

# **CHAPTER 2**

## **CONSTITUTIONAL DESIGN**

### **2Marks Questions:**

#### **1. What is Constitutional Design?**

**Answer:**

Constitutional design refers to the process of creating and structuring a constitution, which serves as the fundamental law of a country. It involves determining the form of government, distribution of powers, and the rights and duties of citizens.

#### **2. Why is Constitutional Design Important?**

**Answer:**

Constitutional design is crucial as it establishes the framework for governance, protects individual rights, and defines the relationship between the government and its citizens. It provides a blueprint for the functioning of the state and ensures stability and order.

#### **3. What is the Role of Preamble in a Constitution?**

**Answer:**

The preamble of a constitution outlines the objectives and values that the constitution seeks to achieve. It often articulates the ideals of justice, liberty, equality, and fraternity, providing a guiding vision for the nation.

#### **4. How is Power Distributed in a Federal System?**

**Answer:**

In a federal system, power is divided between a central government and regional entities (such as states or provinces). Each level of government has specific powers and responsibilities, often outlined in the constitution, contributing to a balanced distribution of authority.

## **5. What is the Significance of Fundamental Rights?**

### **Answer:**

Fundamental rights are constitutional guarantees that protect individuals from arbitrary state actions. They ensure citizens' freedoms and liberties, contributing to the principles of justice, equality, and dignity within a society.

## **6. How is Diversity Addressed in Constitutional Design?**

### **Answer:**

Constitutional design often addresses diversity by incorporating provisions that protect minority rights, promote cultural and linguistic diversity, and establish mechanisms for inclusive representation in governance.

## **7. What is the Amendment Process in a Constitution?**

### **Answer:**

The amendment process outlines how changes can be made to the constitution. It typically requires a special majority or a specific procedure to ensure that amendments are thoughtful and reflect a broad consensus within the society.

### **4Marks Questions:**

#### **1. Question: What is Constitutional Design?**

##### **Answer:**

Constitutional design refers to the process of structuring and formulating the fundamental framework of a country's governance through the creation and adoption of a constitution. It involves making deliberate choices about the distribution and separation of powers defining the rights and responsibilities of citizens and the government and establishing the overall structure of the political system. The goal of constitutional design is to provide a solid foundation for the functioning of the state and to ensure the protection of individual rights and the rule of law.

#### **2. Question: Why is the Separation of Powers Important in Constitutional Design?**

##### **Answer:**

The separation of powers is a crucial aspect of constitutional design because it helps prevent the concentration of authority in a single entity thereby reducing the risk of abuse of power. This principle divides the government into distinct branches – typically the legislative executive and judicial branches – each with its own set of powers and responsibilities. By assigning specific functions to each branch the constitution aims to create a system of checks and balances. This ensures that no single branch becomes too powerful and each can independently check and limit the actions of the others, promoting accountability and safeguarding against potential tyranny.

### 3. What are the Key Elements of Constitutional Design?

#### **Answer:**

The key elements of constitutional design include:

**Preamble:** An introductory statement that outlines the objectives and values of the constitution.

**Division of Powers:** Allocating powers and responsibilities among different levels and branches of government.

**Fundamental Rights:** Guaranteeing basic freedoms and protections for citizens.

**Directive Principles:** Providing guidelines for the government to promote social and economic justice.

**Amendment Process:** Establishing procedures for making changes to the constitution.

**Institutional Framework:** Creating and defining the roles of key institutions like the executive legislature and judiciary.

### 4. How Does Constitutional Design Impact Democracy?

#### **Answer:**

Constitutional design plays a pivotal role in shaping the democratic character of a country. It determines the extent of popular participation the protection of minority rights and the establishment of mechanisms for accountability. A well-designed constitution contributes to the stability and legitimacy of democratic institutions ensuring that power is exercised responsibly and in accordance with the will of the people.

## **5. Challenges in Constitutional Design**

### **Answer:**

Designing a constitution is a complex task and countries often face challenges such as conflicting interests historical legacies and socio-cultural diversity. Striking a balance between centralization and decentralization of power protecting minority rights and addressing economic disparities are common challenges in constitutional design.

## **6. Case Study: Constitutional Design in India**

### **Answer:**

In the context of India, the constitutional design is reflected in the adoption of a federal structure, a parliamentary form of government and an extensive list of fundamental rights. The Directive Principles of State Policy guide the government in promoting social and economic justice. The Constitution of India has undergone amendments to adapt to changing circumstances highlighting the flexibility inherent in its design. The Indian Constitution stands as a significant example of successful constitutional design addressing the challenges of a diverse and multi-cultural society.

