

Constitutional Design



"In this chapter we will be reading about the meaning of the word Constitution, and it's importance for both the citizen and the government. We will also be reading about how the Indian Constitution was framed and the integration of the different territories after independence."

8.1 Democratic constitution in South Africa

(a) Struggle against apartheid

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

The system of apartheid divided the people and labelled them on the basis of their skin colour. The native people of South Africa are black in colour. They made up about three-fourth of the population and were called 'blacks'. Besides these two groups, there were people of mixed races who were called 'coloured' and people who migrated from India. The white rulers treated all non-whites as inferiors. The non-whites did not have voting rights.

Blacks were forbidden from living in white areas. They could work in white areas only if they had a permit. They could not even visit the churches where the whites worshipped. Blacks could not form associations or protest against the terrible treatment.

(b) Policy of apartheid opposed by people of South Africa

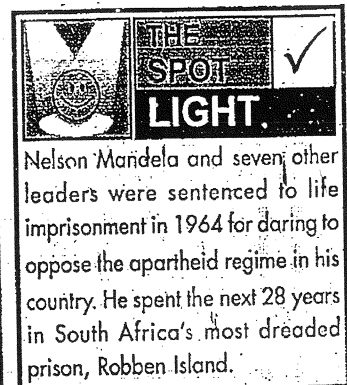
They launched protest marches and strikes. The African National Congress (ANC) was the umbrella organisation that led the struggle against the policies of segregation. This included many workers' unions and the Communist Party. Many sensitive whites also joined the ANC to oppose apartheid and played a leading role in this struggle. Several countries denounced apartheid as unjust and racist. But the white racist government continued to rule by detaining, torturing and killing thousands of black and coloured people.

(c) Towards a new constitution

- (i) **End of Apartheid** : As protests and struggles against apartheid had increased, the government realised that they could no longer keep the blacks under their rule through repression. The white regime changed its policies. Discriminatory laws were repealed. Ban on political parties



Fig.1 Nelson Mandela



26 April 1994 - South Africa was Independent



Besides politics, Mandela's other passion was boxing. "I did not like the violence of boxing. I was more interested in the science of it - how you move your body to protect yourself, how you use a plan to attack and retreat, and how you pace yourself through a fight," he says in his biography.

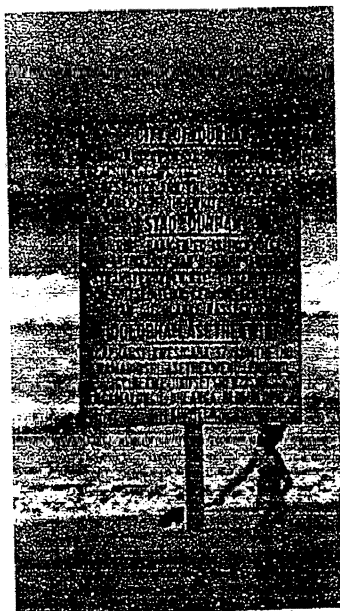


Fig.2 Sign on Durban beach in English



Sign on Durban beach in English, Afrikaans and Zulu In English it reads: 'CITY OF DURBAN Under section 37 of the Durban beach by-laws, this bathing area is reserved for the sole use of members of the white race group.'

and restrictions on the media were lifted. Finally, at the midnight of 26 April 1994, the new national flag of the Republic of South Africa was unfurled marking the newly born democracy in the world. The apartheid government came to an end, paving way for the formation of a multi-racial government.

(ii) **Features of the S. African Constitution** : South African Constitution is based on equality of all races and men and women, on democratic values, social justice and human rights. The party that ruled through oppression and brutal killings and the party that led the freedom struggle sat together to draw up a common constitution.

After two years of discussion and debate they came out with one of the finest constitutions the world has ever had. This constitution gave to its citizens the most extensive rights available in any country. Together, they decided that in the search for a solution to the problems, nobody should be excluded, no one should be treated as a demon. They agreed that everybody should become part of the solution, whatever they might have done or represented in the past.

The South African constitution inspires democrats all over the world. A state denounced by the entire world till recently as the most undemocratic one is now seen as a model of democracy.

