

CBSE Class 9 Political Science

Chapter 2: Constitutional Design

PREMIUM STUDY NOTES — EXAM REVISION EDITION

SECTION 1: CHAPTER INTRODUCTION

In a democracy, the rulers are not free to do whatever they like. There are certain basic rules that both the citizens and the government must follow. This chapter explores how these basic rules are formulated and established through the process of **Constitutional Design**.

- **What is a Constitution?** A Constitution is the supreme written law of a country, accepted by all people living together in that nation. It determines the relationship among citizens and also the relationship between the people and the government.
- **Why Constitutions are Needed:** It generates a degree of trust and coordination necessary for different kinds of people to live together, specifies how the government will be constituted, limits the powers of the government, and expresses the aspirations of the people about creating a good society.
- **Importance of Constitutional Design:** Designing a constitution requires balancing long-term values with the immediate political context, ensuring stability while leaving room for amendments to match the evolving needs of the citizens.
- **Chapter Overview:** This chapter takes a comparative path, looking first at the dramatic struggle against racial subjugation in South Africa to see why a constitution is crucial, and then deep-diving into how the Indian Constitution was framed, its fundamental values, and its institutional setup.

SECTION 2: DETAILED EXPLANATION OF CONCEPTS

Constitution

The foundational legal code containing the core principles, structural framework, and supreme rules according to which a state is governed.

Constitutional Design

The systematic structural planning and drafting of a country's supreme legal rules to define government powers, state bodies, and citizen safeguards.

Democracy

A political framework where governance is executed by representatives chosen by the citizens through open and competitive elections.

Equality

The principle that all citizens possess identical legal status, meaning no individual enjoys special privileges based on birth, race, gender, or religion.

Justice

The fair and unbiased treatment of all individuals, ensuring that social, economic, and political disadvantages are dismantled by institutional support.

Rights

Reasonable claims of individuals recognized by society and sanctioned by law, acting as protective shields against state overreach.

Rule of Law

The principle that the constitution and ordinary laws apply equally to all individuals; no one, including the highest state officials, is above the law.

SECTION 3: THE STORY OF APARTHEID

To understand why written constitutional guardrails are essential, we examine the historical path of South Africa under racial discrimination.

1. Meaning of Apartheid

Apartheid was the name of a system of official, institutionalized racial segregation and discrimination unique to South Africa, imposed by the white minority rulers.

2. The System of Apartheid (Racial Discrimination Metrics)

- The system of apartheid divided the population and labeled them on the basis of their skin color. The native people of South Africa made up about three-fourths of the population and were called '**blacks**'. Besides these two groups, there were people of mixed races called '**colored**' and people who migrated from India.
- The white rulers treated all non-whites as inferiors. Non-whites did not have voting rights.
- **Segregation Policies:** The apartheid system was particularly oppressive for the blacks. They were forbidden from living in white areas. They could work in white areas only if they had a permit. Trains, buses, taxis, hotels, hospitals, schools, colleges, libraries, cinema halls, theatres, beaches, and swimming pools were all separate for the whites and blacks. This was known as **segregation**. They could not even visit the churches where the whites worshipped.

3. Struggle Against Apartheid

- Since 1950, the blacks, coloreds, and Indians fought against the apartheid system. They launched protest marches and strikes.
- The **African National Congress (ANC)** was the umbrella organization that led the struggle against policies of segregation. This included many workers' unions and the Communist Party. Many sensitive whites also joined the ANC to oppose apartheid.
- The white racist government continued to rule by detaining, torturing, and killing thousands of black and colored people.

4. End of Apartheid

As protests and struggles increased, the government realized they could no longer keep the blacks under their rule through repression. The white regime changed its policies. Discriminatory laws were repealed, bans on political parties and media restrictions were lifted.

At the midnight of **26 April 1994**, the new national flag of the Republic of South Africa was unfurled, marking the newly born democracy in the world. The apartheid government came to an end, paving the way for the formation of a multi-racial government.

