

- 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.
- The preamble to the South African Constitution sums up this spirit.
- The South African constitution inspires democrats all over the world.

### **Why we need a Constitution?**

- The South African example is a good way to understand why we need a constitution and what do constitutions do.
- The oppressor and the oppressed in this new democracy were planning to live together as equals.
- The black majority was keen to ensure that the democratic principle of majority rule was not compromised.
- They wanted substantial social and economic rights.
- The white minority was keen to protect its privileges and property.
- After long negotiations both parties agreed to a compromise.
- The whites agreed to the principle of majority rule and that of one person one vote.
- They also agreed to accept some basic rights for the poor and the workers.
- The blacks agreed that majority rule would not be absolute.
- They agreed that the majority would not take away the property of the white minority.
- The only way to build and maintain trust in such a situation is to write down some rules of the game that everyone would abide by.
- These rules lay down how the rulers are to be chosen in future.

- These rules also determine what the elected governments are empowered to do and what they cannot do.
- Finally these rules decide the rights of the citizen.
- These rules will work only if the winner cannot change them very easily.
- This is what the South Africans did. They agreed on some basic rules.
- They also agreed that these rules will be supreme, that no government will be able to ignore these.
- This set of basic rules is called a constitution.
- Every country has diverse groups of people.
- All over the world people have differences of opinion and interests.
- Whether democratic or not, most countries in the world need to have these basic rules.
- This applies not just to governments.
- Any association needs to have its constitution.
- 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.

### **A constitution does many things:**

- 1) First, it generates a degree of trust and coordination that is necessary for different kind of people to live together;
- 2) Second, it specifies how the government will be constituted, who will have power to take which decisions;
- 3) Third, it lays down limits on the powers of the government and tells us what the rights of the citizens are; and
- 4) Fourth, it expresses the aspirations of the people about creating a good society
- 5) *All countries that have constitutions are not necessarily democratic.*
- 6) *But all countries that are democratic will have constitutions.*