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Constitutional Design

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" 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 person 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"

— Nelson Mandela

⇒ Democratic Constitution in South Africa

* Struggle against Apartheid:

- 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 that led the struggle against the policies of segregation.

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

⇒ Towards a New Constitution.

- As protest and struggle against apartheid had increased, the white regime changed its policies.
- After 28 years of jail, Nelson Mandela was released.
- 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 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 specifies how the government will be constituted, who will have power to take which decisions.

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→ 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 parliamentary 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.

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- 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 principles 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 amendments were considered.

⇒ Philosophy of the Constitution

- The Constitution begins 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, faith and worship.
- Equality of status and of opportunity.
- Fraternity assuring the dignity of the Individual and unity and integrity of the nation.