SECTION 4: NELSON MANDELA AND DEMOCRATIC SOUTH AFRICA

1. Introduction to Nelson Mandela

Nelson Mandela was the most prominent leader of the anti-apartheid movement, often referred to as the father of democratic South Africa. He spent **28 years in prison**, mostly in South Africa's most dreaded prison, **Robben Island**, for daring to oppose the white racist government.

2. Democratic Transformation and Reconciliation

After his release from prison, Mandela led the negotiations that birthed a multi-racial democratic state. He became the first President of the new, free South Africa.

Mandela's leadership was characterized by a commitment to **reconciliation**. As the new democratic state emerged, black leaders appealed to fellow blacks to forgive the whites for the atrocities they had committed while in power. They resolved to build a new South Africa based on the equality of all races, democratic values, social justice, and human rights.

The white minority and the black majority sat together to draw up a common constitution. After two years of discussion and debate, they produced one of the finest constitutions the world has ever seen, which gave its citizens the most extensive fundamental rights available in any country.

SECTION 5: MAKING OF THE INDIAN CONSTITUTION

Unlike South Africa, where the transition was smooth, the making of the Indian Constitution was carried out under exceptionally difficult circumstances.

1. Historical Background and Challenges

- The making of the constitution for a huge and diverse country like India was not an easy task. The people of India were emerging from the status of subjects to that of citizens.
- The country was born through a partition on the basis of religious differences. This was a traumatic experience for the people of India and Pakistan, resulting in the death of at least 10 lakh people on both sides of the border in partition-related violence.
- The British had left it to the rulers of the princely states to decide whether they wanted to merge with India or with Pakistan or remain independent. The merger of these princely states was a difficult and uncertain task.

2. Path to the Constitution (Key Developments)

- India had an advantage: our constitution makers did not have to create a consensus on what a democratic India should look like from scratch. Much of this consensus had evolved during the freedom struggle.
- In **1928**, **Motilal Nehru** and eight other Congress leaders drafted a constitution for India.
- In **1931**, the **Karachi Resolution** of the Indian National Congress dwelt on how independent India's constitution should look. Both these documents were committed to the inclusion of ****Universal Adult Franchise, right to freedom and equality, and to protecting the rights of minorities**** in the constitution of independent India.
- Familiarity with political institutions of colonial rule also helped develop an institutional design. The experience gained by Indians in the working of the legislative institutions under British rule (like the Government of India Act, 1935) proved very useful.
- Our leaders also gained confidence to learn from other countries, but on our own terms. They were inspired by the ideals of the ****French Revolution****, the practice of parliamentary democracy in ****Britain****, the Bill of Rights in the ****US****, and the socialist revolution in ****Russia****.

SECTION 6: THE CONSTITUENT ASSEMBLY

The drafting of the document called the constitution was done by an assembly of elected representatives called the **Constituent Assembly**.

1. Formation and Composition

- 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** but it came into effect on **26 January 1950**. To mark this day, we celebrate January 26 as Republic Day every year.

2. Working Process & Committees

The Constituent Assembly worked in a systematic, open, and consensual manner:

1. First, some basic principles were decided and agreed upon.
2. Then a **Drafting Committee** chaired by **Dr. B. R. Ambedkar** prepared a draft constitution for discussion.
3. Clause-by-clause discussion took place over several rounds. More than 2,000 amendments were considered.
4. The members deliberated for **114 days** spread over three years. Every document presented and every word spoken in the Assembly has been recorded and preserved. These are known as the **'Constituent Assembly Debates'** (printed in 12 bulky volumes), used to interpret the real meaning behind the constitution.

