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NCERT Class 9 Political Science Chapter 3: Constitutional Design YouTube Lecture Handouts

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- Rules that citizens and government follow – together as constitution
- Constitution determines rights of citizen, powers of government and how government should function

Designing Constitution – South Africa

- Ideas of free and democratic society where people live in harmony in South Africa – Nelson Mandela
- Nelson Mandela was tried for treason by white South African government – along with 7 other leaders were sentenced to imprisonment in 1964 to oppose apartheid. He spent next 28 years in prison @ Robben Island, he was later freed
- On 26th April 1994, South Africa gained independence
- Discriminatory laws were repealed. Ban on political parties and restrictions on the media were lifted
- South Africa was built on equality for all races & equally for men and women – constitution was drawn (in effect in 1997)
- One of the world's finest constitution with most extensive rights to people – no one to be excluded or treated as demon
- South Africa denounced as most undemocratic is now seen as model of democracy – with determination of people and transforming experiences into binding glue of rainbow nation.



Map of World Heritage

Apartheid

- Racial discrimination unique to South Africa (during 17th and 18th century – trading companies occupied it with arms and forces)
- Native population – 3/4th is black; besides that colored race (from India) & whites (Europe)
- Non-whites had no voting rights
- City Of Durban Under section 37 of the Durban beach by-laws, this bathing area is reserved for the sole use of members of the white race group
- Not allowed to live in common areas, board common transport vehicles – segregation
- Not allowed to form associations or protest the treatment
- African National Congress (ANC) – acted as umbrella organization that led the struggle against the policies of segregation. This included many workers' unions and Communist Party. Many sensitive whites also joined the ANC to oppose apartheid.

Why Do We Need a Constitution?

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- Oppressed and oppressors live equally & safeguard their interests
- Blacks wanted substantial social and economic rights while whites wanted privilege and property
- Later was the compromise – one person one vote
- Rights for poor and workers
- How this is attained? By writing down the rules and explain how the rulers are chosen in future. It determines what elected govt. are empowered to do and what they are not. This will work only if the winner cannot change them.
- Some rules agreed by all – Basic Rules of Constitution
- Every association – club, cooperative society etc. all have a constitution

Constitution

- Written rules that are accepted by all people living together in a country
- Supreme law that determines the relationship among people living in a territory (called citizens) and also the relationship between the people and government.
- Generates trust and coordination
- Specifies how government will be constituted & who will have the power
- Lays down the limit of power and tell us rights of citizens
- Express aspirations of people about creating good society
- All countries that have constitutions are not necessarily democratic. But all countries that are democratic will have constitutions.
- After American and French revolution – democratic constitution became common

Making of Indian Constitution

- 10 lakh people killed in border violence
- Country was divided in princely states who were to decide their merger with India or Pakistan
- In India – we did not have to create consensus about democratic India
- Our national movement – struggle against foreign rule and to rejuvenate nation and transform society
- 1928 – Motilal Nehru & 8 leaders drafted constitution

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- 1931 – resolution at Karachi session of INC about constitutional framework (include universal adult franchise, right to freedom & protect minorities)
- 1937 – elections were not fully democratic but experience of Indians in legislative institutions provided useful & adopted details from GoI Act, 1935 (separation of powers, autonomy of provinces, separate electorates, federal court, direct elections, establish service commissions)
- Leaders were inspired by French revolution, parliamentary democracy in Britain & Bill of Rights in USA along with socialist revolution in Russia
- Drafting of Constitution – Elected representatives of Constituent Assembly in July 1946 & 1st meeting in December 1946
- Later, Country was divided into India and Pakistan with Constituent Assembly having 299 members
- Adopted on 26 Nov, 1949
- Came in effect on 26 Jan, 1950 (Republic Day)
- Over the last 50 years, several groups have questioned some provisions of Constitution. But no large social group or political party has ever questioned the legitimacy of the Constitution itself. This is an unusual achievement for any constitution.
- Constituent Assembly represented people of India – at that time there was no universal adult franchise & was elected by the members of existing provincial legislatures (ensured fair share from all regions) & assembly was dominated by INC
- Constituent Assembly worked in a systematic, open and consensual manner

Country	Ideas adopted by Indian Constitution
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England	Parliamentary government
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Rule of Law

Cabinet System

Bicameralism

USA	Fundamental Rights
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Judicial review

Preamble

Independence of Judiciary

Impeachment of president

Removal of Supreme/High court Judges.

