



**NOTES**

# **SOCIAL SCIENCE**

**(POLITICAL SCIENCE)**

**CONSTITUTIONAL DESIGN**



**REVISION NOTES  
CHAPTERWISE &  
TOPICWISE**

## Chapter 2: Constitutional Design

### Concepts Covered:

1. **Story of South Africa**
    - Background
    - Apartheid
    - Segregation
    - African National Congress
    - Independence of South Africa
    - Towards a new Constitution
  2. **Why do We Need A Constitution?**
    - Meaning of Constitution
    - Functions of Constitution
  3. **Making of The Indian Constitution**
    - Circumstances during the making of Constitution.
    - The Path to Constitution
    - The Constituent Assembly
  4. **Guiding values of the Indian Constitution**
    - The Dream and the Promise
  5. **Philosophy of the Constitution**
    - Preamble
      - We, the people of India
      - Sovereign
      - Socialist
      - Secular
      - Democratic
      - Republic
      - Justice
      - Liberty
      - Equality
      - Fraternity
  6. **Institutional Design**
    - Constitutional Amendments
    - Arrangements in the Constitution
  7. **Mind Map**  
(Colourful & Interactive/ Complete All Concept Covered)
- Practice Questions (All Topics Available)**

## STORY OF SOUTH AFRICA

### Background



Nelson Mandela was imprisoned in 1964 for treason. Because of his daring to oppose the apartheid regime in his country. He spent the next 28 years in South Africa's most dreaded prison, Robben Island.

### Apartheid

A system of racial discrimination promoted by the white government. The system of apartheid divided the people and labelled them on the basis of their skin colour. The white rulers treated all non-whites as inferiors. The non-whites did not have voting rights. The apartheid system was particularly oppressive for the blacks.





## Segregation

Segregation is a system that keeps different groups separate from each other, either through physical dividers or using social pressures and laws. Blacks were forbidden from living in white areas. They could work in white areas only if they had a permit. Trains, buses, taxis, hotels, hospitals, schools and colleges, libraries, cinema halls, theatres, beaches, swimming pools, public toilets, were all separate for the whites and blacks.



## African National Congress

### Role of ANC (African National Congress) in ending apartheid

- Since 1950, the blacks, coloured and Indians fought against the apartheid system.
- They launched protest marches and strikes.
- The African National Congress (ANC) was the umbrella organisation that led the struggle against the policies of segregation.

As protests and struggles against apartheid had increased, the government realised that they could no longer keep the blacks under their rule through repression.



## Independence of South Africa

- The white regime changed its policies.
- Discriminatory laws were repealed.
- Ban on political parties and restrictions on the media were lifted.
- After 28 years of imprisonment, Nelson Mandela walked out of the jail as a free man.
- The apartheid government came to an end, paving way for the formation of a multi-racial government.



**"I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die."**

### Towards a new Constitution

- Black leaders appealed to fellow blacks to forgive the whites for the atrocities they had committed while in power.
- 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.
- 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.



*Future's Key*

# Fukey Education

## WHY DO WE NEED A CONSTITUTION

### Meaning of Constitution

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.

### Functions of Constitution

- First, it generates a degree of trust and coordination that is necessary for different kind of people to live together.
- Second, it specifies how the government will be constituted, who will have power to take which decisions.
- Third, it lays down limits on the powers of the government and tells us what the rights of the citizens are.
- 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.**

*Future's Key*

# Fukey Education

## MAKING OF THE INDIAN CONSTITUTION

### Circumstances during the making of Constitution.

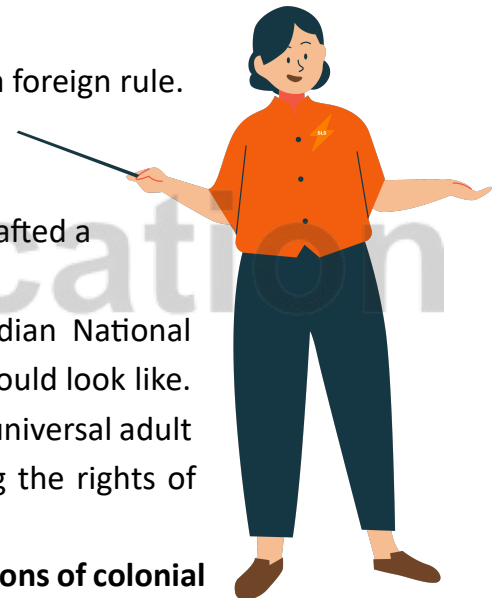
- It was not easy for the constitution makers; India's Constitution was also drawn up under very difficult circumstances.
- The people of India were emerging from the status of subjects to that of citizens.
- The country was born through a partition on the basis of religious differences.
- At least ten lakh people were killed on both sides of the border in partition related violence.
- 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.
- When the constitution was being written, the future of the country did not look as secure as it does today.