SECTION 7: DR. B. R. AMBEDKAR AND KEY CONSTITUTION MAKERS

- **Dr. B. R. Ambedkar (1891–1956):** Served as the **Chairman of the Drafting Committee**. He was a brilliant legal expert and a pioneer in the fight for dalit rights. He played a central role in giving structural shape to the Indian Constitution. Although he held a different vision for eliminating inequalities than Mahatma Gandhi, his legal skill was vital to the framework's balance.
- **Jawaharlal Nehru:** Delivered the historic **'Tryst with Destiny'** speech to the Constituent Assembly at the midnight of August 14, 1947. He moved the crucial 'Objectives Resolution' which outlined the foundational ideas of the state.
- **Sardar Vallabhbhai Patel:** Played a critical role in the integration of the princely states into the Indian Union.
- **Rajendra Prasad:** Served as the **President of the Constituent Assembly**, managing the entire debate and constitutional adoption process.

SECTION 8: GUIDING VALUES OF THE INDIAN CONSTITUTION

The core values of the Indian Constitution are embedded in its introductory statement, called the **Preamble**. It acts as the soul of the Constitution.

[Image of the Preamble to the Indian Constitution text structure]

- **SOVEREIGN:** People have supreme right to make decisions on internal as well as external matters. No external power can dictate to the government of India.
- **SOCIALIST:** Wealth is generated socially and should be shared equally by society. The government should regulate the ownership of land and industry to reduce socio-economic inequalities.

- **SECULAR:** Citizens have complete freedom to follow any religion. But there is no official religion. The government treats all religious beliefs and practices with equal respect.
- **DEMOCRATIC:** A form of government where people enjoy equal political rights, elect their rulers, and hold them accountable. The government operates according to some basic rules.
- **REPUBLIC:** The head of the state is an elected person and not a hereditary monarch.
- **JUSTICE:** Citizens cannot be discriminated against on the grounds of caste, religion, and gender. Social inequalities have to be reduced. The government should work for the welfare of all, especially of the disadvantaged groups.
- **LIBERTY:** There are no unreasonable restrictions on the citizens in what they think, how they wish to express their thoughts, and the way they wish to follow up their thoughts in action.
- **EQUALITY:** All are equal before the law. The traditional social inequalities have to be ended. The government should ensure equal opportunity for all.
- **FRATERNITY:** All of us should behave as if we are members of the same family. No one should treat a fellow citizen as inferior. It builds a sense of national unity.

SECTION 9: IMPORTANT TERMS & DEFINITIONS

- **Constitution:** The supreme book of written laws containing the core principles and rules according to which a state is governed.
- **Apartheid:** A state-enforced policy of racial segregation and socio-economic discrimination used by the white minority government in South Africa.
- **Preamble:** An introductory statement in a constitution which states the reasons for and guiding values of the document.
- **Clause:** A distinct section or paragraph in a legal document or constitution.
- **Constitutional Amendment:** A formal, structured change or modification made to the constitution by the supreme legislative body (Parliament).
- **Draft:** A preliminary version of a legal document or constitution open for evaluation and revisions.
- **Treason:** The criminal offense of attempting to overthrow or act disloyally toward the government of one's own country.

