



Constitutional Values and Indian Constitution

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Brief:

The longest written Constitution in the world, lays down the basic structure and the framework of India's polity. It is built on the foundations of certain fundamental values that have been embedded in it by the makers of the Constitution to ensure that there should be fairness and justice for every citizen of India. The inclusion of the Fundamental Rights in the Constitution is in furtherance of the same thought.

Rule of Law and Constitution of India


The constitution of a country is the supreme law—it is the source of all governmental power, legislative, executive or judicial. It is the law which delineates the regulation and management of power in governmental institutions. Apart from the inter-institutional dynamics, a modern democratic constitution has another important role to play that is to provide fundamental guarantees and freedoms for every individual or community to live with dignity. Our Constitution, which is the result of lengthy freedom struggle, reinforces the values which the Indian society has upheld for centuries.

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Despite being the lengthiest in the world, the Indian Constitution makers ensured that the flexibility of the constitution does not get affected due to its specificity. The Indian Constitution can be termed bulky, but by no stretch of imagination can it be termed rigid or unaccommodating. This facet of the Constitution is evident from the constitutional practice over the last 75 years and in particular, from the manner in which the Supreme Court has interpreted the Constitution to suit the needs of the times.

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Suffice it to say that the Supreme Court of India has, with its ingenuous interpretation, breathed life into a constitution, which would have otherwise meant little for an ordinary citizen of the country. It is submitted that there are also special provisions to enforce rule of law and Constitutional mandate, viz. due process of law; public interest litigation; and the treatment of women, juveniles, senior citizens and mentally challenged persons under the special enactments.

Indian Constitution and It embedded Values



The Indian Constitution is the result of a constant struggle for rights in the Post-World-War-Period as well. After the Indian Independence Act, which came into force on August 15th 1947, the long period of British rule was finished. After a long struggle the new constitution of India was adopted on November 26th 1949 and came into force on January 26th, 1950.

Constitutional Values and the Preamble of the Constitution

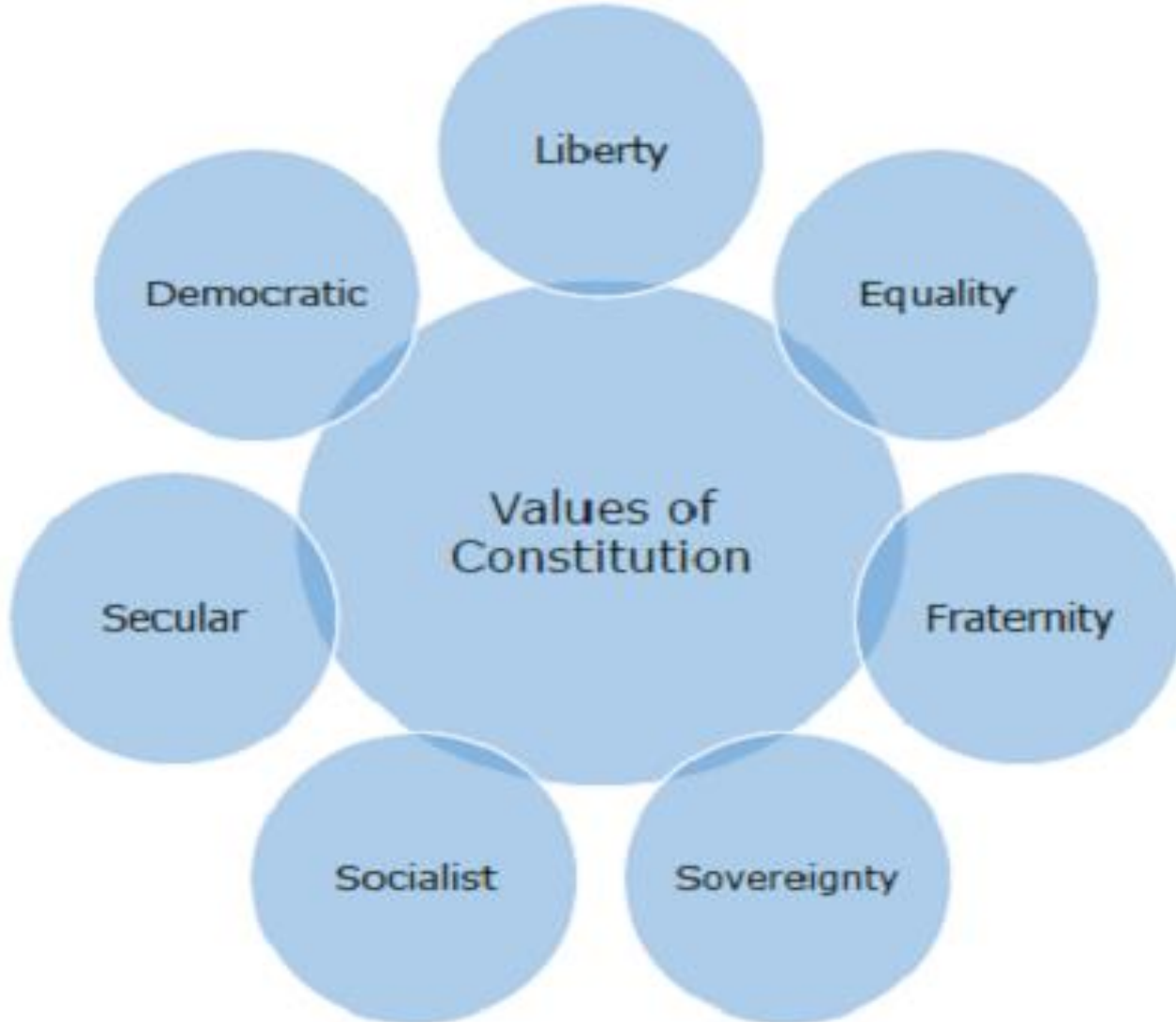
“Constitution is not a mere lawyers’ documents, it is a vehicle of Life, and its spirit is always the spirit of Age.”