### **7Marks Questions:**

**1. Here are different opinions about what made India a democracy. How much importance would you give to each of these factors?**

**(a) Democracy in India is a gift of the British rulers. We received training to work with representative legislative institutions under British rule.**

**(b) Freedom Struggle challenged the colonial exploitation and denial of different freedoms to Indians. Free India could not be anything but democratic.**

**(c) We were lucky to have leaders who had democratic convictions. The denial of democracy in several other newly independent countries shows the important role of these leaders.**

**Answer:**

(a) Though I would acknowledge many good things were learned from the British rulers and democracy being one of them I wouldn't say that democracy was a gift given by them. Indians had to struggle a lot and make many sacrifices to attain freedom from British rule. These circumstances helped people to gain experience and training in the working of the legislative institutions.

(b) Yes Free India could not be anything but democratic because the people had already suffered a lot under British rule. This made them realise that for people to have a say in ruling the country it was necessary to make India a democratic country.

(c) It is indeed true that we were lucky to have leaders who had deep democratic values. It is because of these ideals that India's freedom struggle can be considered as the only example of a bloodless freedom struggle in contemporary history. Therefore absence of such ideals has made many countries undemocratic.

## **Multiple Choice Questions:**

### **1. What is democracy?**

- a) A system of government where power is concentrated in the hands of a single ruler.
- b) A form of government where the people have the power to elect their representatives.
- c) A political ideology promoting dictatorship and authoritarian rule.
- d) A social structure based on hereditary monarchy.

### **2. Why is democracy important?**

- a) It ensures absolute power in the hands of a few individuals.
- b) It promotes transparency accountability and representation of diverse opinions.
- c) It restricts individual freedoms and liberties.
- d) It encourages discrimination and inequality.

### **3. What is a key feature of a democratic system?**

- a) Centralized decision-making by a single leader.
- b) Limited citizen participation in governance.
- c) Protection of human rights and fundamental freedoms.
- d) Exclusion of minority voices.

### **4. Who typically holds the ultimate power in a democratic system?**

- a) The military.
- b) Political elites.
- c) The judiciary.
- d) The people.

**5. Which of the following is a form of direct democracy?**

- a) Representative democracy.
- b) Parliamentary democracy.
- c) Presidential democracy.
- d) Referendum.

**Answer:**

- 1. b
- 2. b
- 3. c
- 4. d
- 5. d



### **Fill in the Blanks:**

1. Constitutional design refers to the \_\_\_\_\_ and structure of a nation's constitution.
2. A constitution serves as a \_\_\_\_\_ that outlines the principles powers and functions of the government.
3. The process of constitutional design involves making choices about the \_\_\_\_\_ of government and the distribution of powers.
4. \_\_\_\_\_ is a key principle in constitutional design ensuring that no single branch of government becomes too powerful.
5. The division of powers between the central government and regional governments is known as \_\_\_\_\_.
6. The preamble of a constitution often articulates the \_\_\_\_\_ and aspirations of the people.
7. Constitutional design may include provisions for the protection of \_\_\_\_\_ ensuring fundamental rights are safeguarded.
8. A constitution may be \_\_\_\_\_ allowing for amendments or revisions to adapt to changing circumstances.
9. The process of constitutional design often involves input from \_\_\_\_\_ legal experts and representatives of diverse communities.
10. The Constitution of a country may establish the \_\_\_\_\_ of government such as a parliamentary or presidential system.

### **Answer:**

1. formulation
2. Framework
3. Organization
4. Checks and balances
5. federalism
6. values
7. individual liberties
8. flexible
9. constitutional experts
10. structure

## Summary:

WHAT IS DEMOCRACY? WHY DEMOCRACY?" is a chapter that explores the concept of democracy and its significance. The chapter delves into the meaning and principles of democracy highlighting the idea of government by the people and for the people. It emphasizes the key features of democracy such as political equality popular sovereignty and protection of individual rights.

The chapter also discusses the historical evolution of democracy tracing its roots to ancient Greece and its subsequent development through various historical periods. It explores different forms of democracy including direct and representative democracy and examines the challenges and shortcomings that democratic systems may face.

Furthermore the chapter addresses the question of why democracy is considered a preferable form of governance. It explores the values associated with democracy such as freedom equality and participation and how democratic systems provide a platform for citizens to express their opinions and hold their leaders accountable.

In summary the chapter "WHAT IS DEMOCRACY? WHY DEMOCRACY?" provides an in-depth exploration of the concept of democracy its historical development various forms and the reasons why it is considered a valuable and preferable system of governance.