8.2 Why do we need a constitution?

The only way to build and maintain trust in a country having wide diversities, is to write down some rules that everyone would abide by. These rules lay down how the rulers are to be chosen in future. These rules also determine what the elected governments are empowered to do and what they cannot do. Finally these rules decide the rights of the citizen. These rules will work only if the winner cannot change them very easily. This is what the South Africans did. They agreed on some basic rules. They also agreed that these rules will be supreme, that no government will be able to ignore these. This set of basic rules is called a constitution.

Every country has diverse groups of people. Their relationship may not have been very bad. But all over the world people have differences of opinion and interests. Whether democratic or not, most countries in the world need to have these basic rules.

CHECK YOUR LEARNING 8.1

1. What would have happened in South Africa if the black majority had decided to take revenge on the whites for all their oppression and exploitation?
2. South Africans call themselves a 'rainbow nation'. Can you guess why?

Constitution and its contents

The constitution of a country is a set of written rules that are accepted by all people living together in a country. Constitution is the supreme law that determines the relationship among people living in a territory (called citizens) and also the relationship between the people and government. A constitution does many things.

- (a) First, it generates a degree of trust and coordination that is necessary for different kind of people to live together.
- (b) Second, it specifies how the government will be constituted, who will have

- (c) Third, it lays down limits on the powers of the government and tells us what the rights of the citizens are.
- (d) Fourth, it expresses the aspirations of the people about creating a good society.

All countries that have constitutions are not necessarily democratic. But all countries that are democratic will have constitutions.

8.3 Making of the Indian constitution

Making of the Indian Constitution was a difficult task

The making of the constitution for a huge and diverse country like India was not an easy affair. At that time the people of India were emerging from the status of subjects to that of citizens. The country was born through a partition on the basis of religious differences.

The British had left it to the rulers of the princely states to decide whether they wanted to merge with India or with Pakistan or remain independent. The merger of these princely states was a difficult and uncertain task. The makers of the constitution had anxieties about the present and the future of the country.

CHECK YOUR ANSWERS 8.1

1. Chaos and war. The white nations would have attacked S. Africa and perhaps she could have lost her independence once again!
2. It is called a 'rainbow nation' because this nation comprises many races - Whites, Blacks, Coloured and Indians.

(a) The path to Constitution

The making of the Indian Constitution was different from the making of the Constitution of S. Africa. Unlike South Africa, they did not have to create a consensus about what a democratic India should look like. Much of this consensus had evolved during the freedom struggle. Our national movement was not merely a struggle against a foreign rule. It was also a struggle to rejuvenate our country and to transform our society and politics. There were sharp differences of opinion within the freedom struggle about the path India should take after Independence. Yet some basic ideas had come to be accepted by almost everyone.

(b) Factors contributing in the making of the Indian Constitution

In 1928, Motilal Nehru and eight other Congress leaders drafted a constitution for India. In 1931, the resolution at the Karachi session of the Indian National Congress dwelt on how independent India's constitution should look like. Both these documents were committed to the inclusion of universal adult franchise, right to freedom and equality and to protecting the rights of minorities in the constitution of independent India.

The familiarity with political institutions of colonial rule also helped develop an agreement over the institutional design. The experience gained by Indians in the working of the legislative institutions proved to be very useful for the country in setting up its own institutions and working in them. Indian constitution adopted many institutional details and procedures from colonial laws like the Government of India Act, 1935.

Years of thinking and deliberation on the framework of the constitution had another benefit. Many of our leaders were inspired by the ideals of French Revolution, the practice of parliamentary democracy in Britain and the Bill of Rights in the US. The socialist revolution in Russia had inspired many Indians to think of shaping a system based on social and economic equality. All these factors contributed to the making of our Constitution.



Fig.3 Vallabhbhai Jhaverbhai Patel

(1875-1950) born : Gujarat. Minister of Home, Information and Broadcasting in the Interim Government. Lawyer and leader of Bardoli peasant satyagrah. Played a decisive role in the integration of the Indian princely states. Later: Deputy Prime minister.



Fig.4 Abul Kalam Azad (1888-1958) born : Saudi Arabia. Educationist, author and theologian; scholar of Arabic. Congress leader, active in the national movement. Opposed Muslim separatist politics. Later : Education Minister in the first union cabinet. In 1928 the Indian Constitution was drafted.