Canada	Unitary feature of federalism, where the centre is stronger. Residuary powers with centre.
USSR	Fundamental Duties. Socialistic view of the society.
France	Ideals of liberty, equality and fraternity
Ireland	Directive Principles of State policy Method of election of president
Germany	Suspension of Fundamental rights during an emergency.

TABLE OF COUNTRY AND IDEAS ADOPTED BY INDIAN CONSTITUTION

✍️ Drafting Committee chaired by Dr. B.R. Ambedkar prepared a draft constitution for discussion – discussion took place clause by clause with more than 2000 amendments, members deliberated for 114 days over 3 years and every word spoken is preserved – called as “Constitutional Assembly Debates” printed in 12 volumes

✍️ Guiding Values of Indian Constitution

- Done by reading views of great leaders or by what is given in constitution
- Mahatma Gandhi was not a member of the Constituent Assembly but had a vision
- In Young India in 1931 he mentioned – were poor have an effective voice with no high and low class
- This dream was shared by BR Ambedkar

Goals/Ideals	Views of Mahatma Gandhi	Views of Dr. Ambedkar
Varna system	Reform Varna system	Total abolishment of Varna System.
Economic Upliftment	Advised rich to form trusts for the poor	Favoured both rural upliftment and industrialization.

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Separate Electorates	Rejected separate electorates, instead favoured reservations of seats.	Favoured separate electorates.
Means of struggle	Reformative approach	Revolutionary approach

TABLE OF GOALS AND IDEALS

Philosophy of Constitution

- Preamble – Constitution begins with short statement of basic values, similar to a poem & contains philosophy of Constitution
- Embodying these values into institutional arrangements
- Its long and detailed document that requires regular amendments

PREAMBLE

WE THE PEOPLE OF INDIA having solemnly resolved to constitute India into a **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all it's citizen

JUSTICE, social, economic and political
LIBERTY of thought, expression, belief, faith and worship
EQUALITY of status and of opportunity
and to promote among them all.

FRATERNITY assuring the dignity of individual and the unity and integrity of the nation.

IN OUR CONSTITUENT ASSEMBLY the twenty-sixth day of November, 1949, do, **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION**

Image of Preamble

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- Sovereign: People have supreme right to make decisions both internal and external
- Socialist: Wealth is generated socially and should be shared equally by society
- Secular: Complete freedom to follow any religion
- Democratic: People enjoy equal political rights, elect their rulers and hold them accountable
- Republic: Head of the state is elected and not hereditary
- Justice: No discrimination on caste, gender or religion
- Liberty: no unreasonable restrictions on the citizens in what they think and how they wish to express
- Equality: All are equal before law
- Fraternity: All of us should behave as if we are members of the same family

Contributors

- Vallabhbhai Patel – Lawyer and leader of Bardoli satyagarha, role in integration of princely states (Deputy PM)
- Abul Kalam Azad – opposed Muslim separatist politics (Education Minister in 1st Cabinet)
- T.T. Krishnamachari – member of Drafting Committee (Finance Minister)
- Rajendra Prasad – Champaran satyagarha, president of Constituent Assembly and 1st President of India
- Jaipal Singh – captain of 1st national hockey team, founder president of Adivasi Mahasabha
- H.C. Mookherjee – Vice-Chairman of Constituent Assembly
- G. Durgabai Deshmukh – founder of Andhra Mahila Sabha
- Baldev Singh – leader of Panthic Akali Party in Punjab Assembly & Defence Minister
- Kanhaiyalal Maniklal Munshi – Gandhian and Founder of Swatantra Party
- B.R. Ambedkar – revolutionary thinker against caste divisions, founder of Republican Party of India and Law minister in 1st Cabinet
- S.P. Mukherjee – Founder president of Bharatiya Jansangh, active in Hindu Mahasabha
- J.L. Nehru – socialism, democracy and anti-imperialism; 1st PM of India; at the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom; freedom and power bring responsibility.
- Sarojini Naidu – women leaders and activists, nightingale of India
- Somnath Lahiri – Leader of CPI

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-Mayank

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