### The Path to Constitution

- Unlike South Africa there was one big advantage for the makers of the Indian Constitution. We already had consensus about what a democratic India should look like.
- Consensus was developed during 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.
- 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.

**Consensus developed due to the familiarity with political institutions of colonial rule.**





**CONSTITUTIONAL DESIGN****MAKING OF THE INDIAN CONSTITUTION**

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. The Indian constitution adopted many institutional details and procedures from colonial laws like the Government of India Act, 1935.



Lessons learned from other countries.

**CONSTITUTIONAL DESIGN****MAKING OF THE INDIAN CONSTITUTION**

- Our leaders gained confidence to learn from other countries, but on our own terms.
- Many of our leaders were inspired by the ideals of French Revolution.
- The practice of parliamentary democracy in Britain.
- 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.

They were not simply imitating what others had done. At each step they were questioning whether these things suited our country.

**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. Soon after, the country was divided into India and Pakistan. The Constituent Assembly was also divided into the Constituent Assembly of India and that of Pakistan. 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.



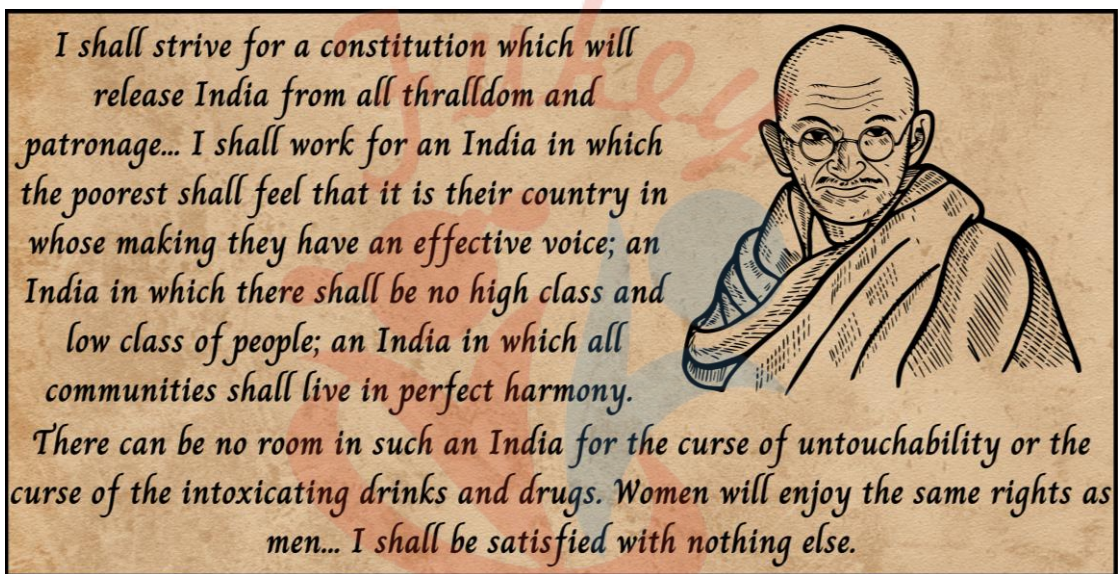


## GUIDING VALUES OF THE INDIAN CONSTITUTION

### The Dream and the Promise

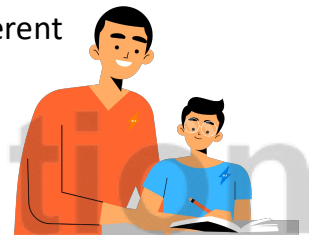
#### 1. Mahatma Gandhi

He was not a member of the Constituent Assembly. Yet there were many members who followed his vision. Years ago, writing in his magazine Young India in 1931, he had spelt out what he wanted the Constitution to do.



