

CLASS 9 CIVICS | CHAPTER 2

Constitutional Design

Comprehensive examination notes covering the history, philosophy, and foundational framework of democratic constitutions.

What is a Constitution?

In a democracy, rulers are not free to do whatever they like. There are fundamental rules that both citizens and the government must follow.

All these fundamental rules grouped together are called a **Constitution**.

- It is the **supreme law** of the country.
- It determines the basic **rights of citizens**.
- It defines the **powers of the government**.
- It dictates exactly **how the government should function**.



The Struggle in South Africa



Nelson Mandela

Nelson Mandela led the historic fight against both white domination and black domination, cherishing the ideal of a democratic and free society with equal opportunities.

For daring to oppose the racist regime, he was tried for treason by the white South African government.

In 1964, Mandela and seven other leaders were sentenced to life imprisonment, spending the next **27 years** in South Africa's most dreaded prison: Robben Island.

The Apartheid System

A System of Oppression

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





During the 17th and 18th centuries, European trading companies occupied the land by force. However, unlike in India, a large number of 'whites' settled permanently and became the local rulers.

Racial Classification

The system divided and labelled the population purely on the basis of skin color:

- **Blacks:** Native people (3/4th of the population).
- **Coloured:** People of mixed races.
- **Indians:** People who migrated from India.
- **Whites:** The ruling class who treated all non-whites as inferiors without voting rights.

Segregation and Brutality

-  **Territorial Ban:** Blacks were strictly forbidden from living in white areas and could only work there if they possessed a specific permit.
-  **Total Segregation:** Trains, buses, taxis, hotels, hospitals, schools, colleges, libraries, cinema halls, theatres, beaches, and swimming pools were entirely separate for whites and blacks.
-  **Religious Division:** The black population could not even visit or worship in the churches where the white population worshipped.
-  **Suppression of Voice:** Blacks were legally barred from forming associations, unions, or participating in any protests against their terrible treatment.

The Struggle Against Apartheid

Since 1950, the blacks, coloureds, and Indians persistently fought against the apartheid system through massive protest marches and strikes.

The **African National Congress (ANC)** served as the umbrella organization leading the struggle against segregation.

- Many workers' unions and the Communist Party joined the ANC.
- Several sensitive white citizens joined to oppose apartheid.
- Despite global denunciation, the racist government continued ruling by detaining, torturing, and killing thousands.



Towards a New Democracy

The Shift

As protests escalate, the regime realizes repression cannot hold. Discriminatory laws are repealed; media bans are lifted.



February 1990

After 28 years of brutal imprisonment, Nelson Mandela walks out of Robben Island jail as a free man.

April 26, 1994

At midnight, the new national flag is unfurled. The apartheid regime ends, paving the way for a multi-racial government.

A Vision of Forgiveness

“ Historical enemies succeeded in negotiating a peaceful transition from apartheid to democracy exactly because we were prepared to accept the inherent capacity for goodness in the other. ”

— Nelson Mandela

Drafting a Common Constitution



The White Minority

Agreed to the democratic principle of majority rule and "one person, one vote". They also accepted basic socio-economic rights for the poor and workers.



The Black Majority

Agreed that majority rule would not be absolute. They promised not to arbitrarily take away the private property of the white minority.



The Constitution

After two years of debate, they produced one of the world's finest constitutions, granting the most extensive rights to all citizens equally.

A scenic view of a waterfall with a rainbow in the sky. The waterfall is on the left side, with white water cascading down. The background shows a lush green landscape with trees and a blue sky with a rainbow arching across it. The text is overlaid on a dark blue rounded rectangle in the center.

The Rainbow Nation

The South African constitution now inspires democrats all over the world. A state once denounced by the entire globe as the most undemocratic is now heralded as a model of democracy, born from the determination to transform bitter experiences into the binding glue of a united nation.

Why Do We Need a Constitution?

Building Trust

The South African example highlights why constitutions exist. The oppressor and the oppressed were planning to live as equals. Trust was difficult, and both had fears about their future and interests.

Written Guarantees

The only way to build and maintain trust in diverse societies is to write down fundamental "rules of the game" that everyone—including the victors—must abide by, preventing future betrayal.

Four Key Functions of a Constitution



Generates Trust: It fosters a necessary degree of trust and coordination essential for diverse groups of people to live together peacefully in a shared territory.



Specifies Government Structure: It details exactly how the government will be constituted, identifying who will have the power to make specific decisions.



Sets Limits & Defines Rights: It places strict limits on the powers of the elected government while clearly spelling out the fundamental rights of the citizens.



