

Chapter 2: Constitutional Design

Intext Questions:

Question 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?

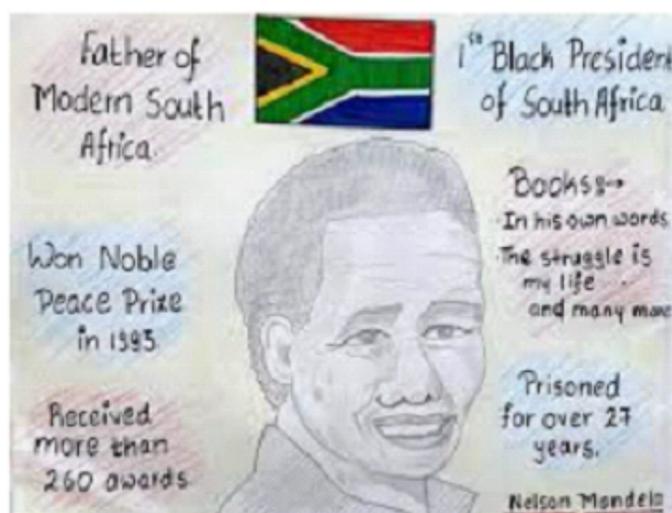
Answer:

If the blacks had not forgiven the whites for all their oppression and exploitation and decided to take revenge upon them, there would have been bloodshed everywhere. It could have led to a division of the country and we would not have seen a united and peaceful South Africa that exists now. Fortunately, the black community followed the policy of non-violence in their freedom struggle.

Question 2: Make a poster on the life and struggle of Nelson Mandela. If available, read some portions of his autobiography, *The Long Walk to Freedom*, in the classroom.

Answer:

(i)



(ii) Nelson Mandela

- Nelson Mandela was born on 18th July, 1918.
- He is a militant anti-apartheid activist and co-founder of 'Umkhonto We Sizwe' the armed wing of the African National Congress (ANC).
- In 1962, he was arrested and went on to serve 27 years in prison.
- He was released on 11th February, 1990 and led the party in the multi-party negotiations that led to the country's first multi-racial elections.
- On 10th May, 1994, he became the first black President of South Africa. He retired in 1999 and decided not to stand for a second term. In South Africa, Mandela is often known as Madiba.
- He has received more than 250 awards including Nobel Peace Prize (1993). *Long Walk to freedom* is an auto-biographical work written by Nelson Mandela. It was published in 1995.
- The book profiles his early life coming of age, education and 27 year in prison.
- He described political and social aspects of apartheid in South Africa and his belief that the struggle continues against apartheid in South Africa.

Question 3: This image captures the spirit of South Africa today. South Africans call themselves a 'rainbow nation'. Can you guess why?



Answer:

South Africans call themselves a 'rainbow nation'. Because there are Whites, Black, Coloured people and Indians in South Africa who have different skin colours. But they are living and working together as one people unified like the colours of a rainbow. They have forgotten the racist brutal, repressive past. Now the transformation of South Africa is truly shared by its entire people.

Question 4: Does the story of South African struggle for freedom remind you of the Indian national movement? Make a list of similarities and dissimilarities between the two on the following points:

- Nature of colonialism
- Relationship between different communities
- Leadership: Gandhi/ Mandela
- Party that led the struggle: African National Congress/ Indian National Congress
- Method of struggle

Answer:

Yes, the story of South African struggle for freedom reminds me of the Indian National Movement.

1. Nature of Colonialism:

similarities: During the 17th and 18th centuries, the trading companies from Europe occupied South Africa forcibly in the same way that they had occupied India.

Dissimilarities : Unlike India a large number of whites had settled in South Africa and become the local rulers.

2. Relationship between Different Communities:

Similarities : The white rulers treated all non-whites as inferiors in both the countries. The whites regarded Indians and Africans inferior uncivilized people.