- BR Ambedkar

The Constitutional values are reflected in the entire constitution of India, but its preamble embodies ‘the fundamental values and the philosophy on which the Constitution is based. The Preamble to any constitution is a brief introductory statement that conveys the guiding principles of the documents. The Preamble to the Indian Constitution also does so.

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Values Expressed in the Preamble of the Constitution:



The Key Words in the Preamble – Depicting Values

Sovereign

- The Preamble of the Constitution points out that India is a Sovereign State. The term ‘Sovereign’ means the independent authority of the state. It means the state has absolute control on each and every subject and no external authority or power can control it. So, the legislature of our country has the powers to make laws in the country with restrictions keeping in mind imposed by the Constitution.

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Socialist



- The term Socialist was added into the Preamble after 42nd Amendment, 1976, during the emergency. The term socialist signifies democratic socialism. It means a political-economic system that gives social, economic, and political justice to the people.

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Secular



- The term Secular was also added through the 42nd Amendment Act, 1976, during the emergency. The Constitution states that India is a secular country as the state has not adopted any religion. The citizens have their own point of view in life and are able to choose their own religion as they like.

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Secular



- The state gives them full freedom to practice any religion of their own choice. The state will treat all religions equally, with equal respect given to all of them. The state will have no right interfering with the people following their choice of religion, faith or idol of worship.

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Democratic



- The term Democratic originates from the Greek words demos meaning people and Karots meaning authority. Which states that the government is built by the people. India is a democratic state as the people will elect their own government at all levels, meaning union, state, and local or ground level. Everyone can vote irrespective of their caste, creed or gender.

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Republic



- India has a republic form of government as the head is elected and is not a hereditary monarch like a king or queen. The term Republic is originated from res publica that means public or the commonwealth. It means the power to elect the head of the state for a fixed term lies within the people of the country. So, in conclusion, the word republic means that the head of state is chosen by the people rather than any birth right of some people.

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Preamble has its usefulness as embedded constitutional values are extended as under:

- The Preamble sets out the objectives which the constituent assembly intended to achieve. As Supreme Court has observed, the Preamble is a key to unravel the minds of the makers of the Constitution. It also embodies the ideals and aspirations of the people of India.
- The Preamble is non-justiciable in nature, like the DPSPs and cannot be enforced in a court of law.

