuring the dignity of individual and the unity and integrity of the nation.

Preamble of our Constitution

Class : 9th Social Studies (Political Science)
Chapter-2: Constitutional Design



Important Questions

Multiple Choice Questions:

Question 1. What does a Republic mean?

(a) King has the power to decide

(b) The head of the state is hereditary

(c) Dictatorship

(d) The head of the state is an elected person and not a hereditary positions.

Question 2. Who framed Indian Constitution?

(a) Ordinary Citizens

(b) Governor General of India

(c) British Parliament

(d) Constituent Assembly

Question 3. When were elections of Constituent Assembly held?

(a) June 1946

(b) July, 1946

(c) August 1946

(d) September 1946

Question 4. President of constituent Assembly was ……. .

(a) B.R. Ambedkar

(b) B.N. Rao

(c) K.M. Munshi

(d) Rajendra Prasad

Question 5. Who was the Chairman of Drafting Committee?

(a) B.R. Ambedkar

(b) Rajendra Prasad

(c) K.M. Munshi

(d) B.N. Rao

Question 6. The first meeting of the Constituent Assembly was held on ……. .

(a) September 1946

(b) October 1946

(c) November 1946

(d) December 1946

Question 7. How much time did framing of constitution took?

(a) 3 years, 11 months, 18 days

(b) 2 years, 11 months, 18 days

(c) 1 years, 11 months, 18 days

(d) 1 year, 11 months, 16 days

Question 8. When was Indian Constitution adopted?

(a) 26 November 1949

(b) 26 December 1949

(c) 26 January 1950

(d) 26 February 1950

Question 9. Which article of the Indian Constitution, the procedure of amendment of constitution is mentioned?

(a) Article 366

(b) Article 367

(c) Article 368

(d) Article 369

Question 10. When was the first amendment to the Indian Constituent made?

(a) In 1950

(b) In 1951

(c) In 1952

(d) In 1953

Question 11. To which country does Nelson Mandela belong?

(a) Namibia

(b) Uganda

(c) South Africa

(d) Zimbabwe

Question 12. System of 'Apartheid' was prevalent in which country?

(a) Ghana

(b) India

(c) Gold Coast

(d) South Africa

Question 13. What is the full form of A.N.C.?

(a) Asian National Congress

(b) African National Congress

(c) African National Contest

(d) American National Congress

Question 14. Who was the president of Constituent Assembly?

(a) Dr. Rajendra Prasad

(b) Dr. Bhim Rao Ambedkar

(c) Sh. B.N. Rao

(d) Mahatma Gandhi

Question 15. Who framed Indian constitution?

(a) Governor General

(b) Ordinary Citizens

(c) Constituent Assembly

(d) British Parliament

Very Short Questions:

1. Mention the number of states in the Union of India.
2. Mention the number of union territories in India.
3. Give the date when the Constitution of India was Enforced.
4. Who was elected as the President of the Constituent Assembly?
5. Name the chairman of the drafting committee who drafted the constitution.
6. Name the three states which Originated in 2001.
7. What is meant by the union territory?
8. For how many days did the Constituent Assembly meet?
9. What time was taken in the making of the constitution?
10. Why tire Constitution is called a living document?

Short Questions:

1. How were the number of seats allocated to the states?
2. What is Constitution?
3. Explain in your own words the difference you find between the political maps of India, in 1947 and in 2002.
4. Why the Constituent Assembly is called the miniature India?
5. Give a brief description of the Constituent Assembly.
6. Make a table of the languages which have been included in the Constitution.
7. Name the states which were carved out of in view of the popular demand much after 1956.

Long Questions:

1. What is the basic structure of the T Constitution?
2. Explain terms such as “sovereign’, ‘democratic’, and republic
3. Compare the grant of the democratic rights as it came in the European countries and in India.
4. Write a brief note on the Directive Principles of State Policy.
5. Who proposed the Objectives Resolution? For what did it stand?

Assertion Reason Questions:

1. In the following questions, a statement of Assertion (A) followed by a statement of Reason (R) is given. Choose the correct option out of the choices given below each question.