Dissimilarities : The relationship between different religions and regional communities in India was cordial. They all believed themselves to be Indians. But in South Africa, different communities like the whites, blacks,

coloured people relations –and respect for each other.

3. Leadership: Gandhi/Mandela

Similarities : Both were apostles of truth and non-violence.

Dissimilarities : Nelson Mandela was sentenced to life imprisonment, though Gandhiji was also put behind the bars several times, but he was not sentenced to life imprisonment.

4. Party that Led the Struggle: ANC/INC

Similarities : Similarities, both the African National Congress (ANC) and the Indian National Congress (INC) were umbrella organizations working national level.

Dissimilarities : The purpose of both the parties was different. ANC was fighting against apartheid and the segregation policies of the racial African Government. Whereas the INC was fighting against the British rule in India

5. Method of Struggle:

Similarities : Both the South African struggle and Indian National Movement followed the same policy, i.e., the policy of non-violence.

Dissimilarities : But, In South Africa, there was only one group, that of the moderates, who adopted peaceful means against the government, whereas in India besides the moderates, there were also the extremists, who used violent methods to attain their goal, freedom.

Question 5: Approach a club or cooperative society or union or political party in your locality. Get a copy of their rule book (it is often called Rules of Association) and read it. Are these rules in accordance with principles of democracy? Do they give membership to any person without discrimination?

Answer:

A cooperative (also known as co-operative, co-op, or coop) is "an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically controlled enterprise".

1) Cooperatives may include: Non-profit community organizations/businesses owned and managed by the people who use their services (a consumer cooperative) or organizations managed by the people who work there (worker cooperatives) or organizations managed by the people to whom they provide accommodation (housing cooperatives) hybrids such as worker cooperatives that are also consumer cooperatives or credit unions multi-stakeholder cooperatives such as those that bring together civil society and local actors to deliver community needs second- and third-tier cooperatives whose members are other cooperatives. Research published by the World watch Institute found that in 2012 approximately one billion people in 96 countries had become members of at least one cooperative.

2) The turnover of the largest three hundred cooperatives in the world reached \$2.2 trillion – which, if they were to be a country, it would make them the seventh largest.

Question 6: This is not fair! What was the point in having a Constituent Assembly in India if all the basics were already decided?

Answer:

We cannot say that there was no point in having a Constituent Assembly to discuss and frame a Constitution if the basics had already been decided. The basics were relating right to freedom, universal adult franchise, rights of minorities which are the basis of any democratic society These basics were the guiding principles which were further developed and expanded to establish a welfare state. In a democracy, it is the Constituent Assembly which makes the Constitutions with the help of the basics. So, the Constituent Assembly in India was established, even if all the basics were already decided.

Question 7: Speak to your grandparents or some other elders in your locality. Ask them if they have any memory of partition or independence or the making of the constitution. What were their fears and hopes about the country at that time? Discuss these in the classroom.

Answer:

I spoke with an elderly person who is 98 years old living in our locality. He said that they were very happy in olden times before inventing technology. They feared of the British people and other influences that occupied

the country however our own leaders fought bravely to get rid of them. Now they are afraid of youth and their western culture influences.

Question 8: Find out more about any member of the Constituent Assembly from your state or region who is not mentioned here. Collect a photograph or make a sketch of that leader. Write a short note on him or her, following the same style as used here: Name (year of birth-year of death), place of birth (by current political boundaries), brief description of political activities; role played after the Constituent Assembly.

Alladi Krishnaswamy Iyer(14 May 1883- 3 October 1953):



Answer:

Born to a priest's family in Pudur village (in SPSR Nellore district, AP), Sri Iyer pursued history as a major from Madras Christian College, and studied law in his free time. Despite his chronic ill-health, he contributed to the following topics in drafting of the Constitution of India citizenship, fundamental rights, directive principles, judiciary in the Union and the States, distribution of legislative powers, articles dealing with the powers of the President and the Governor, and adult suffrage. He was vocal supporter of strong Centre, and said the following during the Constituent Assembly debates.

