

## Chapter-I

### 2.1 INDIAN CONSTITUTION

#### Salient Values of the Preamble: Sovereign, Socialist, Secular, Democratic, Republic, Justice, Liberty, Equality and Fraternity

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## 1.0. Objectives

A constitution is the fundamental law of a state or a country or a nation. It lays down the objectives of the state, provides for various structures and organs of the governments and describes the rights and duties of the citizens. The constitution of a nation and the way it works determine the nature of governance. Thus, it is necessary for the citizen to be aware of the constitution and the proper application of constitutional obligations and duties. After studying this lesson,

- Explain how the Constitution is the basic and fundamental law of the land
- Understand the Preamble of the Indian Constitution and identify the core guiding principles
- Appreciate the core constitutional values expressed in the salient features of the Indian Constitution

## 1.1. Introduction

The primary objective of the modern state is the welfare of its people. For achieving the welfare of its people, a state should have a government functioning with a set of laws. The documents which contain the laws and rules which determine and describe the form of the government as well as its relationship with the citizens is called a constitution. A constitution lays down the objectives of the state, which it has to achieve. It also provides for the various structures and organs of the governments at different levels and outlines the rights and duties of the citizens. The aim of our Constitution - makers was to prepare a constitution for all its citizens. There was a consensus on the basic framework of our Constitution. The Constituent Assembly wanted an inclusive Constitution.





As a modern welfare state, our country, India is governed through a constitution. The Constitution of India was framed by the Constituent Assembly between 1946-1949 CE after a rigorous process of debates and deliberations. The Constituent Assembly laid down certain ideals which are reflected in the Preamble of our Constitution. The ideals include commitment to democracy, and assurance to its citizen of justice, equality and freedom. The Constitution of India begins with a Preamble. The Preamble contains the ideals, objectives and basic principles of the Constitution. The salient features of the Constitution have evolved directly and indirectly from these objectives, which flow from the Preamble. This chapter is going to discuss the political philosophy reflected in the Preamble and the salient features of the Constitution.

### **1.2. Making of Indian Constitution and its objectives**

To frame the Constitution in India, the Constituent Assembly of India was first set up in 1946 as per the provision of the Cabinet Mission plan and later restructured following the partition (India and Pakistan) in accordance with the Mountbatten Declaration of 3 June 1947. A drafting committee was constituted under the chairmanship of Dr. B.R. Ambedkar to write the Constitution. The Constituent Assembly met for 166 days, over a period of 2 years 11 months and 18 days, in eleven sessions. After prolonged debates and discussion, the Constitution of India was adopted by the Constituent Assembly on the 26<sup>th</sup> of November 1949 unanimously. The Constitution was enforced with effect from January 26, 1950.

The Constitution of India was prepared in the background of about 200 years of colonial rule, the national movement for freedom against alien rule as well as the traumatic partition of the country. Accordingly, the framers of the Constitution were deeply concerned about the aspirations of the people, the integrity and unity of the country and the establishment of a democratic society. Members of the Constituent Assembly held divergent ideological views, but



the framing of the Constitution went unhindered because the members had the sole objective of giving India a 'Constitution' which will fulfill the cherished hopes of the people of this country. The consensus of the assembly members came in the form of the 'Objectives Resolution' moved by Jawahar Lal Nehru in the Constituent Assembly on December 17, 1946, which was adopted on January 22, 1947. The Constituent Assembly formed a Drafting Committee under the Chairmanship Dr. B.R. Ambedkar. Dr. Rajendra Prasad was the Chairman of the Constituent Assembly. All the members of the drafting committee and members of the Assembly contributed to the final wording of the constitution by debating it clause by clause. The objective resolution reflects the spirit of our Constitution-makers. The ideals they cherished include sovereignty, secularism, democracy, justice, liberty, equality, fraternity and dignity of all.

Our Constitution is not just a mere set of fundamental laws that form the basis of the governance of our country, it embodies and reflects certain basic values, philosophies and objectives that were very dear to our founding fathers. These values find expression in various articles and provisions of our Constitution. Mostly, the Preamble to our Constitution present the fundamental values and philosophy on which the Constitution is based.