   Assertion (A) : The white rulers treated all non-whites as inferiors.

   Reason (R) : The white rulers divided the people and labeled them on the basis of their skin colour.

   A) Both A and R are correct and R is the correct explanation of A

   B) Both A and R are correct, but R is not the correct explanation of A

   C) A is true, but R is false

   D) A is false, but R is true

2. In the following questions, a statement of Assertion (A) followed by a statement of Reason (R) is given. Choose the correct option out of the choices given below each question.

   Assertion (A) : The Constitution of a country is a set of written rules that are accepted by all the people living in a country.

Reason (R) : It generates a degree of trust and coordination among people that is necessary for different kinds of people living together.

A) Both A and R are correct and R is the correct explanation of A

B) Both A and R are correct, but R is not the correct explanation of A

C) A is true, but R is false

D) A is false, but R is true

Case Study Based Question:

1. Read the source and answer the following questions.

Finally, the manner in which the Constituent Assembly worked gives sanctity to the Constitution. The Constituent Assembly worked in a systematic, open and consensual manner. First some basic principles were decided and agreed upon. Then a Drafting Committee chaired by Dr. B.R. Ambedkar prepared a draft constitution for discussion. Several rounds of thorough discussion took place on the Draft Constitution, clause by clause. More than two thousand amendments were considered. The members deliberated for 114 days spread over three years. Every document presented and every word spoken in the Constituent Assembly has been recorded and preserved. These are called ‘ Constituent Assembly Debates’ . When printed, these debates are 12 bulky volumes! These debates provide the rationale behind every provision of the Constitution. These are used to interpret the meaning of the Constitution.

(1) The Constitution of India was passed and adopted by the Constituent Assembly which of the following days?

A) 24th January, 1949

B) 26th January, 1950

C) 26th November, 1949

D) 26th November, 1950

(2) The members of the Constituent Assembly were

A) Nominated by the Governor-General.

B) Directly elected by the people.

C) Nominated by the Congress.

D) Elected by the Legislatures of various provinces and nominated by the rulers of princely states.

(3) Which of the following statements are true regarding the Composition of the Constituent Assembly after partition?

A) The total strength of the Constituent Assembly was 299.

B) The Drafting Committee under the chairmanship of Dr. BR Ambedkar consisted of Eight members.

C) The Chairman of the Union Constituent Committee was Sardar Vallabhbhai Patel.

D) The representatives were to be elected from the four Constituents Hindu, Muslim, Sikh and Christian.

(4) Every document presented and every word spoken in the Constituent Assembly has been recorded and preserved. These are known as.....

A) Constitutional Debates

B) Constituent Assembly Agenda

C) Constitutional Assembly Debates

D) Constituent Assembly Minutes

2. Read the given passage and answer the following questions.

On the 26th of January, 1950 we are going to enter a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril.

(1) The speaker of the given lines is

A) Jawaharlal Nehru

B) Mahatma Gandhi

C) Shyama Prasad Mukherjee

D) Dr. B.R. Ambedkar

(2) Which of the following statement is/ are true about the speaker?

A) He was one of the main architects of the Indian Constitution.

B) He worked towards eradicating untouchability and other social inequalities.

C) He had complete faith in democracy.

D) All of the above

(3) The speaker in the above lines is a bitter critic of.....

A) Mahatma Gandhi

B) Dr. Rajendra Prasad

C) Jawaharlal Nehru

D) Maulana Abul Kalam Azad

(4) Which of the following days is celebrated to mark the enforcement of the constitution?

A) Independence day

B) Republic day

C) Constitution Enforcement day

D) Gandhi Jayanti

Answer Key:

MCQ

1. (d) The head of the state is an elected person and not a hereditary positions.
2. (d) Constituent Assembly
3. (b) July, 1946
4. (d) Rajendra Prasad
5. (a) B.R. Ambedkar
6. (d) December, 1946
7. (b) 2 years, 11 months, 18 days
8. (a) 26 November, 1949
9. (c) Article 368
10. (b) In 1951
11. (c) South Africa
12. (d) South Africa
13. (b) African National Congress
14. (a) Dr. Rajendra Prasad
15. (a) Governor General

Very Short Answer:

1. Twenty eight (2006).
2. Seven (2006).
3. January 26, 1950, also called the Republic Day.

4. Dr. Rajendra Prasad.

5. Dr. B. R. Ambedkar.

6.