#### 2. Dr. B.R. Ambedkar

- Dreamed of an India without inequalities, 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 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.*



### 3. Jawaharlal Nehru

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 be 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

### Preamble

The Constitution begins with a short statement of its basic values. This is called the Preamble to the constitution. Taking inspiration from American model, most countries in the contemporary world have chosen to begin their constitutions with a preamble.



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

#### Preamble of the constitution

The Preamble of the Constitution reads like a poem on democracy. It 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.

#### 1. 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.



**2. Sovereign**

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

**3. 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.

**4. 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.

**5. 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.

**6. Republic**

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

**7. 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.

**8. Liberty**

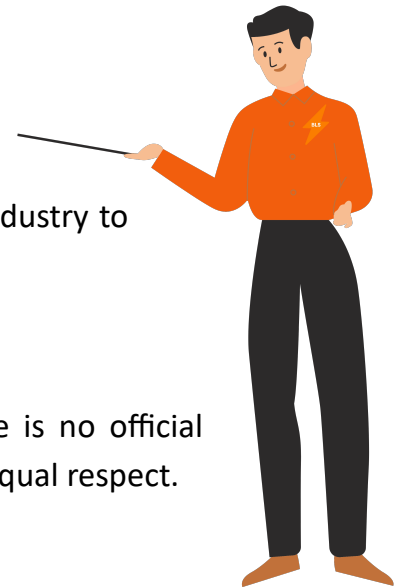
There are no unreasonable restrictions on the citizens in what they think, how they wish to express their thoughts and the way they wish to follow up their thoughts in action.

**9. Equality**

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

**10. Fraternity**

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





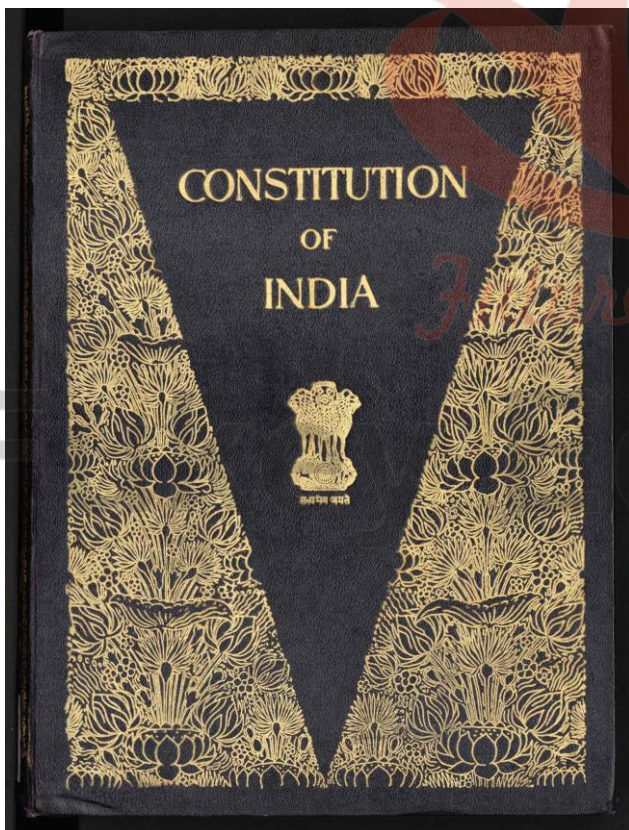
## INSTITUTIONAL DESIGN

### Constitutional Amendments

It is a statement of value and philosophy. It embodies these values into institutional arrangements. The constitution makers did not see it as a sacred, static, and unaltered law. Therefore, it needs to be amended quite regularly to keep it updated. So, they made provisions to incorporate changes from time to time. These changes are called constitutional amendments.

### Arrangements in the Constitution

- The Constitution describes the institutional arrangements in a very legal language.
- Yet the basic institutional design is not very difficult to understand.
- Like any Constitution, 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.
- It puts limits to what the government can do by providing some rights to the citizen that cannot be violated.



## CONSTITUTIONAL DESIGN

## MIND MAP