Fig.5 T.T. Krishnamachari (1899-1974) born : Tamil Nadu. Member, Drafting Committee. Entrepreneur and Congress leader. Later, Finance Minister in the union Cabinet.



Fig.6 Jawaharlal Nehru (1889-1964) born : Uttar Pradesh. Prime Minister of the interim government. Lawyer and Congress leader. Advocate of socialism, democracy and anti-imperialist. Later : First Prime Minister of India. *30th Election was held in 1951/52.*



Fig.7 Bhimrao Ramji Ambedkar (1891-1956) born : Maharashtra. Chairman of the Drafting committee. social revolutionary thinker and agitator against caste divisions and caste based inequalities. Later: Law minister in the first cabinet of post-independence India. Founder of Republican Party of India.



Fig.8 Sarojini Naidu (1879-1949) born : Andhra Pradesh. Poet, writer and political activist. Among the foremost women later: Governor of Uttar Pradesh.

CHECK YOUR LEARNING 8.2

Compare the Preambles to the Constitutions of the United States of America, India and South Africa.

1. Make a list of ideas that are common to all these three.
2. Note down at least one of the major differences among these.
3. Which of the three makes a reference to the past ?
4. Which of these does not invoke God ?

(c) The Constituent Assembly

The drafting of the document called the constitution was done by an assembly of elected representatives called the Constituent Assembly. Elections to the Constituent Assembly were held in July 1946. Its first meeting was held in December 1946. The Constituent Assembly that wrote the Indian constitution had 299 members. The Assembly adopted the Constitution on 26 November 1949 but it came into effect on 26 January 1950. To mark this day we celebrate January 26 as Republic Day every year.

(d) Why should we accept the Constitution made by this Assembly more than fifty years ago?

The Constitution does not reflect the views of its members alone. It expresses a broad consensus of its time. Over the last half a century, several groups have questioned some provisions of the Constitution. But no large social group or political party has ever questioned the legitimacy of the Constitution itself.

Another reason for accepting the Constitution is that the Constituent Assembly represented the people of India, and ensured a fair geographic share of members from all the regions of the country. The Assembly was dominated by the Indian National Congress, the party that led India's freedom struggle. But the Congress itself included a variety of political groups and opinions. The Assembly had many members who did not agree with the Congress. In social terms too, the Assembly represented members from different language groups, castes, classes, religions and occupations. 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.

(e) Working of the Constituent Assembly

First some basic principles were decided and agreed upon. Then a Draft 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.

8.4 Guiding values of the Indian Constitution

(a) The Dream and the Promise

Mahatma Gandhi, years ago, writing in his magazine Young India in 1931, had spelt out what he wanted the constitution to do.

I shall strive for a constitution, which will release India from all thralldom and patronage, and give her, if need be, the right to sin, I shall work for an India, in which the poorest shall 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. Since we shall not be at peace with all the rest of the world, exploiting, nor being exploited, we should have the smallest army imaginable, all interests not in conflict with the interests of the dumb millions will be scrupulously respected, whether foreign or indigenous. Personally, I hate distinction between foreign and indigenous. This is the India of my dreams. I shall be satisfied with nothing less.

Young India, 10-9-31

CHECK YOUR ANSWERS 8.2

1. Common Features :



" All three begin with "We the people".

" All three want to establish liberty, justice and fraternity.

" All three want to promote general welfare of the people.

2. Difference : USA does not mention the word Republic or the word Democratic like India and South Africa.

3. South Africa

4. India.

This dream of an India that has eliminated inequality was shared by 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 concluding speech to the Constituent Assembly he stated his anxiety very clearly:

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 slid, 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 crudity 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.

young India is written
by Mahatmagandhi in 1931



Fig.9 Shyama Prasad Mukherjee (1901-1953) born : West Bengal. Minister for Industry and Supply in the Interim Government. Educationist and lawyer. Active in Hindu Mahasabha. later: Founder president of Bharatiya Jansangh.



Fig.10 Somnath Lahiri (1901-1984) born : West Bengal. Writer and editor. Leader of the Communist Party of India. Later : Member of West bengal Legislative Assembly.