1.Chattisgarh,

2.Uttranchal,

3.Jharkhand.

7. Union territory is the region where the government is under the direct control of the Centre.

8. 114 days.

9. 2 years 11 months and 18 days.

10. The Constitution is called a living document because it has the scope of continuous development according to the needs, aspirations and the expectations of the people.

Short Answer:

Ans: 1. Each of the states was allocated the number of seats in such a manner that the ratio between the number of seats and the population remain practical.

Ans: 2. Constitution is a set of rules according to which the government of a country runs. The constitution also defines the composition and powers of the three organs of the government- the Executive, the Legislative and the Judiciary.

The constitution also explains the relations between the government are the citizens. The constitution defines the powers of the government so clearly that in order to make sure the government does not misuse its powers. The constitution protects the right of the citizens. In fact, every independent country prepares a constitution of its own as it signifies independence.

Ans: 3. The political map of India in 1947:

In 1947, when India got its freedom; it had provinces and several princely states. Many of its parts were still: under the foreign possession like Pondicherry, Yanam, Mahe, and Chandernagore were under the French rule while Goa, Daman and Diu were under the rule of Portugal, This also shows nearly 562 princely states independence. Hie political map of India in 2002: This map shows the present political condition of India. having 28 states and 7 union territories. In the present map of India, there is no foreign territory.

Ans: 4. The Constituent Assembly is called the miniature India because the members of the Constituent Assembly were from all of the parts and communities of the country. In fact, the Constituent Assembly did not only have the members from different communities and regions but also had the members representing different political parties. Hence, it was a miniature India in a very true sense.

Ans: 5. The Constituent Assembly had the great leaders like Pt. Jawaharlal Nehru, Sardar Ballabhbhai Patel, Maulana Abdul Kalam Azad, Dr.Shyama Prasad Mukerji, Sardar Baldev Singh. Dr. Rajendra Prasad was the President of the Constituent Assembly. Dr. B.R. Ambedkar was the Chairman of the Drafting Committee. In fact, the Constituent Assembly had its members from different regions and sections of India. More than 30 members were from scheduled castes. The Anglo Indian community was being represented by Frank Anthony while H. P. Modi was representing the Parsi community.

Ans: 6. Assemse Bengali Gujarati' Hindi Dogri Kannada Kashmiri Konkani Malayalam

Manipuri Marathi Nepali Orissa Santhali

Punjabi Sanskrit Sindhi Tamil Maithali

Telugu Urdu Bodo

Ans: 7. In 1956 the states of India were reorganized for the first. But several states were carved out in view of the popular demands.

These states are

- Gujarat,
- Nagaland,
- Haryana,
- Mizoram,
- Himachal Pradesh,
- Manipur,
- Meghalaya,
- Arunachal Pradesh,
- Tripura,
- Goa,
- Chhattisgarh,
- Jharkhand,
- Uttaranchal.

Long Answer:

Ans: 1. The Constitution of India does not describe as what is the basic structure of the Constitution. But the Supreme Court has done it.

The basic structure of the constitution is as follows:

"every provision of the Constitution is essential; otherwise it would not have been put in

the Constitution. This is true. But this does not place every provision of the Constitution in the same position. The true position is that every provision of the Constitution can be amended provided the basic foundation and structure of the Constitution remains the same.

The basic structure may be said to consist of the following features:

- Supremacy of the Constitution;
- Republican and Democratic form of Government;
- Secular character of the Constitution;
- Separation of powers between the legislature, the executive and the judiciary;
- Federal character of the Constitution."

"The above structure is built on the basic foundation, i.e., the dignity and freedom of the individual. This is of supreme importance. This cannot, by any form of amendment, be destroyed," The Supreme Court said this in its judgement on the Kesavananda Bharati case.