SECTION 10: NCERT KEY POINTS

CRITICAL EXAM FACTS TO REMEMBER

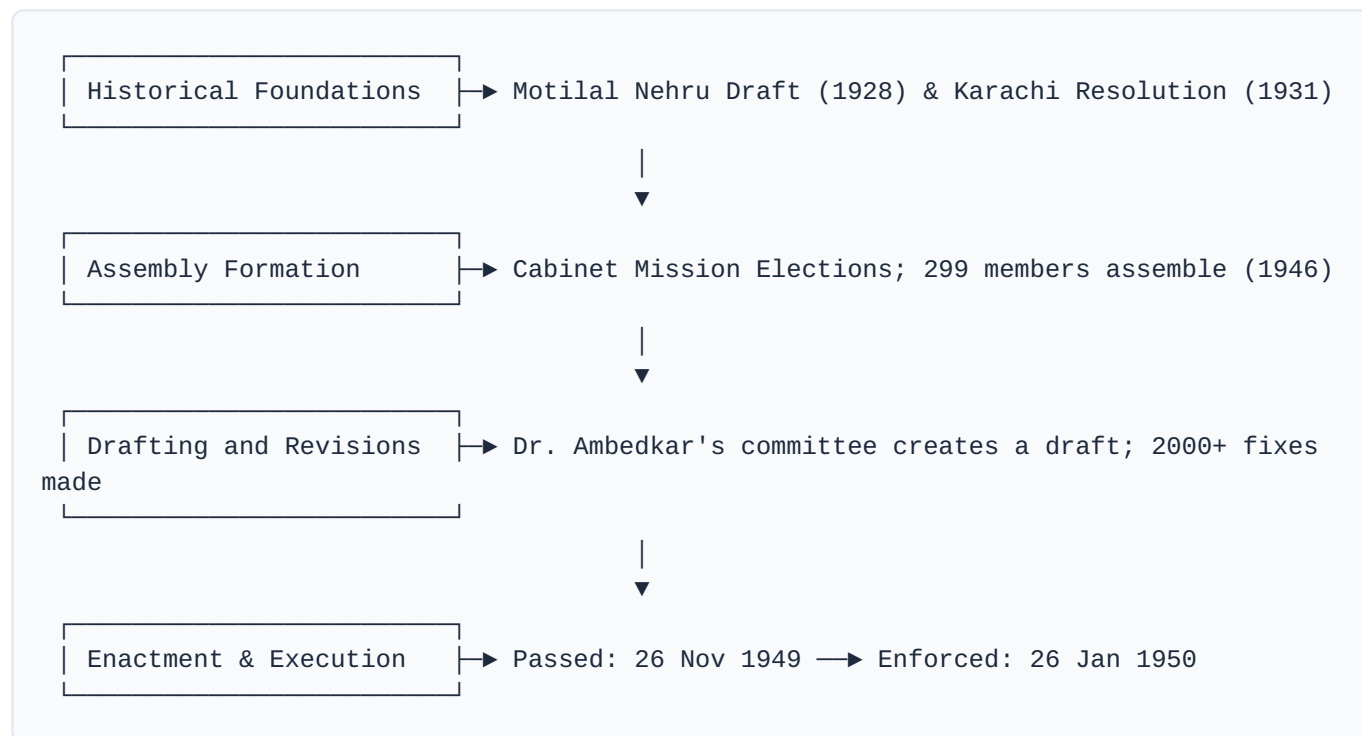
- **Mandela's Jail Term:** Nelson Mandela spent **28 years** in confinement before his release.
- **South Africa's Liberty Date:** Apartheid officially collapsed on the midnight of **26 April 1949** (Correction: **26 April 1994**).
- **1928 Nehru Draft:** Motilal Nehru (father of Jawaharlal Nehru) drafted an initial version of the Indian Constitution along with 8 other leaders in 1928.
- **The 114 Days Rule:** The Constituent Assembly met for a total of **114 days** of intense, documented debate.
- **Absentee Fact:** Mahatma Gandhi was ****not**** a member of the Constituent Assembly, though many members followed his vision and philosophy.

SECTION 11: TABLES & FLOWCHARTS

1. Apartheid vs. Democracy Comparison Matrix

Functional Domain	Apartheid System (Old South Africa)	Democratic System (New South Africa)
Political Suffrage	Strictly restricted to the white minority; blacks had zero voting power.	Universal Adult Franchise; equal voting rights for all citizens.
Public Spaces	Strictly separated under the segregation policy.	Open and shared with complete legal equality.
Institutional Basis	Based on racial superiority and state terror.	Built on reconciliation, human rights, and social justice.

2. The Constitution-Making Process Flowchart



SECTION 12: MAPS & DIAGRAM NOTES

Geographical Location & Visualizing the Preamble

- **South Africa Map Context:** In World Map identification questions, look for South Africa at the absolute southern tip of the African continent, flanked by the Atlantic and Indian Oceans. Robben Island is located just off the coast of Cape Town.
- **The Core Pillars Diagram:** When revising the guiding values of the Preamble, think of them as an interconnected web centered around ****Justice, Liberty, Equality, and Fraternity****. These four values are supported by the structural principles of being ****Sovereign, Socialist, Secular, Democratic, and a Republic****.