Fig.11 Kanhaiyalal Maniklal Munshi (1887-1971) born : Gujarat. Advocate, historian and linguist. Congress leader and Gandhian. later: Minister in the Union Cabinet. Founder of the Swatantra party.



Within South African indigenous cultures, the rainbow is associated with hope and a bright future (as in Xhosa culture). The colours are simply said to symbolise the diversity of South Africa's usually unspecified cultural, ethnic or racial groups.



The drafting committee had handwritten and colligraphed the constitution - both in English and in Hindi. There was no typing or print involved.



Our leaders took the best bits from constitutions around the world. The concept of Liberty, Equality and Fraternity is from the French constitution, the Five-Year Plans from the USSR constitution, the socio-economic aspects from the Irish one and Supreme Court's functioning from Japan! It also borrowed heavily from England's constitution.

Finally let us turn to Jawaharlal Nehru giving his famous speech to the Constituent Assembly at the stroke of midnight on August 15, 1947.

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. At the dawn of history India started on her unending quest, and trackless centuries are filled with her striving and the grandeur of her successes, and her failures. Through good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune and India discovers herself again. The achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievements that await us. Are we brave enough and wise enough to grasp this opportunity and accept the challenge of the future?

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 might 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.

(b) **Philosophy of the Constitution**

Preamble of the Indian Constitution : Taking inspiration from the American model most countries of the modern world have chosen to begin their Constitutions with a preamble. India has also done so. The preamble to the Indian Constitution incorporates all the guiding values inspired and nurtured by the Freedom Struggle. The Preamble to the Indian Constitution runs like this we the people of India, hereby solemnly resolved to constitute India into 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. of the Nation.

In our Constituent Assembly, this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this 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.

SOVEREIGN

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

SOCIALIST

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.

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.

REPUBLIC

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

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.

EQUALITY



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

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



THE SPOT LIGHT ✓

Flying an Indian flag made from any material other than khadi is an offence, and is punishable by law with upto three years of imprisonment and a hefty fine.



THE SPOT LIGHT ✓

In 63 years since it was presented, the Indian constitution has been hailed as one of the best constitutions in the world.

(c) Preamble - Soul of the Indian Constitution



Values that inspired and guided the freedom struggle and were in turn nurtured by it, formed the foundation for India's democracy. These values are embedded in the Preamble of the Indian Constitution. They guide all the articles of the Indian Constitution. The Constitution begins with a short statement of its basic values. This is called the Preamble to the constitution. The Preamble contains the philosophy on which the entire Constitution has been built. It 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.

(d) Constitutional Amendement

Constitution of India is a very long and detailed document. Therefore it needs to be amended quite regularly to keep it updated. Those who crafted the Indian Constitution felt that it has to be in accordance with people's aspirations and changes in society. They did not see it as a sacred, static and unalterable law. So, they made provisions to incorporate changes from time to time. These changes are called constitutional amendments.

(e) Institutional design

The Indian Constitution lays down a procedure for choosing persons to govern the country. It defines who will have how much power to take which decisions. And it puts limits to what the government can do by providing some rights to the citizens that cannot be violated.



THE SPOT LIGHT ✓

The Longest Constitution: India has the longest constitution in the world. It has 448 articles, 12 schedules and 94 amendments.

IMPORTANT TERMS

AMENDMENT

It is a term which means change or modification. It is used in connection with changes made in the Constitution of a country. The procedure of amendment of the Indian Constitution is given in Article 368 of the Constitution itself.

APARTHEID

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

CLAUSE

A distinct section of a document.

CONSTITUENT ASSEMBLY

An assembly of people's representatives that writes a Constitution for a country.

CONSTITUTION

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

DRAFT

A preliminary version of a legal document.

DRAFTING COMMITTEE

A 'committee' set up to draft the Constitution.

PREAMBLE

An introductory statement in a constitution which states its reasons and guiding values.

TREASON

The offence of attempting to overthrow the government of the state to which the offender owes allegiance.

TRYST

A meeting or meeting place that has been agreed upon.