Ans: 2. The Constitution proclaimed India to be a sovereign democratic republic. This three words-sovereign, democratic and republic are significant. Sovereignty means supreme power. It means the right of people to take decisions on internal matters as well as policies determining our relations with other countries. As the authority of the government rests upon the support of the people, people are sovereign. Democracy means people enjoy equal political rights.

They include right to form associations, right to criticise and oppose policies of government, right to contest elections and hold public offices. People have a right to elect a government through periodical, free and fair elections. Government is responsible to people and exercises powers only as defined in the Constitution.

No government can continue in power without the support of majority of people's representatives in the legislature. People can change the government in elections. Republic means that the head of the State (President) is an elected person. He/ she wields power for a fixed term. India is a Union of States.

Ans: 3. European countries had developed industrially before they became full-fledged democracies. But in India democracy came before any such substantial industrial development. At the time of its Independence, India was predominantly an agrarian economy. Illiteracy was widespread. Poverty was rampant. This was an unusual experiment in establishing democracy in conditions of mass poverty. European countries had become strong nations by the time they became democratic.

The situation was different in. our country. The task of building the nation in real sense started after we became a democracy. In Europe and America expansion of

democracy took place by limiting the powers of government. People there believed that freedom is possible if there is no unnecessary interference of government in private affairs of the individual.

So they fought for freedoms against absolutist governments. But in India, government was assigned a larger role from the beginning: We wanted the state to bring about all-around development. So the expansion of democracy in India has been bound with the expansion of government.

Thus in the history of the Western nations, expansion of democracy was associated with industrialisation, emergence of strong nations, militant struggles for voting rights and limiting the governmental powers. Those countries went through these stages one after the other, over a period of nearly 200 years. But in India democracy had to address these issues all at the same time.

The country has to industrially develop, build a nation and national government, transform social relations, and meet the basic needs of the people. The Indian state had to simultaneously pursue these, goals in a democratic framework.

Ans: 4. The Constitution prescribed certain guidelines for governments in making policies. These are called "Directive Policies of State Policy". Their objective is to secure a social order, which promotes the welfare of the people. For example, the State should take steps for securing an adequate means of livelihood to all citizens.

The ownership and control of the material resources of the nation are to be distributed in such a way as to secure the common good. The economic system of the county is to be operated in a maimer so as to prevent concentration of wealth.

Men and women shall receive equal pay for equal work. Free and compulsory education, shall be provided to all children. Child labour shall be eliminated. The principles of socialism and. Gandhian ideals are incorporated in these Directive Principles.

Ans: 5. The Objectives Resolution was proposed by Pt Jawaharlal Nehru on 13th December 1946. It was passed on 22 January 1947. Objective Resolution was in fact a document which contained the main objectives of the framing of the new constitution for India.

The Objectives Resolution stood for the. following objectives-

- The Objectives Resolution dealt with fundamentals which were commonly held and had been accepted by the people.
- The Resolution states that it is our firm and solemn resolve to have a sovereign republic.
- It stands for a free India that can be nothing but a republic.
- It declared that the Union would be an "independent Sovereign Republic" and it

would be comprised of the autonomic units of the British and the princely states with residuary powers.

- It ensures that the ideas of social, political and economic democracy would be guaranteed to all the sections of the people.
- It also ensures that an adequate safeguard would be provided for minorities and the backward communities and the areas.
- It also guaranteed that the people of India would be given the freedom of thought, vocation, association, expression, belief, faith, worship and in law and morality.

Assertion Reason Answer:

1. A) Both A and R are correct and R is the correct explanation of A
2. A) Both A and R are correct and R is the correct explanation of A

Case Study Answer:

1. Answer:

(1) C) 26th November, 1949

(2) D) Elected by the Legislatures of various provinces and nominated by the rulers of princely states.

(3) A) The total strength of the Constituent Assembly was 299.

(4) C) Constitutional Assembly Debates

2. Answer:

(1) D) Dr. B.R. Ambedkar

(2) D) All of the above

(3) A) Mahatma Gandhi

(4) B) Republic day