### **1.3. The Preamble: Values and Salient features**

The Constitution of India commences with a Preamble. The Preamble is like an introduction or preface of a book. As an introduction, it is not a part of the Constitution but it explains the purposes and objectives of our Constitution. As such, the 'Preamble' provides the guiding principle of the Constitution. The preamble provides a key to unlock and explore the spirit of our Constitution. Without it, a proper appreciation of the objectives and values that find a place in our Constitution would not be possible. Therefore, it is essential to turn the various expressions contained in the Preamble for a better understanding and interpretation of the Indian Constitution. Recognizing its importance, the Preamble was amended in 1976 by the 42<sup>nd</sup> Constitution Amendment Act. The preamble reads as follows:



# THE CONSTITUTION OF INDIA

## PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC]** and to secure to all its citizens:

**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 the individual and the **[unity and integrity of the Nation]**;

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

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, s. 2 for "SOVEREIGN DEMOCRATIC REPUBLIC" (w.e.f. 3-1-1977).

2. Subs. by *ibid.* for "unity of the Nation" (w.e.f. 3-1-1977).



The objectives of the Constitution of our nation are explained in the Preamble. Firstly, it speaks of the structure of governance and secondly, it explains the ideals to be achieved in independent India. It is because of this: that the Preamble is considered to be the key to the Constitution.

The Preamble serves two purposes: it indicates the source from which the Constitution derives its authority and states the objectives the Constitution seeks to establish and promote. It also reflects the dreams, aspiration and the principles that inspired the Constitution -makers and the people of India for the future after a long struggle for independence.

### 1.3.1. Sovereignty

The declaration "**We the people...**" signifies the source of authority, states that ultimately people of India are sovereign, that the Constitution is not a gift of anyone else (say the Government of India Act, 1935 was a gift of the British Parliament, even the Indian Independence Act, 1947 of British Parliament was not our source or authority). The constitutions of USA and France, early constitution -makers of the world also draw the authority from their people and consider people to be sovereign even today.

The Preamble emphasizes complete political freedom by declaring us as a sovereign entity. The core meaning of sovereignty is the *supreme authority within a territory*. D. D. Basu, a constitution expert, opines that the word 'sovereign' is taken from Article 5 of the constitution of Ireland. Sovereignty means ultimate power. In monarchical orders, sovereignty was vested in the person of monarchs. But in the republican forms of government, sovereignty is shifted to the elected representatives of the people. Our Preamble begins with the words, "**We, the people of India...**", thus clearly indicating the sovereignty of the people and the fact that all powers of government flow from the people. The Preamble has, therefore, cited the people as the ultimate source of the Constitution and its creatures. Thus the constitution of India declares that the ultimate sovereignty rests with the people of India as a whole. Article-51A(c) says that it shall be the duty of every citizen to uphold and protect the sovereignty, unity and integrity of India

Sovereignty in the Preamble also implies that India is internally powerful and externally free. India is free to determine for herself: there is none to challenge its authority. The government is not controlled by any outside power. Only this attribute of sovereignty has made India a member in the comity of nations. Sovereignty gives India dignity of existence, and generates respect from within as well from outside. Thus sovereignty is the essence of our state. Government is duty- bound to defend its sovereignty by any means.



Interestingly, though India became a sovereign nation on 26th January, 1950, she decided to remain in the Commonwealth of Nations. The 'Commonwealth of Nations' was a free association of former British colonies who were by then sovereign nations and the British monarch is only the symbol of the free association, with no functions. This is still a matter of debate among experts.

Sometimes people ask: Is our sovereignty and independence compromised by our commonwealth membership or United Nations Organization membership or of other international organizations?

The answer is a firm 'NO'. Commonwealth was named earlier 'British Commonwealth' and to accommodate India, after her independence, it was changed to 'Commonwealth of Nations'. It is a membership which India accepted by an agreement of free will and this can be terminated by free will. Similarly, membership of United Nations Organization doesn't compromise our independence or sovereignty. In fact, our Constitution stipulates that the state (i.e. India) shall endeavour to

- promote international peace and security
- maintain just and honourable relation between nations
- foster respect for international law and treaty obligations in dealing with organized peoples with one another; and
- encourage settlement of international disputes by arbitration

Thus, our constitution does not support isolation; rather, it actively supports international co-operation, settlement of disputes with other countries through dialogue and arbitration.

