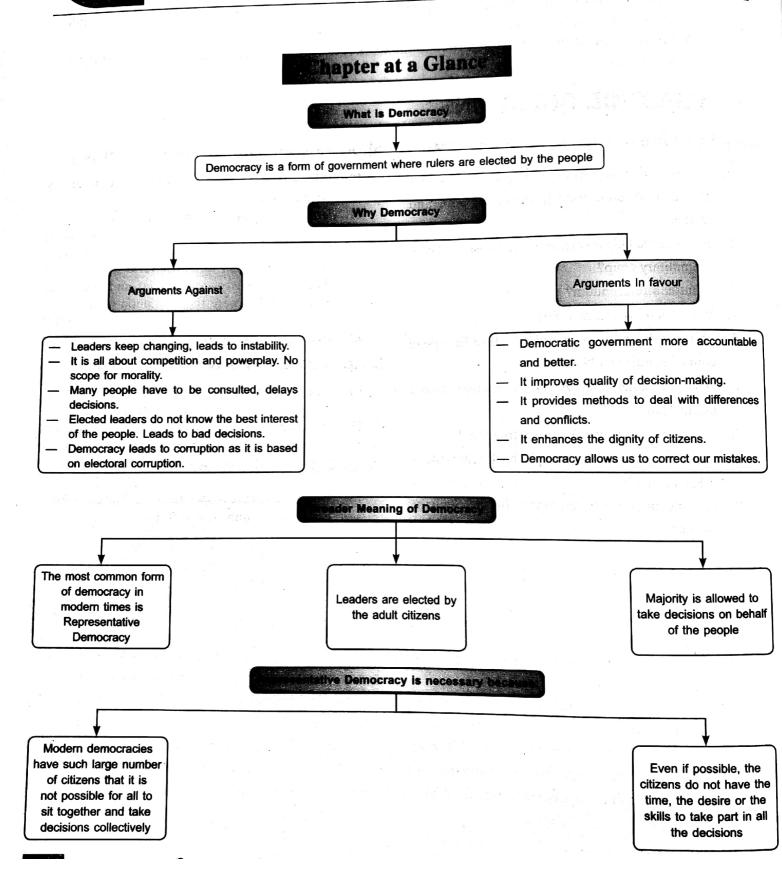
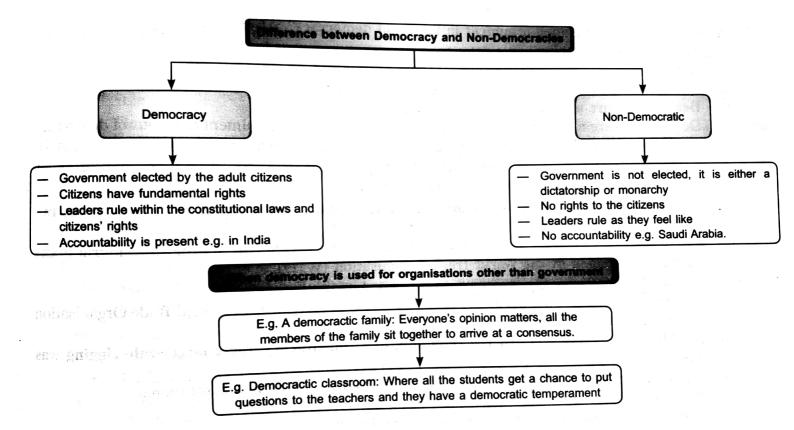
# WHAT IS DEMOCRACY? WHY DEMOCRACY?





## CONSTITUTIONAL DESIGN



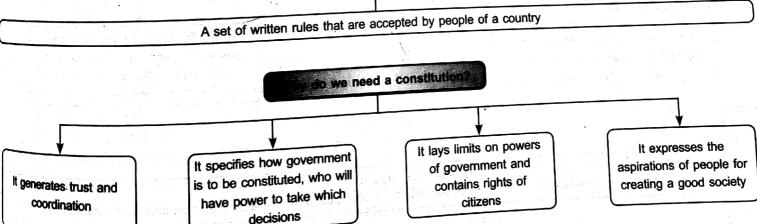
#### Chapter at a Glance

amocratic Constitution in South Afric

Nelson Mandela spent twenty-eight years in prison for raising his voice against apartheid

- Apartheid → Policy of racial discrimination
- Imposed by the Whites who settled in South Africa and later became local rulers
- Skin colour was made the basis of discrimination, Blacks  $\rightarrow$  3/4th of the population, Whites  $\rightarrow$  very small in number, Coloured → Migrated people from India
- Blacks and coloured had no voting rights, had separate schools, hotels, beaches, etc
- No rights to form associations or to protest
- African National Congress led the struggle against segregation
- Apartheid declared unjust by many countries
- Whites continued their racist regime by detaining, torturing and killing 'blacks' and 'coloureds'
- Struggles and protests made the White regime unstable
- Policies changed, laws repealed, restrictions on media lifted
- Mandela freed from prison
- New flag of South Africa unfurled, Apartheid ended
- Blacks appealed to their fellows to forgive Whites
- Pledged to build a new South Africa based on democratic values
- Both Blacks and Whites worked together for a common constitution
- South Africa became a model of democracy





#### king of the Indian Constitution

India got independence with a traumatic experience of Partition. Princely states made the situation worse. They were given the choice pendence with a traumatic experience of Partition. Fillibely states were anxious about the future of India free to join India, Pakistan or remain free. The constitution makers were anxious about the future of India

- The constitution drafted by Motilal Nehru and Congress leaders in 1928 and the
- Resolution of 1931 formed the basis of Indian Constitution
- Familiarity with colonial political institutions helped a lot, like the Government of India Act 1935
- The French Revolution, The Bill of Rights in USA, The Socialist Revolution in Russia also inspired the constitution framers

Constituent Assembly formed in 1946 had 389

After Partition. Indian Constituent Assembly had 299 members that drafted the document

Constituent Assemb

- 26th November 1949 → Constitution adopted
- 26th January 1950 → Constitution came into effect



members in total

- It reflected broad consensus of the People of India as a whole
- No questioning on the legitimacy of constitution
- Constituent Assembly ensured fair representation of all regions of India
- Constituent Assembly worked in a systematic, open and consensual manner
- Broad discussion and debates before preparing a draft of rules
- Every document and word spoken were recorded and preserved for future reference called 'Constituent Assembly

alues of the Indian Consti

Mahatma Gandhi, though not in Constituent Assembly, still members followed his vision-social, economic, political, cultural equality

In his Tryst with Destiny speech, Jawaharlal Nehru pledged, among others for dedication, humanity, responsibility.

- The preamble contains the philosophy of the constitution
- Preamble is a preface or introductory document of the constitution that reflects the basic idea of the constitution

- · Description of institutional arrangement in legal language
- Procedure for electing people to govern country
- Who has power to make what laws
- Fundamental Rights and Duties
- Need for amendments to keep the constitution updated

### ELECTORAL POLITICS



