

Chapter 3 Constitutional Design

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1. Here are some false statements. Identify the mistake in each case and rewrite these correctly based on what you have read in this chapter.

- (a) Leaders of the freedom movement had an open mind about whether the country should be democratic or not after independence.
- (b) Members of the Constituent Assembly of India held the same views on all provisions of the Constitution.
- (c) A country that has a constitution must be a democracy.
- (d) Constitution cannot be amended because it is the supreme law of a country.

Answer:

- (a) Leaders of the freedom movement had an open mind about the country being democratic after independence.
- (b) Members of the Constituent Assembly worked in a systematic, open, and consensual manner to resolve differences among them.
- (c) It is not necessary that a country having a constitution must be a democracy. The constitution of a country can even make provisions for dictatorship or monarchy. Examples: the Soviet Union and Pakistan.
- (d) A Constitution can be amended to keep up with the changes in aspirations of the society. It can also be changed keeping in mind the social, political, and economic conditions of the country.

2. Which of these was the most salient underlying conflict in the making of a democratic constitution in South Africa?

- (a) Between South Africa and its neighbours
- (b) Between men and women
- (c) Between the white majority and the black minority
- (d) Between the coloured minority and the black majority

Answer:

- (c) Between the white majority and the black minority

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3. Which of these is a provision that a democratic constitution does not have?

- (a) Powers of the head of the state
- (b) Name of the head of the state
- (c) Powers of the legislature
- (d) Name of the country

Answer:

- (b) Name of the head of the state

4. Match the following leaders with their roles in the making of the Constitution:

(a) Motilal Nehru	(i) President of the Constituent Assembly
(b) B.R. Ambedkar	(ii) Member of the Constituent Assembly
(c) Rajendra Prasad	(iii) Chairman of the Drafting Committee
(d) Sarojini Naidu	(iv) Prepared a Constitution for India in 1928

Answer:

(a) Motilal Nehru	(iv) Prepared a Constitution for India in 1928
(b) B.R. Ambedkar	(iii) Chairman of the Drafting Committee
(c) Rajendra Prasad	(i) President of the Constituent Assembly
(d) Sarojini Naidu	(ii) Member of the Constituent Assembly

5. Read again the extracts from Nehru’s speech ‘Tryst with Destiny’ and answer the following:

- (a) Why did Nehru use the expression “not wholly or in full measure” in the first sentence?
- (b) What pledge did he want the makers of the Indian Constitution to take?
- (c) “The ambition of the greatest man of our generation has been to wipe every tear from every eye”. Who was he referring to?

Answer:

- (a) The expression ‘not wholly or in full measure’ in the first sentence was used by Nehru because he thought that the task they had undertaken was incomplete and it wasn’t possible to fulfill the pledges all at once but would be gradually fulfilled.

(b) The pledge that he wanted the makers of the Indian Constitution to take was to dedicate their lives to the service of India, Indians, and humanity at large.

(c) He was referring to Mahatma Gandhi.

6. Here are some of the guiding values of the Constitution and their meaning. Rewrite them by matching them correctly.

<i>(a) Sovereign</i>	<i>(i) Government will not favour any religion.</i>
<i>(b) Republic</i>	<i>(ii) People have the supreme right to make decisions.</i>
<i>(c) Fraternity</i>	<i>(iii) Head of the state is an elected person.</i>
<i>(d) Secular</i>	<i>(iv) People should live like brothers and sisters.</i>

Answer:

<i>(a) Sovereign</i>	<i>(ii) People have the supreme right to make decisions.</i>
<i>(b) Republic</i>	<i>(iii) Head of the state is an elected person.</i>
<i>(c) Fraternity</i>	<i>(iv) People should live like brothers and sisters.</i>
<i>(d) Secular</i>	<i>(i) Government will not favour any religion.</i>

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7. A friend from Nepal has written you a letter describing the political exercises situation there. Many political parties are opposing the rule of the king. Some of them say that the existing constitution given by the monarch can be amended to allow more powers to elected representatives. Others are demanding a new Constituent Assembly to write a republican constitution. Reply to your friend giving your opinions on the subject.

Answer:

Dear Yam,

I read your letter. These are exciting times indeed for you! My country has been independent for almost sixty years, and we have already gone through the whole process of the establishment of democracy. Fortunately, it has survived on this soil as well. I just hope the same happens in Nepal.