He also cautioned that the legislative, and executive should not leave the judiciary to do their job.

A Statesman Among Jurists, A biography of Sir Alladi Krishnaswami Aiyar was authored by his son, Alladi Kuppaswami, former Chief Justice of the High Court of Andhra Pradesh, and published by Bharatiya Vidya Bhavan (1993).

Question 9: Read the information about all the makers of the Indian Constitution given in the side columns here. You don't need to memorise this information. Just give examples from these to support the following statements:

A. The Assembly had many members who were not with the Congress.

B. The Assembly represented members from different social groups.

C. Members of the Assembly believed in different ideologies.

Answer:

A. Vallabhbhai Jhaverbhai Patel (1875-1950), Jaipal Singh (1903-70), Bhimrao Ramji Ambedkar (1891-1956), Shyama Prasad Mukherjee (1901-53).

B. Vallabhbhai Jhaverbhai Patel - Leader of Peasants Satyagrha. Abul Kalam Azad - Theologian, Scholar of Arabic. Jaipal Singh - President of Adivasi Mahasabha. Bhimrao Ramji Ambedkar - Social revolutionary thinker and agitator against caste divisions and caste-based inequalities., Shyama Prasad Mukherjee - Active in the

Hindu Mahasabha.

C. Rajendra Prasad (1884-1963), HC Mukherjee (1887-1956). Jawaharlal Nehru (1889-1964), Sarojini Naidu (1879-1949), Somnath Lahiri (1901-1984), Baldev Singh (1901-1961).

Question 10: Read the three quotations above carefully.

A) Can you identify one idea that is common to all these three?

B) What are the differences in their ways of expressing that common idea?

I shall strive for a constitution which will release India from all thralldom and patronage ... I shall work for an India in which the poorest shall feel that 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 ... I shall be satisfied with nothing else.



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.

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 ...

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.

Answer:

(i) The one idea that is common to all these three quotations is the ending of inequality in Indian society.

(ii) In the first quotation, Gandhiji strived for an India in which there should be no higher or lower class of people and all communities should live in perfect harmony.

In the second quotation, BR Ambedkar said, "We are going to enter a life of contradictions. In politics, we will have equality but in social and economic life, we will have inequality."

In the third quotation, Jawaharlal Nehru said about the ending of poverty, inequality, "the service of India means the ending of poverty, ignorance, disease and inequality of opportunity."

Question 11: Compare the Preambles to the constitutions of the United States of America, India and South Africa.

A. Make a list of ideas that are common to all these three.

B. Note down at least one of the major differences among these.

C. Which of the three makes a reference to the past?

D. Which of these does not invoke God?

Answer:

i)

(a) Each of these Preambles starts with, "We, the people." It means the sources of all authority to govern these countries are the people of these countries.

(b) In all these three, the idea of justice is embodied.

ii) In the Preamble to the Constitution of the United States, there is a statement for the formation of union, which is not there in the Preambles to the Indian and South African Constitutions.

- iii) The Preamble to the Constitution of South Africa makes a reference to the past.
- iv) The Preamble to the Constitutions of the United States and India do not invoke God. Both the Preamble suggests that citizens have complete freedom to follow any religion. There is no official religion.

Exercises

Question 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.

Answer:

This is a true statement.

(b) Members of the Constituent Assembly of India held the same views on all provisions of the Constitution.

Answer:

Members of the Constituent Assembly of India had different opinions on various provisions of the constitution

(c) A country that has a constitution must be a democracy.

Answer:

This cannot be said with surety in the context of information given in this chapter.

(d) Constitution cannot be amended because it is the supreme law of a country.

Answer:

Constitution can be amended to keep up with the changes in aspirations of the society.