### 1.3.2. Socialist

The word socialist was not there in the Preamble of the Constitution in its original form. It was added to the Preamble by the 42<sup>nd</sup> Amendment Act of 1976. However, several articles of our Constitution were already there giving weight to the ideal of socialism. The Constitution has consciously evolved as an indigenous model of socialism to suit to our needs and temperament. It aims to end all forms of exploitation in all spheres of our existence such as removal of inequalities and provision of minimum basic necessities to all. Our Constitution directs the state to ensure a planned and coordinated social advance in all fields and ensuring equal distribution of wealth among its inhabitants. Our Constitution advocates social control of all important



natural resources and means of production for the wellbeing of all sections. To ensure a basic minimum to all has been the crux of many of our public policies today. The word 'Socialism' had been used in the context of economic planning to realize the ideal of socialism in a democratic set-up. To achieve the objective of socialism, Part-IV of our Constitution has outlined the principles to be followed.

Socialism essentially means social ownership or control over the means of production and distribution. Everyone within society has ownership of property. Government must have control over economic means. This signifies concern for have-nots, the poor, the deprived, the excluded. It is not opposed to capitalist individual rights. Mahatma Gandhi, in his work *Hind Swaraj* and *India of My Dreams*, describes socialism envisions as a society, where no one is rich or poor, no class conflict, where there is an equal distribution of the resources, and a self-sufficient economy without any exploitation and violence. Gandhiji was not against wealthy people. Rather, he propounded trusteeship as a socio-economic philosophy. Gandhiji believed that wealthy people would be trustees looking after the welfare of people in general.

By socialism, India 'DOES NOT' accept completely the Gandian opposition to a machine-driven industrialization. Yet at the same time, India shared his concern for the poor and support for handicrafts. The socialism that India accepts and idealizes is 'welfare socialism'. Many have termed the Indian concept of socialism as promotion of social justice, equality, alleviation of poverty, ensuring a minimum standard of living etc. through 'planning', planned economic development and state ownership and control, wherever necessary. India follows a mixed economy where both private players and government participate in the production process. India adopted five-year plans for many years and other planning mechanisms to bring about socio-economic development. USSR (now Russia) and China have also adopted such a policy. In India, Government owns the railways, post and telegraph and many large-scale industries like steel, aluminium, ship building for the Navy, fighter plane manufacture for defence, banks and many other public sector undertakings. Simultaneously, India also promotes the private sector. India has also adopted hundreds of welfare schemes such as midday meals for school children, housing for the poor, subsidized electricity and cooking gas, minimum support price for food grains, free school education, etc. All these are attempts to promote a welfare state and promote socialism. Our concept of socialism does not restrict private initiative. However, the right to property is no longer a fundamental right but still is a legal right. This means that the state can take away some private property for the good of all, say, for building roads.



### 1.3.3. Secularism

Along with the term 'socialist' the term 'secular' was also added to the Preamble through the 42<sup>nd</sup> Amendment Act of 1976. All major religions in the world find acceptance in India. To facilitate harmonious existence of all, secularism has been found to be a convenient formula. Secularism in the Preamble implies that India is not directed by any religion. However, India is neither religious, nor irreligious nor anti-religious. India allows all its citizens to profess, preach and practise any religion of their choice. Articles from 25 to 28 ensure freedom of religion to all its citizens. Constitution strictly prohibits any discrimination on the ground of religion. All minority communities are granted the right to conserve their distinctive culture and the right to administer their educational institutions. Secularism thus is a value in the sense that it supports our plural society. It aims at promoting cohesion among different communities living in India.

The word 'secular' originated from Europe in the context of Christianity. There were constant struggles between kings and papal authorities for usurpation of powers in Europe. Secular forces were organized against religious forces. Thus, secularism stood against religion. In modern times, in western countries like France, religion is a private affair of an individual and the French state does not favour any one religion and guarantees their peaceful co-existence. In India, however, secularism was never born out of the conflict between the temple and the state. It was rooted in India's own past. Pluralism is the keystone of Indian culture and religious tolerance is the bedrock of Indian secularism. *Sarva Dharma Samabhava*, i.e. giving equal respect to all religions is Indic civilization's ethos. Indian constitution guarantees equality in the matter of religion to all individuals and groups irrespective of their faith emphasizing that there is no religion of the state itself.