I find myself hoping that the demand for a new Constituent Assembly would take root in Nepal. A republican constitution has its benefits you know! In countries like yours and mine, there is already too much wastage in terms of government expenditure. Unfortunately, such is the reality of our national culture. In addition, if Nepal has a Constitutional Monarchy, a lot of money would have to be spent on maintaining the high standards of living for the royalty. UK

has a Constitutional monarchy, but it can also afford it—centuries and centuries of colonial exploitation of other countries has its benefits! However, in my opinion, for countries like India and Nepal, a Republican government is best suited.

By all means, the Constitution offered by your king can hardly be called democratic! It hardly gives any powers to your Parliament or the civilian government or so I've heard. Nevertheless, whatever I might think as a foreigner, the people of Nepal will be the best judge of your country's political future. Let's see what happens.

P.S. – I have heard the Maoists are making some inroads in the rural heartland of Nepal? I don't personally support violence of any kind and am a believer in democracy. However, the Maoists intrigue me to no limit. What is their attitude towards India? What do they think about the Chinese? Do let me know what you think.

Your Friend,

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8. Here are different opinions about what made India a democracy. How much importance would you give to each of these factors?

(a) Democracy in India is a gift of the British rulers. We received training to work with representative legislative institutions under British rule.

(b) Freedom Struggle challenged the colonial exploitation and denial of different freedoms to Indians. Free India could not be anything but democratic.

(c) We were lucky to have leaders who had democratic convictions. The denial of democracy in several other newly independent countries shows the important role of these leaders.

Answer:

(a) Though I would acknowledge many good things were learned from the British rulers and democracy being one of them, I wouldn't say that democracy was a gift given by them. Indians had to struggle a lot and make many sacrifices to attain freedom from British rule. These circumstances helped people to gain experience and training in the working of the legislative institutions.

(b) Yes, Free India could not be anything but democratic because the people had already suffered a lot under British rule. This made them realise that for people to have a say in ruling the country, it was necessary to make India a democratic country.

(c) It is indeed true that we were lucky to have leaders who had deep democratic values. It is because of these ideals that India's freedom struggle can be considered as the only example of a bloodless freedom struggle in contemporary history. Therefore, absence of such ideals has made many countries undemocratic.

9. Read the following extract from a conduct book for 'married women', published in 1912. 'God has made the female species delicate and fragile both physically and emotionally, pitifully incapable of self-defence. They are destined thus by God to remain in male protection

– of the father, husband, and son – all their lives. Women should, therefore, not despair, but feel obliged that they can dedicate themselves to the service of men’. Do you think the values expressed in this para reflected the values underlying our constitution? Or does this go against the constitutional values?

Answer:

The given paragraph does not reflect the underlying value in our Constitution. It refers to the patriarchal views and endorses the thought of inequality in genders.

It goes against the constitutional values because in the paragraph women are shown as inferior, unequal as weak and fragile who should serve men. However, the Constitution has provided equal rights to women. They enjoy the right to vote, can take up any job, and are paid equal wages for the same work.

10. Read the following statements about a constitution. Give reasons why each of these is true or not true.

- (a) The authority of the rules of the constitution is the same as that of any other law.*
- (b) Constitution lays down how different organs of the government will be formed.*
- (c) Rights of citizens and limits on the power of the government are laid down in the constitution.*
- (d) A constitution is about institutions, not about values.*

Answer:

(a) Not true. An ordinary law is passed by the Parliament and can be changed by it on its own will. On the other hand, the rules of the Constitution have greater authority and the Parliament has to abide by them. For amending these rules, a special procedure has to be adopted.

(b) True. The Constitution has laid down the framework for government formation. It has put in place the structure, power, and functions of the three organs of the government, i.e. executive, legislative, and the judiciary.

(c) True. The rights of the citizens are laid down in the Constitution as fundamental rights, which are enforceable by law. The powers and functions of the government are divided into the executive, legislative, and judiciary. It is done to keep each organ under check by the other organs to ensure the power functioning of the government.

(d) Not True. The Constitution is the supreme law of the country. It lays down the composition powers and functions of the various institutions of government. The Constitution is guided by values which are found in the form of Preamble. Principles and values such as equality, liberty, fraternity, brotherhood, secularism, and justice are included in the Preamble of the Constitution.