26 April 1994 - South Africa Const

26 Jan 1950 -

26 Nov - 1945 -

EXERCISE # 1

FORMATIVE ASSESSMENT

Multiple choice questions

1. On what charges was Nelson Mandela sentenced to life imprisonment?
☒ (1) For treason
(2) For breaking the laws
(3) For corruption charges
(4) For possessing illegal property
2. What is apartheid?
(1) Election in proportion to population
☒ (2) Official policy of discrimination against the Blacks
(3) Equality among all
(4) None of the above
3. In which way did the system of apartheid discriminate among the South Africans?
(1) Restricted social contacts between the races
(2) Segregation of public facilities
(3) Created race-specific job categories
☒ (4) All the above
4. Name the organisation that led the struggle against the policies of segregation.
(1) African National Conference
(2) African Neutral Congress
☒ (3) African National Congress
(4) All National Party
5. Why did the white regime decide to change its policies?
(1) Increase in protests and struggles
(2) Government realised that repression was becoming difficult
(3) Rise of sympathetic attitude in government for the blacks
☒ (4) Both (1) and (2)
6. Which of these did not form a part in the changed attitude of South African government?
(1) Discriminatory laws were repealed
☒ (2) Ban on political parties and media was lifted
(3) Nelson Mandela was freed from imprisonment
☒ (4) More discriminatory laws were passed
7. When did South Africa become a democratic country?
(1) 26th April, 1995 ☒ (2) 26th April, 1994
(3) 24th March, 1994 (4) 27th April, 1996
8. What did the black population want in the new Constitution?
(1) A black President
☒ (2) Substantial social and economic rights
(3) Whites should be turned out of the country
(4) Apartheid for the whites
9. What did the white minority want from the new Constitution?
☒ (1) Protect its privileges and property
(2) A separate country for themselves
(3) Reservation in legislature
☒ (4) Some special rights
10. During negotiations for making the Constitution, the whites agreed to
(1) The principle of majority rule
(2) One person one vote
(3) Accept some basic rights for the poor and the workers
☒ (4) All the above
11. Which of the following sentences is correct?
(1) All countries that have constitutions are necessarily democratic
☒ (2) All countries that are democratic necessarily have constitutions
(3) Both (1) and (2)
(4) None of the above
12. When did Motilal Nehru draft a Constitution for India?
(1) 1927 ☒ (2) 1926 (3) 1929 ☒ (4) 1928
13. Where was the 1931 session of Indian National Congress held?
(1) Nagpur ☒ (2) Karachi (3) Calcutta (4) Delhi
14. Which of these features were accepted by all the Indian leaders, much before they sat down to make the Constitution?
(1) Universal adult franchise
(2) Right to freedom
(3) Protection of the rights of minorities
☒ (4) All the above
15. According to which Act were the elections held to provincial legislatures in India in 1937?
☒ (1) Government of India Act, 1935
(2) Government of India Act, 1919
(3) Government of India Act, 1909
(4) None of the above
16. Which of these inspired our leaders while framing the Constitution?
(1) Ideals of the French Revolution
(2) Parliamentary democracy in Britain
(3) Bill of Rights in US
☒ (4) All the above
17. Which Revolution in the world inspired the Indians to set up a socialist economy?
☒ (1) French Revolution
(2) Turkish Revolution
☒ (3) Russian Revolution
(4) American War of Independence
18. Name the body which framed the Constitution of India?
(1) General Assembly
☒ (2) Constituent Assembly
(3) Constitutional Assembly
(4) People's Assembly

10. When did the Assembly adopt the Constitution for India ?

- (1) 26th November 1949
(2) 26th December, 1949
(3) 26th January 1950
(4) 26th January 1949

20. Who was the chairman of the Drafting Committee of the Constituent Assembly ?

- (1) Dr. Rajendra Prasad (2) Jawaharlal Nehru
(3) Dr. B.R. Ambedkar (4) Abul Kalam Azad

True or false

- The native people of South Africa are coloured.
- Many sensitive whites also joined the ANC to oppose apartheid and played a leading role in this struggle.
- After three years of discussion and debate S.Africans came out with one of the finest constitutions the world has ever had.
- The constitution of a country is a set of written rules that are accepted by all people living together in a country.
- Our national movement was merely a struggle against a foreign rule.
- In 1931, the resolution at the Karachi session of the Indian National Congress dwelt on how independent India's constitution should look like.
- The socialist revolution in America had inspired many Indians to think of shaping a system based on social and economic equality.
- The Constitution begins with a short statement of its basic values. This is called the Preamble to the constitution.

