

The native people of South Africa made up about three-fourth of the population and were called Blacks. Besides these two classes, there were people of mixed classes who were called coloured and migrated Indians.

Discrimination Against Non-Whites

The white rulers treated all non-whites as inferior. The apartheid system started oppressing blacks in the following ways:

- The non-whites did not have voting rights and they were forbidden from living in white areas.
- The non-whites could work in white areas only if they had a permit.
- Trains, buses and all the public places like hotels, cinema halls, theatres, benches, swimming pools, public toilets, etc. were separate for the whites and blacks. This was known as segregation.
- Blacks could not enter a church where the whites worshipped and even they did not have the right to form associations or protest against the whites.
- Since 1950, the blacks, coloured and Indians fought against the apartheid system. They launched protest marches and strikes. The African National Congress (ANC) led the movement.
- Many workers' unions, the Communist Party and sensitive whites joined the ANC to oppose apartheid. Apartheid was declared unjust and racist by several countries. But the government of South Africa continued the Apartheid system.

Towards a New Constitution

As protests and struggles increased, the government changed its policies by repealing discriminatory laws. Ban on political parties and restrictions on the media were removed. After spending 28 years in jail, Nelson Mandela was released. Finally at the midnight of 26th April, 1994, the new democratic state of the Republic³ of South Africa emerged. The apartheid government came to an end, paving the way for the formation of a multiracial government.

Equality of Races in South Africa

After the emergence of the democratic South Africa, black leaders appealed to fellow blacks to forgive the whites for the atrocities they had committed while in power.

They wanted to build up a new South Africa based on equality of all races. The party that ruled through oppression and the party that led the freedom struggle came together to draw up a common constitution.

They included everybody in the society, whatever they might have done or represented in the past.

The whites agreed to the principle of majority rule and one person one vote. They also agreed to accept some basic rights for the poor and the workers. The blacks agreed that majority rule would not be absolute. So, they wrote down some rules which everyone had to obey and all future governments would have to follow.

These rules made up the Constitution of the new country.

The preamble⁶ to the South African Constitution inspires democrats all over the world. Now, South Africa is seen as a model of democracy⁵.

Check Point 01

1. Name the Political party which led the movement against 'apartheid'.
2. At the mid-night of 26th April _____, the new democratic state of the Republic of South Africa emerged.
3. Nelson Mandela was sentenced to life imprisonment in _____.
4. Suggest the name of a system of racial discrimination unique to South Africa.
5. South Africa is seen as a model of _____.

Why do we Need a Constitution?

Constitution is required to safeguard the interests of common people; whether they belong to major community or minor community.

We need Constitution to fulfil following tasks

- (i) It generates a degree of trust and coordination among people that is necessary for the different kinds of people living together.
- (ii) It specifies how the government will be constituted and who will have the power to make this decision.
- (iii) It lays down limits to the powers of the government and also specifies the rights of the citizens.
- (iv) It also expresses the aspirations of the people about creating a good society.

Making of the Indian Constitution

India's Constitution was drawn up under very difficult circumstances. The making of the Constitution for a huge and diverse country like India was not an easy affair. The country was born through a partition on the basis of religious differences.

The British left the decision to the rulers of princely states (i.e., to merge with India or Pakistan or remain independent). The Constitution-makers were anxious about the present and future of the nation.

The Path to Constitution

The consensus⁶ of creating the Indian Constitution had evolved during the freedom struggle.

There were different views regarding what path India should take after Independence, but some basic ideas were accepted by everyone. These basic ideas were 'pivotal'⁷ in the formation of the Indian Constitution.

Discussion on Important Topics

In 1928, Motilal Nehru and eight other Congress leaders drafted a Constitution for India. At the Karachi Session of the Indian National Congress in 1931, the leaders decided how the Indian Constitution should look like.

Some important topics like, Universal Adult Franchise, Right to Freedom and Equality, Rights of Minorities, etc. were discussed. Some basic values were accepted by all leaders much before the Constituent Assembly met to deliberate on the Constitution.

Institutional Evolution

In 1937, elections for Provincial Legislatures⁸ and Ministries were held all over British India. The Indian Constitution adopted many institutional details and procedures from colonial laws like the Government of India Act, 1935. After years of thinking and discussions, our leaders got the confidence to learn from other countries, but on their own terms.

Many of our leaders were inspired by the ideals of the French Revolution, the Socialist Revolution of Russia, the practice of Parliamentary democracy in Britain and the Bill of Rights in the US.