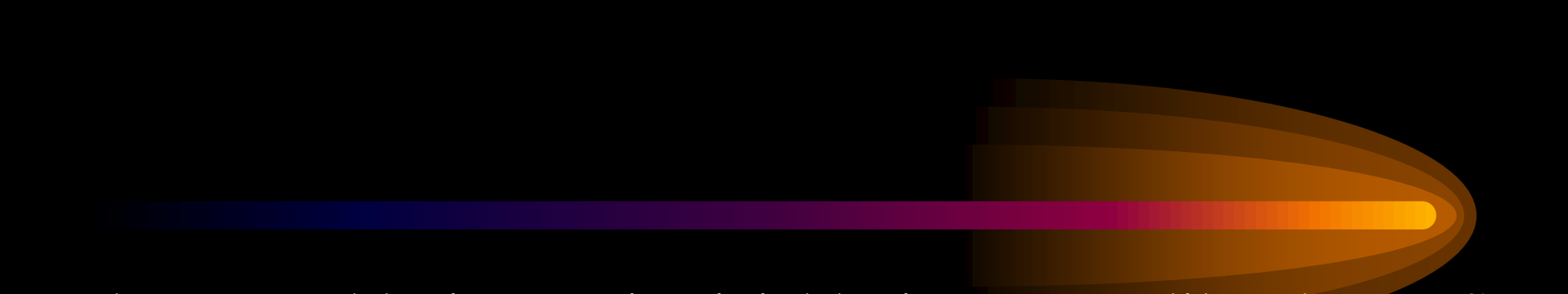
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- The Preamble is non-justiciable in nature, like the DPSPs and cannot be enforced in a court of law.
 - The Preamble cannot override the specific provisions of the constitution. In case of any conflict between the two, the latter shall prevail.
 - The Preamble can neither provide substantive power (definite or real) to the three organs of the State, nor limit their powers under the provisions of the constitution.
 - As observed by the Supreme Court, the Preamble plays a limited and yet vital role in removing the ambiguity surrounding the provisions of the Constitution.

Values and the Salient Features of the Constitution

"There are checks and balances and broad separation of powers under the Constitution. Each organ of the State, i.e. the legislature, the executive and the judiciary, must have respect for the others and not encroach into each other's domain."

- P Sathasivam, Kerala governor

The Indian Constitution prevails a number of values for supremacy of its structural laws for best serving of citizens of India.

Preamble : The Soul of the Constitution



Justice

Social
Justice

Economic
Justice

Political
Justice

Equality

Liberty

Fraternity

Justice:



The term 'Justice' has 3 main elements that complete the entire definition, which are social, economic, and political. Justice between the citizens is important so as to maintain order in society. Justice has been promised through the various provisions of Fundamental Rights and Directive Principles of State Policy provided by the Constitution of India.

Economic Justice:



Economic Justice means there should be no discrimination among people on the basis of their wealth, income, or economic status. It basically means that wealth must be divided on the basis of the work done, not on any other reason. Each person should be paid equally for same position and every person should get equal opportunities to earn a living.

Social Justice:



Social justice means that the Constitution wants to make a society where there is no discrimination on grounds like caste, creed, gender, religion, etc. Where people can have equal social status by helping out the under privileged people of the society. The Constitution will try to eliminate all the exploitations which harm equality in the society.

Political Justice:



Political Justice means that every person has an equal, free and fair right without any form of discrimination to take part in political openings. It means everyone has equal rights to gain access to any political office and have a chance of equal participation in the processes of the government.

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Nehru said in 1956:



Democracy has been spoken of chiefly in the past, as political democracy, roughly represented by every person having a vote. But a vote by itself does not represent very much to a person who is down and out, to a person, let us say, who is starving and hungry. Political democracy, by itself, is not enough except that it may be used to obtain a gradually increasing measure of economic democracy, equality and the spread of good things of life to others and removal of gross inequalities.

Equality:



The term **Equality** means there should be no section of society that has any kind of special privilege and all the people should be given equal opportunities for everything without any discriminations. It means excluding all kinds of discriminations from society to make a healthy environment for everyone to live in. Everyone should be equal before the law.

Liberty:



The term 'Liberty' means freedom for the people to choose how to live their life, have any political views and also how to behave in the society. It means there is no unreasonable restrictions imposed on the citizens on the basis of their thoughts, feelings, and views. But liberty does not mean one can do anything, there has to be a limit set by the law. Anything that can cause public disorder won't come under the purview of liberty. These limits are set by the Constitution to avoid any injury caused in the name of liberty.