### 1.3.4. Democracy

The Preamble says that the Constitution belongs to the people of India. The Constitution of India provides the mechanisms for a representative democracy. Democracy is generally known as government of the people, by the people and for the people. This means that the people elect the Government and the Government it is responsible and accountable to the people. The democratic principles are emphasized with the provisions of universal adult franchise, periodic elections, fundamental rights and responsible government. India adopted parliamentary democracy to ensure a responsible and stable government. The government derives its authority from the will of the people. The people of India elect their governments at different levels by a system of universal adult franchise. All citizens without any discrimination are allowed freedom of speech, thought and expression, and association. Democracy contributes



to stability in the society, it allows dissent and encourages tolerance. Democracy stands for a constitutional government, the rule of law, inalienable rights of citizens, the independence of judiciary, free and fair elections, freedom of press, etc.

Apart from political democracy, the makers of our Constitution also envisaged social and economic democracy, as is reflected in the other parts of the Preamble itself. For a country like India, social and economic democracy was the Constitution's real aim and ultimate goal. Existence of abject poverty, gross inequalities and lack of equality of opportunity in the economic sphere can weaken a political structure. Dignity of the individual is the essence of democracy. Democracy is also a way of life and it must maintain human dignity, equality and rule of law.

The concept of democracy for our constitution-makers signifies many aspects of our system of governance:

- Like England, we are a parliamentary democracy. India is not like the old Greek city states or the ancient Gana Rajyas, where all adult citizens could directly participate in decision-making or governance. Even in these old ancient democracies, citizenship was limited to freemen (women, slaves, and vast majority were excluded) and in Gana Rajyas only heads of Kshatriya families (ruling class) were part of the decision-making process. In modern democracy, every adult (18 years and above in India) is a voter. Citizen-voters elect the members of legislature (Loka Sabha and State Assemblies) and they, in turn, elect members of Rajya Sabha, the Vice President and the President. Thus, representatives of people govern us.
- The Executive (i.e. the Prime Minister, Chief Ministers and other Ministers) are part of the legislature (Parliament / State Assemblies) and are responsible to the legislature. The Prime Minister, if she/he loses the confidence motion in the Lok Sabha, has to resign. Similarly, the Chief Ministers must enjoy the confidence and support of the Assembly. In other words, the Executive is responsible to the voters/people indirectly. Further, elections are held once every five years and people can always change their government. This is the sacred principle of democracy, which India follows. Further, the Parliament can impeach the President, Vice President, Judges of the Supreme Court and High Court. This establishes how all high offices are ultimately responsible to the 'People'.



Democracy is not a mere political concept. It also prescribes Social Democracy and Economic Democracy. Social Democracy has been enshrined by abolition of caste distinction, gender distinction and exclusion of any class on the basis of any other norm. In a positive manner our Constitution tries to promote social democracy through reservation (which is otherwise called affirmative action in other countries) in seats for the Parliament and Assemblies, in government employment and in educational institutions. We are thus trying to extend social democracy. Economic democracy is promoted through poverty alleviation programs. Universal Adult Franchise is the backbone of our democracy. Democracy is also considered to be a way of life. This demands that democracy cannot be subordinated to mere numbers or majorities. It demands tolerance, protection of minorities, promotion of the excluded and dissent, expression of variant opinions. It promotes Unity in Diversity in all fields of life. Unless people practise a democratic way of life, socio-economic and political democracy cannot succeed.

### **1.3.5. Republic:**

A republic means a state in which supreme power rests in the people and their elected representatives. The term 'republic' is distinguished in distinction from 'monarchy'. In a republic, the head of the state is an elected person and not a hereditary monarch. In a republic, political sovereignty is vested in the people and the head of the state is a person elected by the people for a fixed term. All public offices, from the highest to the lowest, are open to all citizens without any discrimination. With this idea the Preamble declares India as a republic. According to constitutional provisions, India is a republic headed by an indirectly elected head of the state called President. The President of India is elected by the people (though indirectly) and holds office for a term of five years. All citizens are equal in the eyes of law; there is no privileged class and all public offices are open to every citizen without distinctions of race, caste, sex or creed. This idea strengthens and substantiates political equality in democracy and assures that every citizen of India after attaining a particular age is equally eligible to become the head of the state if he or she is elected as such. India fulfils the norms of a modern republic. India's President is elected, India has a parliamentary democracy where the Prime Minister and the Council of Ministers are responsible to the Lok Sabha and India has an independent judiciary with the Supreme Court as the apex court.