Fill in the blanks

- Blacks were forbidden from living in white areas. They could work in areas only if they had a permit.
- Finally, at the midnight of 26th April 1994, the new national of the Republic of South Africa was unfurled marking the newly born democracy in

the world.

- The South African constitution inspires all over the world.
- Constitution specifies how the will be constituted, who will have power to take which decisions.
- The British had left it to the rulers of the to decide whether they wanted to merge with India or with Pakistan or remain independent.
- The drafting of the document called the constitution was done by an assembly of representatives called the Constituent Assembly.
- Over the last half a century, several groups have questioned some provisions of the Constitution. But no large social group or political party has ever questioned the of the Constitution itself.
- Constitution makers did not see Constitution as a sacred, static and unalterable law. So, they made provisions to incorporate changes from time to time. These changes are called constitutional.....

Match the column

1.

Column A		Column B	
(A)	Preamble ✓	(i)	US
(B)	Shyama Prasad Mukherjee (iv)	(ii)	Constitution came into force
(C)	July 1946 (iii)	(iii)	Elections to the Constituent Assembly were held
(D)	26th January 1950 (i)	(iv)	Former president of Bhartiya Jansargh
(E)	Bill of rights (ii)	(v)	Soul of Indian constitution

EXERCISE

ANSWER KEY FORMATIVE ASSESSMENT

Multiple choice questions

Que	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Ans.	1	2	4	3	4	4	2	2	1	4	2	4	2	4	1	4	3	2	1	3

True or false

1. False 2. True 3. False 4. True 5. False 6. True 7. False 8. True

Fill in the blanks

1. White, 2. Flag 3. democrats 4. government
5. princely states 6. elected 7. legitimacy 8. amendments

Match the column

1. (1) → v; (2) → iv; (3) → iii; (4) → ii; (5) → i

EXERCISE # 2

SUMMATIVE ASSESSMENT

Short answer type questions

1. What problems existed in the making of the South African constitution ? What compromises were made?
2. What factors have contributed to the making of our constitution ?
3. What do the following terms mean-Sovereign, Socialist, Secular, Democratic.
4. How were the Blacks treated under the system of Apartheid?
5. How did Apartheid come to an end in South Africa?
6. Why is the Indian Constitution acceptable to the Indian people even today?
7. Describe the composition of the Constituent Assembly.
8. What is importance of a constitution in a 'democratic country ?
9. Why is the Preamble very important ?
10. On which ideals do the Preamble to the Indian constitution lay emphasis ?

Long answer type questions

1. Explain the role of Nelson Mandela in promoting democracy in the world.
2. What is meant by apartheid ? Examine its major features.
3. Explain the struggle of South African people against apartheid.
4. What is constitution ? What is its importance ?
5. How was the Indian constitution framed ?
6. Give the salient features of the Indian constitution.
7. Throw some light on the freedom struggle of Africa.
8. India is a "Sovereign, Socialist, Secular, Democratic Republic". Justify.
9. "The working of the Constituent Assembly has given sanctity to the constitution". Explain.