SECTION 13: MEMORY TRICKS

1. How to Remember the Core Pillars of the Preamble

"TRIPLE S, DOUBLE R, JLEF"

- **S**overeign, **S**ocialist, **S**ecular
- **D**emocratic, **R**epublic
- **J**ustice, **L**iberty, **E**quality, **F**raternity

2. Key Timeline Dates Memory Ladder

- **1928:** Motilal Nehru Draft
- **1931:** Karachi Congress Session
- **1946:** Assembly elections & first sitting
- **1949:** Adoption day (26 November)
- **1950:** Enforcement Day (26 January)

SECTION 14: COMMON MISTAKES STUDENTS MAKE

✗ Mistake: Believing Mahatma Gandhi was a member of the Constituent Assembly.

✓ Correction: Gandhi was ****not**** a member of the Assembly. However, his ideas were influential, and many members followed his vision, which he outlined in his magazine **Young India** in 1931.

✗ Mistake: Confusing the Adoption Date with the Enforcement Date.

✓ Correction: The Constitution was formally adopted and signed on ****26 November 1949****. It came into force on ****26 January 1950****. Make sure to read exam questions carefully to identify which date is being asked.

✗ Mistake: Thinking that the term "Secular" means the state opposes religion.

✓ Correction: In India, secularism means the state remains neutral. It does not have an official religion, and it treats all religious beliefs with equal respect.

SECTION 15: QUICK REVISION NOTES

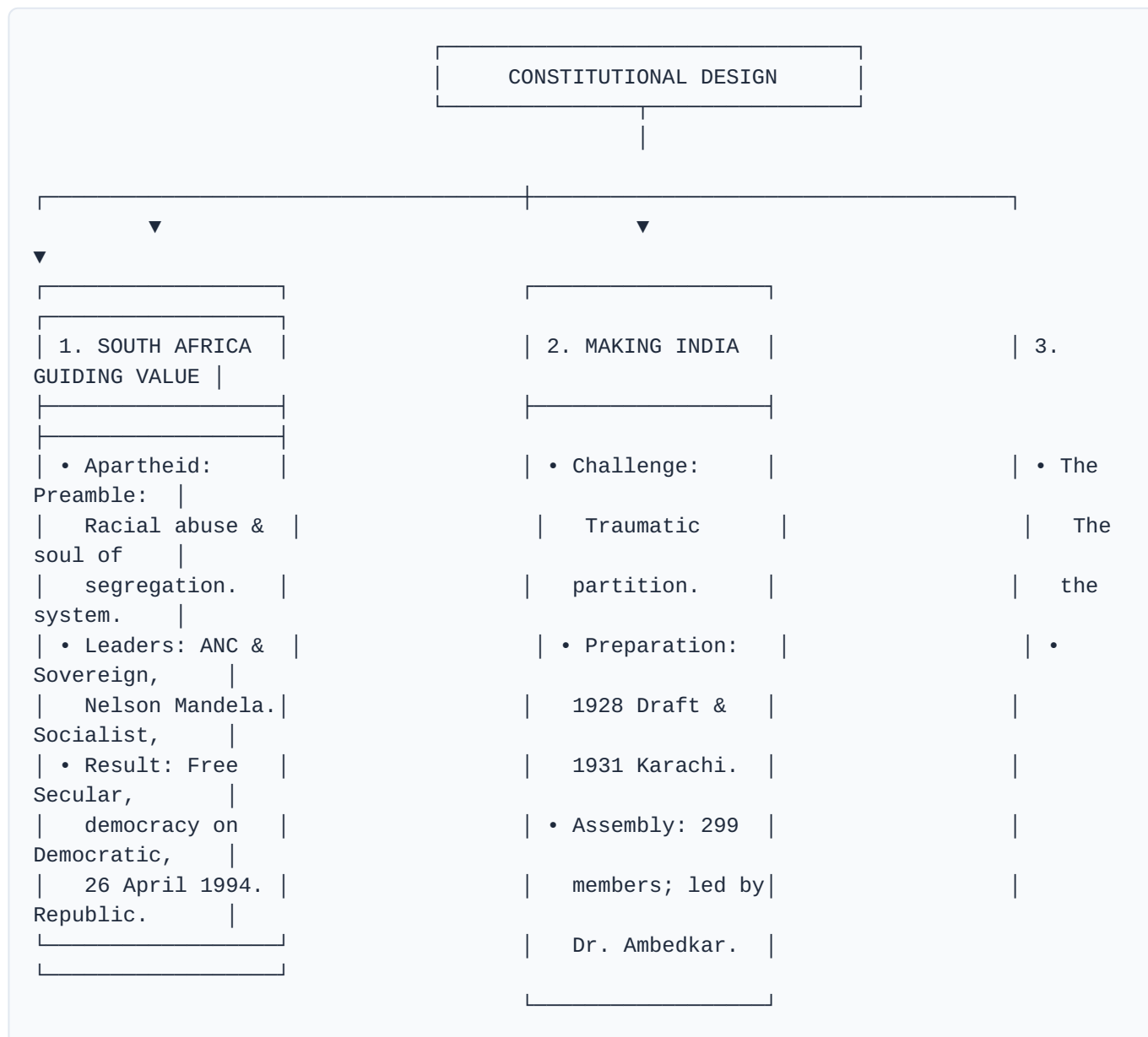
- **Apartheid Core:** A state-enforced system of racial segregation and white supremacy that collapsed on April 26, 1994.
- **Mandela's Legacy:** Imprisoned for 28 years on Robben Island; preached reconciliation between blacks and whites post-liberation.
- **Consensus Base:** Foundational democratic principles were established long before independence through the 1928 Nehru Draft and the 1931 Karachi Resolution.
- **Dr. Ambedkar's Role:** Served as the Chairman of the Drafting Committee, responsible for detailing the structural text of the Constitution.
- **The Constituent Assembly Debates:** Every word spoken during the 114 days of meetings was recorded, creating a 12-volume guide for interpreting the Constitution.