### **1.3.6. Justice**

Besides fighting for liberation from British rule, the freedom movement also engaged in a struggle to solve socio-economic problems and to restore the dignity of men and women, remove poverty and end all types of exploitation. Such strong motivations and cherished ideals



had prompted the framers of the Constitution to lay emphasis on the provisions of Justice, Liberty and Equality to all the citizens of India. Justice is called a total value. Among the three, justice promises to give people what they are entitled to in terms of basic rights to food, clothing, housing, participation in the decision-making processes and living with dignity as human beings. In the Preamble, justice covers social, economic and political dimensions. Articles enshrined in part-III and part- IV of the Constitution reflect the message of socio-economic justice. Over the years several practical measures such as safeguarding the minorities, abolition of untouchability, safeguarding women, children, backward classes and tribals have been taken to create favorable social condition for the millions of downtrodden.

The Preamble professes to secure to all citizens social, economic and political justice. Justice is considered to be the primary goal of a welfare state. The word justice as used in the Preamble refers to the law-making bodies under the Constitution. The Parliament is mandated to make laws ensuring the dignity of Individuals and other groups within our society. Social justice means abolishing all sorts of inequalities that may result from the inequalities of wealth, opportunity, status and race. Economic justice includes equal pay for equal work, irrespective of one's caste, sex or social status. Political justice means equality among citizen in the political domain of governance. Thus, the Preamble promises justice to all citizens. It places justice above the principles of liberty, equality and fraternity.

### **1.3.7. Liberty**

Liberty was the guiding principle of the French Revolution, American Revolution and India's struggle for freedom. The Preamble of our Constitution professes to secure liberty of thought, expression, belief, faith and worship, which are essential to the development of the individual and the nation. Liberty in the Indian context does not mean mere absence of restraint or domination. It is a positive concept of the different rights of citizens. Democracy is closely connected with the concept of liberty. Therefore, certain minimal rights are to be enjoyed by every person in a community for free and civilized existence in the civil society.

In an ordered society, the liberty of the individual must be subject to social control, in order to protect the collective interests of the community and for the prevention of anti-social activities. Before the attainment of independence, the citizens of India did not enjoy the same liberty like the English or the Americans. With the adoption of the Constitution of India, the fundamental rights, liberty of the citizens have been guaranteed, made justiciable and no encroachment on these rights by the legislature or the executive could be lawfully defended. The



judiciary as guardian preserves and safeguards the fundamental liberties of the citizens. The concept of liberty and democracy have become an inseparable part of Indian life.

The founding fathers of our Constitution understood that, without the presence of certain minimal rights for a free and civilized existence, the ideal of democracy is unachievable. Therefore, the Preamble mentions these essential individual rights such as freedom of thought, expression, belief, faith and worship, which are assured to every member of the community against all the authorities of the state by Part-III of the Constitution.

### **1.3.8. Equality**

Guaranteeing of certain rights to people is useless when inequalities exist in the social structure. Every human being has a dignified self. Every citizen of a civilized nation should be entitled to equality before law and equal protection of law. Equality is considered to be the spirit of modern democratic ideology. One of the main tasks (before the Constitution - makers) was to ensure equality of status and opportunity for all and provide a basis for ultimately establishing an egalitarian society. They proceeded to achieve these objectives by incorporating a set of fundamental principles in the Constitution. They placed the ideals of equality in a place of pride in the Preamble. All kinds of inequality based on the concept of rulers and the ruled or on the basis of caste and gender, were to be eliminated. All citizens of India should be treated equally and extended equal protection of law without any discrimination. Our Constitution assures equality of status and opportunity to every citizen to develop the best in him. Equality substantiates democracy and justice. It is therefore held as an important value enshrined in our Constitution.

### **1.3.9. Fraternity**

Fraternity means brotherhood, the promotion of which is absolutely essential for the country which is composed of many races and religions. Brotherhood links all human beings, irrespective of differences. In the background of India's plural society and keeping in view the partition of the country, the makers of the Constitution were concerned about the unity and integrity of our newly independent country. There was a need for harmonious co-existence among diverse groups. That is why our founding fathers inserted fraternity in the Preamble. Fraternity means the spirit of brotherhood, a feeling that all people are children of the same soil, the same motherland. The Constitution of India says that fraternity is not the duty of the state but exclusively the responsibility of its subjects in their relations between and among themselves. Therefore, our Constitution lays great stress on fraternity. Article-51A(e) declares it as a duty of



every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities. Article 51A(f) further asks each citizen to value and preserve the rich heritage of our composite culture. As for India, it has been correctly noted that there is unity in diversity. The feeling of oneness, that is Indianness, keep the country united, without which it could crumble. A democratic system would function in a healthy manner only if there is a spirit of brotherhood, of oneness, among the people of the land. Fraternity, however, is not possible unless the dignity of each individual is preserved and mutually respected.

