

*Constitutional Design*

## **SHORT ANSWER TYPE QUESTIONS :**

**Q    What is meant by apartheid ? How was it oppressive for the blacks ?**

**Ans.** Apartheid was the name of a system of racial discrimination unique to South Africa. The white Europeans imposed this system on South Africa. The system of apartheid divided the people and labelled them according to their skin colour. Many 'whites' had settled in South Africa and became the local rulers. The system of public toilets, were all separate for the whites and blacks. This was called segregation. They could not even visit the churches where the whites worshipped. Blacks could not form associations or protest the terrible treatment.

**Q    . What do you mean by 'Constitution' ?**

**Ans.** The constitution of a country is a set of written rules that are accepted by all people living together in a country. Constitution is the supreme law that determines the relationship among people living in a territory (called citizens) and also the relationship between the people and government.

**Q. On what terms did the blacks agreed upon while making a Constitution for South Africa ?**

**Ans.** After two years of discussion and debate, they came out with one of the finest constitutions the world has ever had. This constitution gave to its citizens the most extensive rights available in any country. Together, they decided that in the search for a solution to the problems, nobody should be excluded, no one should be treated as a demon. They agreed that everybody should become part of the solution, whatever they might have done or represented in the past.

**Q. What was the reaction of the government towards the protest movement against the apartheid in South Africa ?**

**Ans.** In South Africa, the white racist government continued to rule by detaining, torturing and killing thousands of black and coloured people. As protests and struggles against apartheid had increased, the government realised that they could no longer keep the blacks under their rule through repression. The white regime changed its policies. Discriminatory laws were repealed. Ban on political parties and restrictions on the media were lifted. After 28 years of imprisonment, Nelson Mandela walked out of the jail as a free man.

**Q. Why did the South African people need a Constitution ?**

**Ans.** The people of South Africa, need a constitution because :

- (i) The oppressor and the oppressed in this new democracy were planning to live together as equals. It was not going to be easy for them to trust each other. They had their fears.
- (ii) They wanted to safeguard their interests. The black majority was keen to ensure that the democratic principle of majority rule was not compromised.
- (iii) They wanted substantial social and economic rights.



**Q** "The South African Constitution inspires democrats all over the world".  
**Comment.**

**Ans.** The South African constitution inspires democrats all over the world in the following ways.

- (i) A state denounced by the entire world till recently as the most undemocratic one is now seen as a model of democracy.
- (ii) What made this change possible was the determination of the South African people to work together, to transform bitter experience into the binding glue of a rainbow nation.
- (iii) The people of South Africa have agreed that everybody should become a part of the solution, whatever they might have done or represented in the past.
- (iv) It is also a charter for the transformation of our country into one which is truly shared by all its people. It is a country in which the fullest sense belongs to all blacks and whites, women and men."
- (v) The Preamble to the South African Constitution sums up the spirit.

**Q. How did the Constituent Assembly work to prepare the Constitution for India ?**

**Ans.** 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 constitution for discussion. Several

rounds of thorough discussion took place, clause by clause. More than 2000 amendments were considered. The members deliberated for 114 days spread over 3 years. Every document presented and every word spoken in the Constituent Assembly was recorded and preserved. These are called 'Constituent Assembly Debates'.

**Q.C. What are constitutional amendments ?**

**Ans.** A constitution is not merely a statement of values and philosophy. A constitution is mainly about embodying these values into institutional arrangements. Indian Constitution is a very long and detailed document. Therefore, it needs to be amended quite regularly to keep it updated. Those who crafted the Indian Constitution felt that it must be in accordance with people's aspirations and changes in society. They did not see it as a sacred, static and unalterable law. So, they made provisions to incorporate changes from time to time. These changes are called constitutional amendments.



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Q. What were the steps involved in the framing of the Indian Constitution ?

Ans. The drafting of the document called the constitution was done by an assembly of elected representatives called the Constituent Assembly. Elections to the Constituent Assembly were held in July 1946. Its first meeting was held in December 1946. Soon after, the country was divided into India and Pakistan. The Constituent Assembly was also divided into the Constituent Assembly of India and that of Pakistan. The Constituent Assembly that wrote the Indian Constitution had 299 members. The Assembly adopted the Constitution on 26 November, 1949 and it came into force on 26 January, 1950.

Q. What are the four main ideals enshrined in the Preamble of the Indian Constitution ?

Ans. The ideals written in the Preamble of the Constitution are as under :

- (i) **Justice** : Every citizen of India will have social, economic and political justice.
- (ii) **Liberty** : Every citizen will have the liberty of thought, expression, belief, faith and worship.
- (iii) **Equality** : Every citizen will be provided with the equality of status and opportunity.
- (iv) **Fraternity** : All the citizens of India have been assured about the dignity of individual and the unity and integrity of the nation.