The Constituent Assembly

Elections to the Constituent Assembly were held in July 1946. Its first meeting was held in December 1946. After partition of India and Pakistan, the Constituent Assembly was divided into Constituent Assemblies of India and Pakistan. The Constituent Assembly that wrote the Indian Constitution constituted 299 members.

The Assembly adopted the Constitution on 26th November, 1949. It came into effect on 26th January, 1950. To mark this day, 26th January is celebrated as Republic Day every year.

Legitimacy of the Indian Constitution Today

The Constitution does not reflect the view of its members alone, but expresses a broad consensus of the time it originated.

Over the years, several groups have questioned some provisions of the Constitution but no large social group or political party has ever questioned its legitimacy.

Another reason for accepting the Constitution is that the Constituent Assembly represented the people of India. It could not be chosen directly by all the people, as there was no Universal Adult Franchise at that time.

The Constituent Assembly was elected by the members of the existing Provincial Legislatures. This ensured a fair geographical share of members from all regions of the country.

Working of the Constituent Assembly

The Assembly was dominated by the Indian National Congress, which included a variety of political and regional groups of people.

It also represented members from different language groups, castes, classes, religions and occupations.

Finally, the Constituent Assembly worked in a systematic, open and consensual (with mutual consent) manner, which gave sacred quality to the Constitution.

Drafting Committee and Constituent Assembly

Drafting Committee under the Chairmanship of Dr BR Ambedkar prepared a draft⁹ Constitution for discussion.

The discussion of the draft Constitution took place clause¹⁰ by clause. The members of the Drafting Committee completed the work in 114 days spread over three years.

3. Republic: A country in which the Head of State is elected and is not hereditary.

4. Preamble: An introductory statement in a Constitution which states the reasons and guiding values of the Constitution.

5. Democracy: It is a form of government which is chosen by the people to work for their welfare.

6. Consensus: A general agreement.

7. Pivotal: Of crucial importance in relation to the development.

8. Provincial Legislature: It is a governing body that makes laws and can also amend and repeal them.

9. Draft: A preliminary version of a legal document.

10. Clause: A distinct section of a document.

Constitutional Design

In democracy, there are certain basic rules that the citizens and the government have to follow. All such rules together are known as **Constitution**¹. It is the Supreme Law of the country. It determines the rights of citizens, the powers of the government and how the government should function. It also determines the relationship among people living in a territory (called citizens) and also the relationship between the people and government.

Democratic Constitution in South Africa

South Africa became independent and got its democratic Constitution after a long struggle for freedom. Nelson Mandela fought for its freedom and for rights and equality among black and white people.

Along with seven other leaders, Nelson Mandela was sentenced to life imprisonment in 1964 for opposing the apartheid² regime. He spent 28 years in South Africa's most dreaded (fearful) prison, Robben Island.

Struggle Against Apartheid

Apartheid was the name of a system of racial discrimination unique to South Africa. It was imposed by the white Europeans on South Africa.

During the 17th and 18th centuries, a large number of whites settled in South Africa and became the local rulers. Due to this settlement of whites, the system of apartheid divided the people on the basis of their skin colour.

Chapter Syllabus

- Democratic Constitution in South Africa
- Why do we need a Constitution?
- Making of the Indian Constitution
- Guiding Values of the Indian Constitution

¹ Constitution: Supreme law of a country, containing fundamental rules governing the politics and society in a country.

² Apartheid: The official policy of racial separation and ill-treatment of blacks followed by the government of South Africa between 1948 and 1989.

More than two thousand Constitutional amendments¹¹ were made. Every document presented and every word spoken in the Constituent Assembly has been recorded and preserved. These are called **Constituent Assembly Debates** and have been printed in 12 bulky volumes. These debates provide the reasons behind every provision of the Constitution and are used to interpret the meaning of the Constitution.

Important Members of Constituent Assembly

Sardar Vallabhbhai Patel (1875-1950) He was a lawyer and leader of Hindu peasant Satyagrah. He was **Deputy Prime Minister** and **Minister of Home, Information and Broadcasting** in the Interim Government. He played a decisive role in the integration of the Indian princely states.

Sarojini Naidu (1879-1949) She was a poet, writer and political activist. She was among the foremost women leaders in the Congress. Later on she was appointed as **Governor of U.P.**

Dr Rajendra Prasad (1884-1963) He was President of the Constituent Assembly. He was lawyer and known for his role in the Champaran Satyagrah. He was the **President of Congress** three times. Later on he became the **First President of India**.

B. C. Mukherjee (1887-1956) He was Vice-Chairman of the Constituent Assembly, reputed author, educationist, Congress leader, member of All India Congress Council and a member of the Bengal Legislative Assembly.