### **1.3.10. Dignity**

Dignity of the individual is to be maintained for the promotion of fraternity. Therefore, the Preamble of the Constitution of India assures the dignity of each and every individual. Fraternity and dignity of the individuals are a closely linked. Fraternity is only achievable when the dignity of the individual will be secured and promoted. Therefore, the founding fathers of our Constitution attached supreme importance to it. Our Constitution therefore directs the state through the directive principles enshrined in the Part-IV of our Constitution to ensure development of the quality of life to all sections of people. Our Constitution acknowledges that all citizens, men and women equally, have the right to an adequate means of livelihood (Art.-39 a) and just and humane conditions of work (Art.-42). Article-17 has abolished the practice of untouchability by declaring it as a punishable offence. Our Constitution also directs the state to take steps to end exploitation and poverty. The dignity of an individual in a nation is the dignity of the nation itself. The Constitution of India thus ensures enforcement of fundamental rights (such as equality and freedom) necessary for existence, full development of human personality, dignified life by guaranteeing fundamental rights to every citizen.

### **1.3.11. Unity and Integrity of the Nations**

The word 'union' in Article 1(1) of the Constitution of India stood for the unity of the nation. Along with this, the word 'integrity' was inserted in 1976 by the 42nd Amendment Act. Now it reads as 'unity and integrity of the nation'. Makers of our constitution were aware of the pain India endured during Partition. The framers of our constitution realized that, to maintain the country's independence, the unity and integrity of the nation is essential. 'Unity in diversity' has been the hallmark of Indian nationalism. We have diversities in geography, religion, language, culture and many more aspects. Our founding fathers were concerned about maintaining the country's independence and making the experiment of democracy successful. Therefore, while securing rights and freedoms for the individuals, they incorporated in the Constitution elaborate



provisions conferring on the state overriding powers so as to contain separatist forces from endangering the unity and integrity of the country. In order to safeguard the dignity of the individuals, the need to build the nation and protect its unity and integrity has been felt. It was realized that national unity is possible in a highly pluralistic and heterogenous society only through a spirit of common brotherhood and fraternity. Our Constitution expects all the citizens of India to uphold and protect the unity and integrity of India as a matter of duty.

#### **1.4. The values of the Indian Constitution**

India has faced several challenges to its unity and integrity. On the basis of religion, Pakistan was created by partition of India, when it won Independence. Hence the Constitution wants every Indian to maintain the integrity of the country. On the eve of independence, several kingdoms or princely states (within British India, say Hyderabad) wanted to remain independent of India. Our Constitution makers wanted these princely states to join the Union of India. We have also witnessed secessionist movements like Khalistan. Our enemies have also tried to make parts of India secede from it. Under these circumstances, the unity and integrity of India is important for all citizens. This is a core value which our Constitution cherishes and promotes.

Some people believe that a Constitution merely consists of laws and these laws do not have a moral content. But when we examine the Constitution, it appears that many laws are closely connected to our deeply held values. While discussing the Preamble we find that our Constitution is a value-loaded document. In short, it is committed to freedom, equality, social justice and some form of national unity. But, underneath all this, there is a clear emphasis on peaceful and democratic measures for putting this philosophy into practice. Freedom of expression is an integral part of the Indian Constitution. Fundamental rights of our Constitution reflect the values of individual freedom. Likewise, liberalism as reflected in our Constitution is always linked to social justice. The finest example of this is the provision of reservations for Scheduled unprivileged classes of our society. The Constitution of India also encourages communities to treat each other with respect. Individuals everywhere belong to cultural communities and every such cultural community has its own values, traditions, customs and language shared by its members. India is a land of multiple cultural communities. It was essential to ensure that no one community systematically dominates others. This made it mandatory for our Constitution to recognize community-based rights. Rights given to the minority communities is an example of such rights. Though the term 'secular' was not initially mentioned, the Indian Constitution has always been secular. The Constitution also constantly



reinforces the sense of a shared national identity. However, this common national identity is not incompatible with distinct religious or linguistic identities. The Indian Constitution attempts to balance these various identities. Rather than a forced unity, our Constitution sought to evolve true fraternity as, the main objective was to evolve as 'one community'.

