



# UNIT - I

## INDIAN CONSTITUTION



# PHILOSOPHY OF THE CONSTITUTION OF INDIA





# OBJECTIVES



The significance of the **philosophy of the Constitution** of India for us today is much more than in the early decades of independence when there was a widely shared agreement on the essentials of public life and the laws and institutions required to sustain them. In the wake of the conflicts regarding the essentials of public life, many take recourse to the Constitution, which underscores the philosophical principle of “unity – in – diversity,” as a guide to conflict resolution. :

- Analyze the preamble of the Constitution
- Reflect on the salient features of the Constitution
- Understand its fundamental orientation rooted in philosophical principles



# Philosophy of the Constitution



Every Constitution has a philosophy of its own. For the philosophy underlying Our Constitution we must reflect on the following Preamble to the Constitution: .

**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.**



# Philosophy of the Constitution



- WE, THE PEOPLE OF INDIA means the ultimate sovereignty and authority of the people of India.
- The Preamble declares in unequivocal terms that the source of all authority under the Constitution is the people of India and that there is no subordination to any external authority.
- It is SOVEREIGN as it has the independent power to legislate on any subject without being controlled by any other State or external power.
- As a REPUBLIC, it has a government by the people and for the people headed by an elected President. Hence it is a DEMOCRATIC republic.
- It is democratic not only from the political but also from the social standpoint.
- In other words, it envisages not only a democratic form of government but also a democratic society which is SOCIALISTIC and SECULAR.
- The Constitution envisages a socialistic pattern of society where the principal means of production are under social ownership or control and there is equitable distribution of wealth.
- However, it is not that type of State socialism which involves 'nationalisation' of all means of production, and abolition of private property. Instead of a total nationalisation of all property, it envisages a 'mixed economy,' but aims at offering 'equal opportunity' to all, and the abolition of 'vested interests.'
- The socialistic society should also be secular. The secular objective of the State has been specifically expressed by inserting the word 'secular' in the Preamble by 42<sup>nd</sup> Amendment of the Constitution in 1976.



# Philosophy of the Constitution



- It means that the State protects all religions equally and does not itself uphold any religion as the State religion.
- In this way, the State promotes JUSTICE which is the absence of any arbitrary distinction of human and human in social, economic and political sphere. Justice guarantees LIBERTY of thought, expression, belief, faith and worship.
- Liberty nourishes EQUALITY of status and of opportunity. Equality furthers FRATENITY among all sections of people composed of so many races, religions, languages and cultures.
- A fraternity cannot be maintained unless the dignity of each of its citizens is upheld.
- The Constitution seeks to achieve this objective by guaranteeing equal fundamental rights to each individual.
- The philosophy contained in the Preamble has been further highlighted by emphasising that each individual shall not only have the fundamental rights, but also a corresponding fundamental duty, such as to uphold the sovereignty, unity and integrity of the nation by maintaining secularism and fellowship among all the people of India.



# Philosophy of the Constitution



- The fittest tribute to the Indian Constitution – adopted by the Constituent Assembly on November 26, 1949 and coming into force on January 26, 1950 – is its enduring and encompassing nature in vivid contrast to several other Constitutions of the world.
- The Constitution has always preserved, articulated and inculcated a sense of national identity shared by a billion people despite their ethnic, linguistic, religious, regional, social, political, economic, philosophical, ideological, and other cultural diversities and disparities.
- Thanks to the remarkable philosophical vision of unity-in-diversity, or one-in-many, of its founding fathers who – in conformity with the rich cultural traditions of our motherland – wanted this document to be large hearted enough to accommodate within its ambit the entire spectrum of pluralities without compromising its inherent universality and underlying unity, and thus defining nationhood as a celebration of unimpeachable plurality in unison with its citizens.
- The steady stream of inspiration flowed from this philosophical vision implicit in the Constitution ensured the integration of our society by warding off formidable challenge to its authority while retaining its own legitimacy and credibility very much manifest in its adoption of parliamentary form of democracy, in the incorporation of the fundamental human rights, in the envisioning of a federal structure of governance with power to be shared between the Union and the States, in the categorical assertion that the State would be resolutely secular and equidistant from the religious affiliations of its citizens, in the insistence on the necessity of safeguarding minority rights, and in the ensuring of Reservation for the Scheduled Castes and the Scheduled Tribes.
- This philosophical vision of the founding fathers of the Constitution is very much visible in their explicit inclusion of the Fundamental Rights into it.