SECTION 16: ONE-PAGE SUMMARY

A constitution is the supreme written law that establishes trust among diverse citizens, outlines government powers, and protects individual rights. This chapter demonstrates the necessity of constitutional rules through two case studies: South Africa and India. South Africa transitioned from the oppressive, racially segregated system of apartheid to a multi-racial democracy in 1994. Under the leadership of Nelson Mandela, the new state prioritized reconciliation, bringing the white minority and black majority together to draft a progressive constitution that guarantees extensive rights to all citizens equally.

India's Constitution was crafted under difficult circumstances following a traumatic, violent partition along religious lines. However, Indian leaders had a clear advantage: a shared consensus on democratic values developed during the freedom struggle, beginning with the 1928 Motilal Nehru draft. In 1946, a 299-member Constituent Assembly was formed to write the document. Led by figures like Dr. Rajendra Prasad and Dr. B. R. Ambedkar, the Assembly spent 114 days debating and refining the text over three years. The core values of this effort are preserved in the Preamble, which declares India to be a Sovereign, Socialist, Secular, Democratic Republic committed to securing Justice, Liberty, Equality, and Fraternity for all its citizens.

SECTION 17: MIND MAP



SECTION 18: EXAM TIPS

- **Memorize the Preamble Definitions:** Questions often ask for the specific definitions of terms like *Sovereign, Socialist, Secular,* and *Republic*. Practice writing out these core terms to ensure accuracy.
- **Explain Institutional Longevity:** Be prepared to answer why the Indian Constitution remains respected after more than 70 years. Emphasize that it reflects a broad national consensus rather than the views of a single group, and highlights the open, democratic work style of the Constituent Assembly.
- **Cite the Chronology:** When writing long-form answers about the creation of the Constitution, structure your response chronologically. Start with the 1928 Nehru draft, move to the 1931 Karachi resolution, detail the 1946 elections, and conclude with the 1949 adoption.