Kanhaiyalal Maniklal Munshi (1887-1971) He was an Advocate, Historian and Linguist. He was also a Congress leader and Gandhian. Later he became the minister in the Union Cabinet and founder of the Swatantra Party.

Abul Kalam Azad (1888-1958) He was an educationist, author, theologian, scholar of Arabic, Congress leader and active in the national movement. He opposed Muslim separatist politics. He was the first Education Minister in first Union Cabinet.

Dr Jawaharlal Nehru (1889-1964) He was the first Prime Minister of the Interim Government. He was a lawyer and Congress leader and was an advocate of socialism, democracy and anti-imperialism.

'**Trust in God with Destiny**' was a speech delivered by Jawaharlal Nehru to the Indian Constituent Assembly in the Parliament on the eve of India's Independence on 14th August, 1947.

Dr Bhimrao Ramji Ambedkar (1891-1956) He was Chairman of the Drafting Committee, social revolutionary thinker and agrarian against caste divisions and caste-based inequalities. He was the law minister in the first cabinet of post-independence India. He was the founder of Republican Party of India.

T. T. Krishnamachari (1899-1974) He was a member of Drafting committee, Entrepreneur and Congress leader. Later, he was the **Finance Minister** in the Union Cabinet. **Baldev Singh (1901-1961)** He was a successful entrepreneur and leader of the Panthic Akali Party in the Punjab Assembly and was a nominee of the Congress in the Constituent Assembly. He was the Defence Minister of the Union Cabinet.

Shyama Prasad Mukherjee (1901-1953) He was Minister for Industry and Supply in the Interim Government. Besides being an educationist and lawyer, he was active in Hindu Mahasabha. Later on he was the Founder President of the Bharatiya Janasangh.

Saranath Lahiri (1901-1984) He was a writer, editor and leader of the Communist Party of India. Later he became the Member of West Bengal Legislative Assembly.

Jaipal Singh (1903-1970) He was a sports man and an educationist. He was also the Captain of the First National Hockey Team. Later, he was the Founder President of Adivasi Mahasabha and founder of Jharkhand Party.

G. Durgabai Deshmukh (1909-1981) She was an advocate and public activist for women's emancipation. She founded the Andhri Mahila Sabha and was a Congress leader. She was the founder chairperson of Central Social Welfare Board.

Guiding Values of the Indian Constitution

To understand the Indian Constitution properly we need to understand its overall philosophy. The philosophy¹² of the Constitution can be understood by knowing the views of some prominent leaders about our Constitution as well as the Preamble to our Constitution.

The Dream and the Promise

The views of Mahatma Gandhi, B.R. Ambedkar and Jawaharlal Nehru about constitution were

Mahatma Gandhi

Mahatma Gandhi was not a member of the Constituent Assembly, but many members of it followed his vision. In 1931, he had expressed himself in his magazine *Young India* that he wanted to frame a Constitution that provides an effective voice to the poor and underprivileged.

He wanted the Constitution to promote harmonious living of all communities in the country. It prohibits untouchability, use of intoxicating drinks and drugs in the country. It should give equality to women with men.

Dr B. R. Ambedkar

Dr B. R. Ambedkar wanted political, social and economic equality for all. He is known as the **Father of the Indian Constitution**. He feared that if we deny equality in social and economic life for long, democracy will be in great danger.

Jawaharlal Nehru

Jawaharlal Nehru wanted equality of opportunity to all, end of poverty and ignorance and control of diseases. He wanted all responsible persons to dedicate themselves to the service of society.

Philosophy of the Constitution

The values that inspired and guided the freedom struggle formed the foundation for India's democracy. These values are included in a short statement of its basic values, which is called the **Preamble to the Indian Constitution**.

They guide all the Articles of the Indian Constitution. It is inspired by the American model of the Constitution which begins with a Preamble. The Preamble provides a standard to examine and evaluate any law and action of government, to find out whether it is good or bad. It is the **soul of the Indian Constitution**.

The Preamble

The Preamble of the Constitution is like a poem on democracy. It contains the Philosophy on which the entire Constitution has been built.

