

A graphic of a fireball or comet streaking across the top of the page.

ONE SHOT

REVISION SERIES

CLASS 9

CIVICS

CONSTITUTIONAL DESIGN





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REVISION SERIES

Constitutional Design

One Shot Live Revision Series

Date	Class 10 th Live @ 6:00 PM Daily	Class 9 th Live @ 8:45 PM Daily
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Introduction

South Africa



The story of designing constitution.



Why do we need a constitution?



India



- Making of Indian constitution'
- Guiding values
- Preamble
- Institutional design

Struggle against apartheid

Nelson Mandela



Apartheid



Policy of racial discrimination



1. Imposed by the whites who settled in South Africa and later became local rulers
2. Skin colour was made the basis of **discrimination**



- Blacks and coloured had no voting rights, had separate schools, hotels, beaches, etc (**Segregation**).
- No rights to form associations or to protest.
- **African National Congress** led the struggle against segregation.
- Apartheid declared unjust by many countries.
- Whites continued their racist regime by detaining, torturing and killing 'blacks' and 'coloureds'.

Towards a new constitution



- **Struggles and protests made the White regime unstable.**
- **Policies changed, laws repealed, restrictions on media lifted.**
- **Mandela freed from prison.**
- **New flag of South Africa unfurled, Apartheid ended. (26 April 1994)**
- **Blacks appealed to their fellows to forgive Whites.**
- **Pledged to build a new South Africa based on democratic values.**
- **Both Blacks and Whites worked together for a common constitution.**
- **South Africa became a model of democracy.**

Constitution



A set of written rules that are accepted by people of a country

Why do we need a constitution?



- It generates trust and coordination.
- It specifies how government is to be constituted, who will have power to take which decisions.
- It lays limits on powers of government and contains rights of citizens.
- It expresses the aspirations of people for creating a good society.

Making of the Indian constitution

Background

- India got independence with a traumatic experience of Partition
- Princely states made the situation worse. They were given the choice free to join **India, Pakistan** or remain free.
- The constitution makers were anxious about the future of India

The path to constitution

- The constitution drafted by **Motilal Nehru** and Congress leaders in 1928 and the Resolution of 1931, Karachi session formed the basis of Indian Constitution.
- **Familiarity with colonial political institutions** helped a lot, like the Government of India Act 1935.
- **The French Revolution, The Bill of Rights in USA, The Socialist Revolution in Russia also inspired the constitution framers.**

The constituent assembly

Elections to the Constituent Assembly were held in July 1946. Its first meeting was held in December 1946.

- The Constituent Assembly formed in 1946 had 389 members in total.
 - After Partition, Indian Constituent Assembly had 299 members that drafted the document
 - **26th November 1949** → Constitution adopted
- 26th January 1950** → Constitution came into effect

Question



Why should we accept the constitution made by constituent assembly?

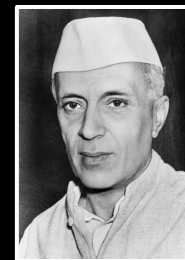
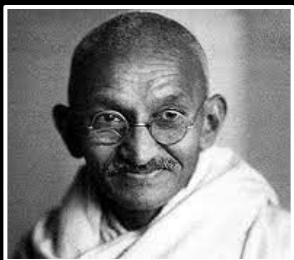
Reasons for accepting the constitution made by the constituent assembly



- It reflected broad consensus of the People of India as a whole
- No questioning on the legitimacy of constitution
- Constituent Assembly ensured fair representation of all regions of India
- Constituent Assembly worked in a systematic, open and consensual manner
- Broad discussion and debates before preparing a draft of rules
- Every document and word spoken were recorded and preserved for future reference, called '**Constituent Assembly Debates**'.

Guiding values of the Indian constitution

- **Mahatma Gandhi**, though not in Constituent Assembly, still members followed his vision social, economic, political cultural equality
- **Dr. Ambedkar**, who played a key role in the making of the constitution but he had a different understanding of how inequalities could be removed.
- He often bitterly criticised mahatma gandhi and his vision.
- In his Tryst with Destiny speech, **Jawaharlal Nehru** pledged, among others for dedication, humanity. Responsibility.



I shall strive for a constitution which will release India from all thrallidom and patronage ... I shall work for an India in which the poorest shall feel that it is their country in whose making they have an effective voice; an India in which there shall be no high class and low class of people; an India in which all communities shall live in perfect harmony. There can be no room in such an India for the curse of untouchability or the curse of the intoxicating drinks and drugs. Women will enjoy the same rights as men ... I shall be satisfied with nothing else.



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.

Long years ago we made a **tryst with destiny**, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity ...

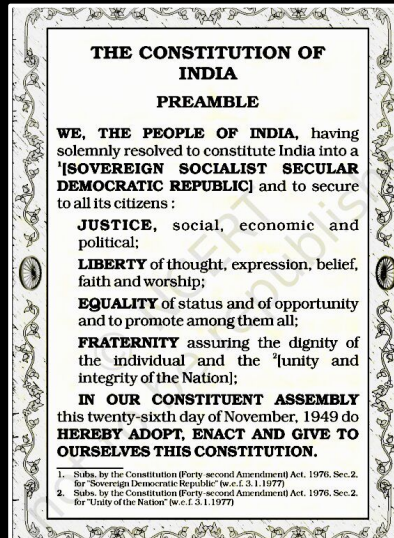
Freedom and power bring responsibility. The responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless, the past is over and it is the future that beckons to us now.

That future is not one of ease or resting but of incessant striving so that we may fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over.

Philosophy of the constitution



- The preamble contains the philosophy of the constitution
- Preamble is a preface or introductory document of the constitution that reflects the basic idea of the constitution



WE, THE PEOPLE OF INDIA

The constitution has been drawn up and enacted by the people through their representatives, and not handed down to them by a king or any outside powers

SOVEREIGNS

People have supreme right to make decisions on internal as well as external matters. No external power can dictate the government of India

SOCIALISTS

Wealth is generated socially and should be shared equally by society. Government should regulate the ownership of land and industry to reduce socio-economic inequalities.

SECULAR

Citizens have complete freedom to follow any religion. But there is no official religion. Government treats all religious beliefs and practices with equal respect

DEMOCRATIC

A form of government where people enjoy equal political rights, elect their rulers and hold them accountable. The government is run according to some basic rules.

EQUALITY

All are equal before the law. The traditional social inequalities have to be ended. The government should ensure equal opportunity for all.

JUSTICE

Citizens cannot be discriminated on the grounds of caste, religion and gender. Social inequalities have to be reduced. Government should work for the welfare of all, especially of the disadvantaged groups.

LIBERTY

There are no unreasonable restrictions on the citizens in what they think, how they wish to express their thoughts and the way they wish to follow up their thoughts in action.

REPUBLIC

The head of the state is an elected person and not a hereditary position

FRATERNITY

All of us should behave as if we are members of the same family. No one should treat a fellow citizen as inferior

Institutional design



- **Description of institutional arrangement in legal language**
 - Procedure for electing people to govern country
 - Who has power to make what laws?
 - Fundamental Rights and Duties
- **Need for amendments to keep the constitution updated**



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TOGETHER
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