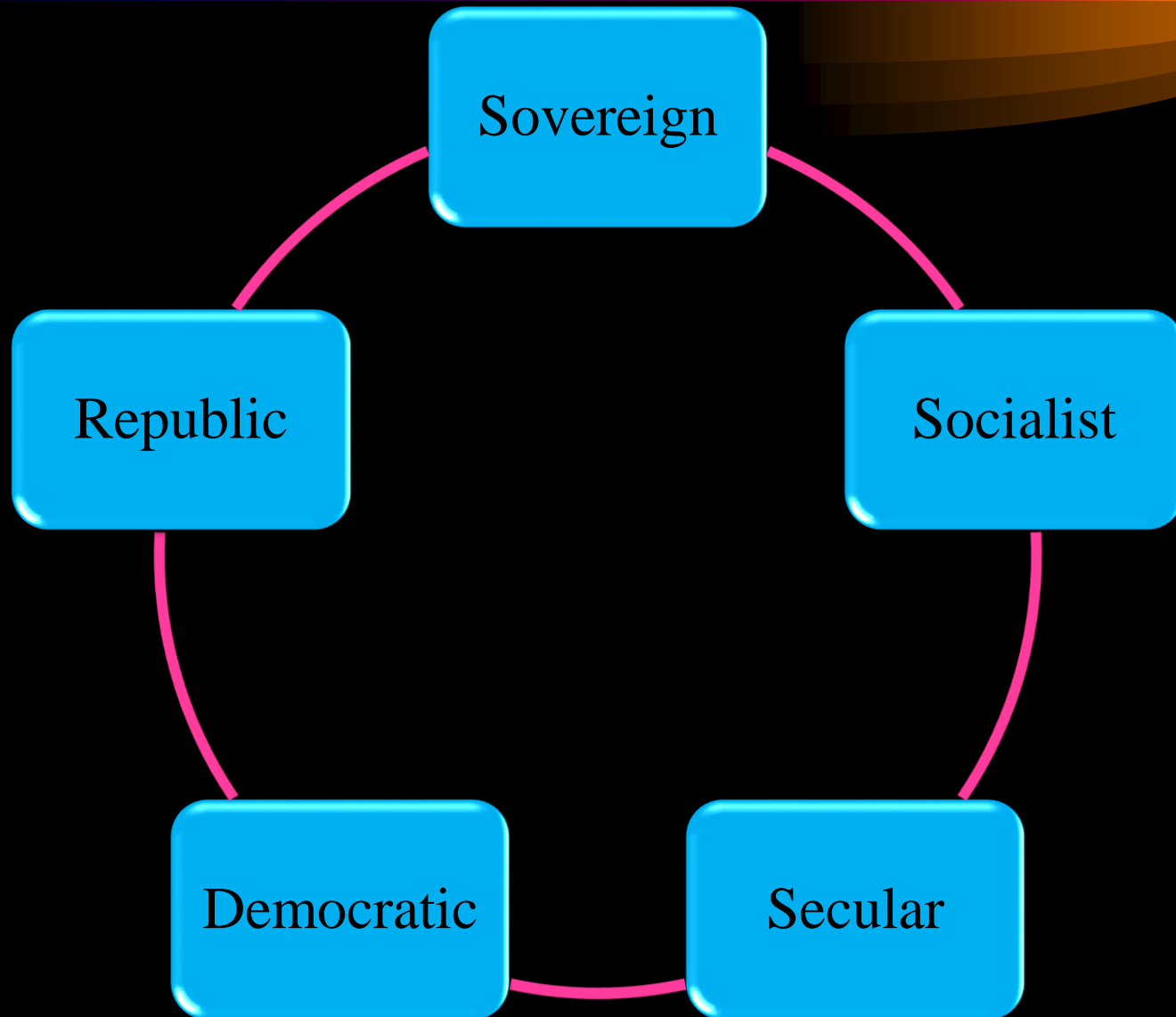
Fraternity:




The term 'Fraternity' means a feeling of union and loving relations with the country and all of its people. It refers to a bond that helps in believing that everyone are children from the same soil and are all connected with each other. This union is above all social norms or regulations, as it is the relationship way past all these caste, age, or gender. Fraternity helps in promoting the feeling of dignity and unity in the nation.

