Chapter-3
Constitutional Design.

" I have Fought against White Domination and I have Faught against black Domination. I have cherished the ideal of a democratic and free society in which all person live together in harmony and with equal opportunitys. 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"

— Nelson Mandela

⇒ <u>Democratic Constitution in South Africa.</u>

* • <u>Struggle against Apartheid :</u>

• Apartheid was the name of a system of racial discrimination unique to South Africa.

• This system was particularly oppressive for the blacks.
→ They were forbidden from living in white areas.

• Since 1950 the blacks, coloured and Indians fought against the apartheid system.

• The African National congress (ANC) was the Umbrella organization the led the struggle against the policies of Segregation.

NCERT point

- In 1964, Nelson Mandela and seven other leaders were sentenced to life imprisonment in 1964 for daring to oppose the apartheid regim in his country.

⇒ Towards a New constitution.

- As protest and struggle against apartheid had increased, the white regime changed its policies.

- After 28 year of jail, Nelson Mandela relased.

- At the midnight of 26 April 1994, democracy was adopted as a form of government in South Africa.

- After two years, a constitution came out which gave to its citizens the most extensive rights avaio available in any country.

⇒ Why do we need a constitution ?

- A constitution is necessary because:
  → It generates a degree of trust and coordination that is necessary for different kind of people live together.

  → It specify how the government will be constituted, who will have power to take which decisions.

→ It lays down limits on the powers of the government and tell us what the rights of citizens are.

→ It express the aspirations of the people about creating a good society.

→ Making of 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.

• Factors contributed to the making of our constitution.

→ Ideals of French Revolution
→ The practice of parliamentry democracy in Britain.
→ The Bill of Rights in the US.
→ The Socialist revolution in Russia.

→ The constituent Assembly.

• In July 1946 Elections to the constituent Assembly were held.
→ The drafting of the document called the constitution was done constituent Assembly.

→ Dr. Rajendra prasad was the chairman of the constituent Assembly.

→ In December 1946, the first meeting was held.

• After the country was divided into India and pakistan, the constituent Assembly also got divided.

• 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.

• The constituent Assembly worked in a systematic, open and consensual manner.

→ First some basic principales were decided and agreed upon.

→ Then a drafting committee chaired by Dr. B.R Ambedkar prepared a draft of constitution for discussion.

→ More than 2000 Amendment were considered.

⇒ <u>Philosophy or the constitution</u>

• The constitution begin with a short statement of its basic values which is called the Preamble to the constitution

The Preamble focuses on:
→ Justice: social, economic and Political.
→ Liberty of thoughts, expression, belief, fait,
and worship.
→ Equality of status and of opportunity.
→ Fraternity assuring the dignity of the
Individual and unity and Integrity
of the nation.