NCERT QUESTIONS WITH ANSWERS

1. Here are some false statements. Identify the mistake in each case and rewrite these correctly based on what you have read in this chapter.
- (a). Leaders of the freedom movement had an open mind about whether the country should be democratic or not after independence.
Ans. Leaders of the freedom movement were decided on certain basic values and wanted India to be a democratic republic.
- (b). Members of the Constituent Assembly of India held the same views on all provisions of the Constitution.
Ans. No, There were sharp differences on many issues. They were solved after long discussions and debates and a consensus was reached.
- (c). A country that has a constitution must be a democracy.
Ans. Not necessarily. Every country has a Constitution but all are not democracies - some are
- (d). Constitution cannot be amended because it is the supreme law of a country.
Ans. A Constitution is not inflexible. It has to change according to the changes in society and reflect people's aspirations.
2. Which of these was the most salient underlying conflict in the making of a democratic constitution in South Africa?
- (a). Between South Africa and its neighbours.
(b). Between men and women
(c). Between the white minority and the black majority
(d). Between the coloured minority and the black majority.
Ans. (c) between the white minority and black majority.
3. Which of these is a provision that a democratic Constitution does not have?
- (a). Powers of the head of the state (b). Name of the head of the state
(c). Powers of the legislature (d). Name of the country
Ans. (b). Name of the head of the state.
4. Match the following leaders with their roles in the making of the Constitution:
- (a). Motilal Nehru (i) President of the Constituent Assembly
(b). B.R. Ambedkar (ii) Member of the Constituent Assembly
(c). Rajendra Prasad (iii) Chairman of the Drafting Committee
(d). Sarojini Naidu (iv) Prepared a Constitution for India in 1928
Ans. (a) - (iv); (b) - (iii); (c) - (i); (d) - (ii).
5. Read again the extracts from Nehru's speech 'Tryst with Destiny' and answer the following:
- (a). Why did Nehru use the expression "not wholly or in full measure" in the first sentence?
Ans. He says this because India was partitioned into India and Pakistan.
Ans. What pledge did he want the makers of the Indian Constitution to take?
(b). The pledge of service of the millions who suffer.
(c). "The ambition of the greatest man of our generation has been to wipe every tear from every eye." Who was he referring to?
Ans. Mahatma Gandhi.
6. Here are some of the guiding values of the Constitution and their meaning. Rewrite them by matching them correctly.
- (a). Sovereign (i) Government will not favour any religion
Ans. Sovereign - People have the supreme right to make decisions.
(b). Republic (ii) People have the supreme right to make decisions
Ans. Republic - Head of the state is an elected person.
(c). Fraternity (iii) Head of the state is an elected person
Ans. Fraternity - People should live like brothers and sisters.
(d). Secular (iv) People should live like brothers and sisters
Ans. Secular - Government will not favour any religion.

7. 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 the 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 to these leaders.

Ans. I would give the maximum importance to the second opinion. Freedom struggle was the biggest factor in teaching us the values of freedom of thought, expression and belief. It taught us that we had to be united, live as brothers and sisters to fight the common enemy. It taught us the democratic value of equality, how social equality was as important as political one. It taught people that inspite of differences, some basic values are accepted by all.

Second important factor was the quality of leadership. Gandhiji, Nehru, Bose, Azad, to name a few, were great democrats who believed in equality, liberty and fraternity. They believed that the suffering of the people had to be alleviated.

The British gave the Indians training to work with legislative institutions, but they were certainly not believers of democracy. They did not allow every one to vote, they had all the power in their hands, they created divisions among Hindus and Muslims, did not treat Indians as equal to them. In fact it was the freedom struggle which taught Indians to value democracy.

8. Read the following extract from a conduct book for 'married women', published in 1912. 'God had made the female species delicate and fragile both physically and emotionally, pitiably incapable of self-defence. They are destined thus by God to remain in made protection - of father, husband and son - all their lives. Women should, therefore, not despair, but feel obliged that they can dedicate themselves to the service of men.' Do you think the values expressed in this para reflected the values underlying our Constitution? Or does this go against the constitutional values?

Ans. They certainly go against our constitutional values. The Constitution makes no gender differences. Equal rights are given to women. They can vote, take up any job, have property rights and are paid (according to the constitution) equal wages for equal work. The statement of 1912 makes women inferior to men and does not give them equal status.

9. Read the following statements about a Constitution. Give reasons why each of these is true or not true.

- (a) The authority of the rules of the constitution is the same as that of any other law.

Ans. Not true. Constitution is the supreme law. Its authority cannot be challenged even by the government. It is not like an ordinary law.

- (b) Constitution lays down how different organs of the government will be formed.

Ans. Yes, it is true. It defines the role of the legislature, the executive and the judiciary and how they should be formed and by whom.

- (c) Rights of citizens and limits on the power of the government are laid down in the Constitution.

Ans. Yes, true. The Fundamental Rights state clearly the rights of the citizens. They also state the power of the executive, lay down the rules of how the legislature and the judiciary can control the government.

- (d) A Constitution is about institutions, not about values.

Ans. Not true. The Constitution contains all the values which the institutions have to promote. The Preamble to the Constitution is a shining example of this and states clearly that justice, liberty, equality and fraternity have to be promoted. Secularism has to be followed and socialism and democracy should be the basis of the government.

Important Notes

Lined paper for writing notes.