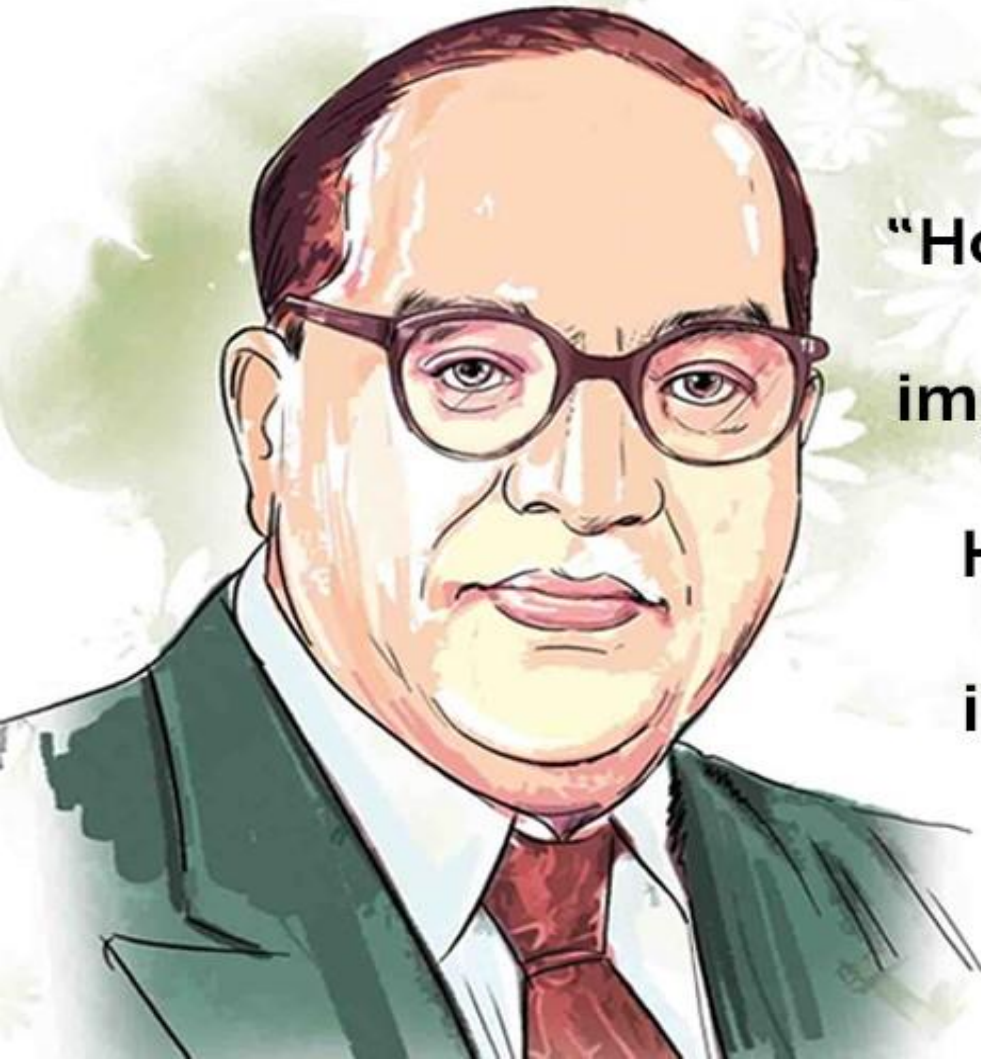
Dr B R Ambedkar, in his last speech in the Constituent Assembly, had said, Political democracy cannot last unless there lies at the base of it social democracy. What does democracy mean? It means a way of life which recognizes liberty, equality and fraternity which are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity.

The Key Words in the Preamble – Depicting Values:





The Discussion of constitutional values is not aimed at an exhaustive enumeration; instead, the idea is to open the gateway of discussion to allow for diversity of thought on the issue to flourish. Our fore fathers may have had vision 'X' in mind when they drafted it, but that must not shackle us from introducing a feral 'Y' if welfare and justice is its actuating provenance. Towards the end, what I can say with utmost certainty is that the constitutional values that I discussed, are reflective of the multitudinousness and vastness of the 'Indian vision'



“However good a Constitution may be, if those who are implementing it are not good, it will prove to be bad. However bad a Constitution may be, if those implementing it are good, it will prove to be good.”

Dr. B.R Ambedkar



THANK YOU