The Preamble to the Indian Constitution is given below

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC**, and to secure to all its citizens:

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 the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION**

Important Terms Used in Preamble

The important terms used in Preamble are given below

- We, the People of India** The Constitution has been drawn up and enacted by the people of India through their representatives.
- Sovereign** India is a free country and no external power can dictate to the Government of India.
- Socialist** Wealth is generated socially and should be shared equally by society.
- Secular** There is no official religion and all religions are treated with equal respect by the government.
- Democratic** We have adopted a form of government in which people elect their rulers and hold them accountable.
- Republic** The head of state is an elected person and it is not a hereditary position.
- Justice** The laws would not discriminate between citizens on the basis of caste, religion and gender. The government would work for the welfare of the poor and oppressed so that social inequalities are reduced.
- Liberty** Citizens are free to express their opinions and there are no unreasonable restrictions on their liberty.
- Equality** All citizens are equal before the law, irrespective of differences in socio-economic conditions.
- Fraternity** Each citizen should respect the feeling of brotherhood and no one should treat a fellow citizen as inferior.

11 Constitutional Amendment: A change in the Constitution made by the 'Supreme Legislative' body in a country.

12 Trust is meeting or a meeting place that has been agreed upon.

13 Philosophy: The most fundamental principles underlying one's thoughts and actions.

Institutional Design

A constitution expresses the values and philosophy into institutional arrangements. Most of the Indian constitution details these arrangements. The Constitution describes the institutional arrangements in legal language.

The makers of the Constitution made a provision for making amendments to the Constitution from time-to-time. These changes are called **Constitutional Amendments**. In its working, there are three major aspects.

- It lays down the procedure for choosing persons to govern the country, i.e. about elections.
- It defines who will have how much power to take the decision.

SUMMARY

- Constitution** is the Supreme Law of the country, which the citizens and the government have to follow.
- Nelson Mandela** tried for treason by the white South African government and sentenced to life imprisonment in 1964 for daring to oppose the apartheid regime in his country.
- The **African National Congress (ANC)** was the umbrella organisation that led the struggle against the policies of segregation.
- Nelson Mandela was freed finally on 26th April, 1994 the new national flag of the Republic of South Africa was unfurled, marking the newly-born democracy in the world.

NCERT FOLDER

Check Your Progress on page 21

- Does the story of South African struggle for freedom remind you of the Indian National Movement? Make a list of similarities and dissimilarities between the two on the following points
 - Nature of colonialism
 - Relationship between different communities
 - Leadership: Gandhi/ Mandela
 - Party that led the struggle: African National Congress/ Indian National Congress

- It puts limits to what the government can do, providing some rights to the citizen that cannot be violated.

Check Point 02

- The Karachi Session of Indian National Congress was held in
- The first meeting of Constituent Assembly was held in December
- The Constituent Assembly that wrote the Indian Constitution constituted members.
- Name the Indian leader who used to write for the magazine young India in 1931.
- Who is called the 'Father of the Indian Constitution'?

- The Indian struggle for freedom had helped in creating a consensus about making India into a democratic country.
- There were 299 members in the **Indian Constituent Assembly**. The Constitution was adopted on 26th November, 1949 and came into effect on 26th January, 1950.
- The preamble declares India as a **sovereign, socialist, secular, democratic republic** which secures **justice, liberty, equality and fraternity** for all its citizens.
- The Constitution lays down the procedures for formation of a government. It defines the distribution of power among various organs of the government.

- Method of struggle

Ans. Yes, the story of South African struggle for freedom reminds us of the Indian National Movement.

- Nature of colonialism

Similarities During the 17th and 18th centuries, European trading companies from Europe came to Africa and India. They forced the local people to work for them in the same way as the British did in occupied India.

Dissimilarities In India, a small number of whites had settled and acted as local rulers. In South Africa, a large number of whites had settled and acted as local rulers.

Constitutional Design

- Relationship between the Indian and South African Constitutions

Similarities The white non-whites as inferior. Whites regarded Indians as uncivilised people.

Dissimilarities The different religions and India was cordial. There were Indians. But in South Africa, communities like the people and Indians or respect for each other.

- Leadership: Gandhi

Similarities Both non-violence.

Dissimilarities In India, life imprisonment behind the bars sentenced to life imprisonment.

- Party that led the

Similarities Both (ANC) and the I were umbrella organisations at the level.

Dissimilarities The ANC was different. The I was different. The ANC and the I were different. The ANC and the I were different. The ANC and the I were different.

- Method of struggle

Similarities Both and Indian National Movement same policy, i.e. non-violence.

Dissimilarities In one group, the peaceful means in India besides extremists, who had their goal of freedom.

Question on page 21

- This is not fair! The Constituent Assembly was already constituted.

Ans. We cannot say that the Constituent Assembly was already constituted. The basics were laid down in the Universal Adult Suffrage, which are the basis of the Indian Constitution.