On proper and careful reading of it, it seems that the Preamble makes a very humble claim: the Constitution is not 'given' by a body of great men, it is prepared and adopted by '**We, the people of India...**'. Thus, the people are themselves the makers of their own destinies, and democracy is the tool people have used to shape their present and future. More than seven decades since the Constitution was adopted, we have fought over many matters and our politics has been full of problems and shortcomings. And yet, every one shares the common constitutional vision of India that "we want to live together and prosper together on the basis of the principles of equality, liberty and fraternity". This vision of the Constitution is the valuable outcome of the working of the Constitution. Our forefathers adopted the Constitution in 1950 keeping in mind the unity, integrity and prosperity of our nation, Today, our utmost duty is to keep alive the vision of our great Constitution.

### **1.5. Let us sum up**

The Constitution of any nation serves many purposes and lays down certain principles that generally mould the society. A Constitution also symbolizes independence of a country. The framework and structure for governance of a free country are provided in the Constitution. A country is typically made up of diverse groups of people who share certain beliefs, but may not necessarily agree on all issues. It is through the constitutional principles, rules and procedures, consensus is built amongst different communities. Constitutional rules decide the fortune of the country. These prescribe certain ideals that the country should uphold. In the context of our country i.e. India, the core values and visions reflected in the Preamble are expressed as objectives of the Constitution. The core values and objectives found in the Preamble are sovereignty, socialism, secularism, democracy, republican character of Indian state, justice, equity, liberty, equality, fraternity, human dignity and the unity and integrity of the nation.

### **1.6. Key Words**

Amendment: Change or addition to a document or legal provisions: 'constitutional amendment'

Article: The main element of a constitution (equivalent to a section in an ordinary statute).

Citizen: A person possessing citizenship/nationality



- Constitution: A supreme law of the land promulgated to exercise sovereignty
- Democratic: A democratic polity, is based on the doctrine of popular sovereignty, that is, possession of supreme power by the people.
- Dignity: The quality of being worthy of esteem or respect; a manner suggesting confidence in such esteem.
- Diversity: The state of being varied (may refer to cultural, ethnic, religious, gender variety)
- Equality: The term 'equality' means the absence of special privileges to any section of the society, and the provision of adequate opportunities for all individuals without any discrimination.
- Fraternity: Fraternity means a sense of brotherhood.
- Liberty: The absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of individual personalities.
- Morality: Concern with the distinction between good and evil or right and wrong; right or good conduct
- Preamble: A recital at the beginning of many constitutions, treaties and some acts to explain the mind of the makers of the documents
- Republic: A democratic polity where the head of the state is always elected directly or indirectly for a fixed period.
- Secular: Not connected with religious or spiritual matter.
- \*State: An organized political community with its government in a sovereign state or a constituent unit of a federation. Therefore, India is a state. It has four features people (who feel a unity and have a common Psychological identity), A land (which is normally continuous and in case of India, it is a natural landmass with seas on three side and Himalayas on the north), A Government (this Govt. is to framed on a constitution with three branches legislatures, executives and judiciary) and sovereignty free from external control and people enjoy free on.
- Country: Refers to a geographic expression yet country is not a state if it doesn't enjoy freedom or its people have no strong identity of the own. During British Rule India was a country but not a State.



### 1.8. Suggested Readings

- Austin, G., *The Indian Constitution: Cornerstone of a Nation*, Clarendon Press, Oxford, 1996.
- Bakshi, P. M. *The Constitution of India*, Universal Law Publishing Company Ltd., New Delhi, 2014.
- Baruah, Aparijita., *Preamble of the Constitution of India: An Insight and Comparison with Other Constitutions*, Deep & Deep, New Delhi, 2006.
- Basu, D.D., *Introduction to the Constitution of India*, 25<sup>th</sup> Edition, Lexis Nexis, 2021
- Canovan, M., *Nationhood and Political Theory*, Cheltenham, UK: Edward Elgar, 1996.
- Kashyap, S.C., *Our Constitution*, National Book Trust, India, New Delhi, 1995.
- Rai, Udai Raj, *Fundamental Rights and Their Enforcement*, Prentice Hall of India Ltd., New Delhi, 2014.
- Shukla, V. N., *Constitution of India*, Eastern Book Company Ltd., New Delhi, 2013.
- Wheare, K.C., *Modern Constitutions*, Oxford University Press, London, 1964.