Question 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 majority and the black minority
- (d) Between the coloured minority and the black majority

Answer:

(d) Between the coloured minority and the black majority

Question 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

Answer:

(b) Name of the head of the state

Question 4: Match the following leaders with their roles in the making of the Constitution:

Coloum I	Column II
(a) Motilal Nehru	1. President of the Constituent Assembly
(b) B R Ambedkar	2. Member of the Constituent Assembly
(c) Rajendra Prasad	3. Chairman of the Drafting Committe

Coloum I	Column II
(d) Sarojini Naidu	4. Prepared a constitution for India in 1928

Answer:

(a) - 4, (b) - 3, (c) - 1, (d) - 2

Question 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?

Answer:

The task of building a nation is a gargantuan task which cannot be fulfilled in one’s lifetime. Hence Nehru had used the expression, “not wholly or in full measure, but substantially”.

(b) What pledge did he want the makers of the Indian Constitution to take?

Answer:

He wanted them to take the pledge of building a nation in which there would not be a single person with tears in his eyes. He wanted them to understand the huge responsibility which destiny had thrust upon them.

(c) “The ambition of the greatest man of our generation has been to wipe every tear from every eye”. Who was he referring to?

Answer:

He was referring to Mahatma Gandhi.

Question 6: Here are some of the guiding values of the Constitution and their meaning. Rewrite them by matching them correctly.

Coloum I	Column II
(a) Sovereign	1. Government will not favour any religion
(b) Republic	2. People have the supreme right to make decisions
(c) Fraternity	3. Head of the state is an elected person
(d) Secular	4. People should live like brothers and sisters

Answer:

(a) - 2, (b) - 3, (c) - 4, (d) - 1

Question 7: How did your school celebrate the Constitution Day on November exercises 26th? Prepare a brief report.

Answer:

"A REPORT ON THE CELEBRATION OF CONSTITUTION DAY"

The existence and successful survival of ‘Democracy ‘in such diverse conditions is the most celebrated fact about our country and constitution is its backbone. To reinforce the significance and importance of constitution the government of India declared 26th of November as Constitution Day on 19 November 2015 by a gazette notification in remembrance of the Father of Indian Constitution, Dr. B R Ambedkar.

The occasion was celebrated in the premises of my school " The Chaitanya Bharathi" in all its solemnity. It was marked by the conduct of a ‘Special Assembly’ by the students of the school. The celebration started with very apt words as the thought for the day“The flavor of tricolor should not be depicted only through our words but also through our actions.”

This worthy thought was followed by an oath on preamble taken by the students. The assembly ground echoed with the words” we the people of India.....”A specially designed quiz was conducted to enhance the awareness of the students about their constitution. The answers were fast and prompt. Then came the

The audience of the students about their constitution. The answers were fast and prompt. Then came the culmination of the ceremony – a speech on our constitution which took us on a journey of our constitution from its history to its present day form and its vital role to bring together an idea called India.

Question 8: 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.

Answer:

The importance of this fact cannot be ignored. We should acknowledge that we learnt many good things from the British rulers and democracy was one of them.

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

Answer:

Freedom struggle was important in spreading the idea of nationalism in India and inculcating the practice of making decisions by consensus.

(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.

Answer:

We were indeed lucky that we did not have leaders who were autocratic. India's freedom struggle is the only example of a bloodless freedom struggle in the contemporary history. This could be possible because our nationalist leaders had the maturity to listen to others' views.

Question 9: Read the following extract from a conduct book for 'married women', published in 1912.

'God has 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 male 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?

Answer:

The constitution treats every citizen equally irrespective of gender distinction. Hence this paragraph does not reflect the underlying value in our constitution.

Question 10: 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.

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

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

(d) A constitution is about institutions, not about values.

Answer:

(a) This is not a true statement since the authority of the rules of the Constitution is much more than that of any other law.

(b) No, it is not correct because our Constitution lays down how different organs of the Government will be formed.

(c) This is a correct statement since in our Constitution rights of citizens and limits on the power of the government have been clearly laid down.

(d) A constitution is about institutions through which different values are being inculcated.