Expresses Aspirations: It serves as a formal declaration of the people's highest aspirations regarding the creation of a good, just, and equitable society.

A Democratic Necessity

100%

Of Democracies

A Universal Standard

While not all countries that have constitutions are democratic, **every single democratic country has a written constitution.**

This practice became a global standard following historic events like the American War of Independence and the French Revolution, firmly establishing the rule of supreme law.

The Making of the Indian Constitution

Born in Turmoil

Drafting the Constitution for a massive, diverse country like India was not an easy affair, particularly due to the circumstances of its birth.

- **Partition:** The country was divided on the basis of religious differences, leading to a traumatic experience.
- **Mass Violence:** At least ten lakh (one million) people were killed in partition-related violence across the border.
- **Princely States:** The British left it to the rulers of princely states to decide whether to merge with India, Pakistan, or remain independent, creating deep uncertainty.



The Advantage of Consensus

Unlike South Africa, Indian leaders did not have to create a consensus from scratch. The national movement was not just a struggle against foreign rule, but a movement to rejuvenate and transform society, establishing basic democratic ideas well before independence.

Early Constitutional Milestones

1928

Motilal Nehru and eight other Congress leaders drafted the first early version of a constitution for India.



1931

The Karachi session resolution dwelt on the independent constitution, committing to universal adult franchise, equality, and minority rights.

1937

Elections were held to Provincial Legislatures under colonial rule, providing Indian leaders invaluable experience in legislative institutions.



Drawing Global Inspiration

Our leaders gained the confidence to learn from other countries, adopting institutional details on our own terms, without merely imitating them.

- **French Revolution:** Inspired by the ideals of liberty, equality, and fraternity.
- **Great Britain:** Provided the blueprint for the practice of parliamentary democracy.
- **United States:** The US Bill of Rights influenced the inclusion of fundamental rights.
- **Russia:** The socialist revolution inspired thoughts on shaping a system based on social and economic equality.



The Constituent Assembly



The Architects of India

The drafting of the document was done by an assembly of elected representatives known as the Constituent Assembly.

- Elections were held in **July 1946**.
- After partition, the Indian Constituent Assembly retained **299 members**.
- The Constitution was formally adopted on **26 November 1949**.
- It came into official effect on **26 January 1950** (celebrated as Republic Day).

Why Accept This Constitution Today?

A Broad Consensus

The Constitution does not reflect the views of its members alone; it expresses a broad consensus of its time. Over seventy years later, no large social group or political party has ever questioned the ultimate legitimacy of the Constitution itself.

True Representation

Though not elected by universal adult franchise, the Assembly members (elected by Provincial Legislatures) ensured a fair geographical share, representing different language groups, castes, classes, religions, and occupations across India.

A Systematic and Open Process

The sanctity of the Constitution is derived from the highly systematic, open, and consensual manner in which the Assembly operated.

- **Drafting Committee:** Chaired by Dr. B.R. Ambedkar, prepared a Draft Constitution for detailed discussion.
- **Thorough Debate:** Every clause was debated. Over 2,000 amendments were considered over 114 days spread across 3 years.
- **Preservation:** Every spoken word was recorded resulting in 12 bulky volumes of *Constituent Assembly Debates*, used today to interpret the law.



The Dream and the Promise

" I shall strive for a constitution which will release India from all thralldom and patronage... 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. "

— Mahatma Gandhi (Young India, 1931)

Contrasting Visions for Equality



Mahatma Gandhi's Vision: He focused heavily on social harmony and moral upliftment. He desired an India where the poorest felt ownership, demanding the complete eradication of untouchability, intoxicating drinks, and drugs.



Dr. B.R. Ambedkar's Anxiety: While sharing the dream of equality, Ambedkar bitterly criticized Gandhi's methods. He warned that India was entering a "life of contradictions"—achieving political equality (one man, one vote) but deeply lacking in social and economic equality.



The Warning: Ambedkar stressed that if social and economic inequalities were not addressed urgently, the victims of inequality would eventually blow up the structure of political democracy.

Awakening to Freedom

“ Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge... At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. ”

— Jawaharlal Nehru (Aug 15, 1947)

The Preamble: Soul of the Constitution

Foundational Value

Meaning in the Indian Constitution

Sovereign

People have the supreme right to make decisions. No external power can dictate to the government of India.

Socialist

Wealth is generated socially and should be shared equally. Government should regulate land/industry ownership to reduce inequalities.

Secular

Citizens have complete freedom to follow any religion. There is no official state religion; all are treated with equal respect.

Democratic

A form of government where people enjoy equal political rights, elect their rulers, and hold them accountable.

Republic

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

Image Sources



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Source: thefulcrum.us



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