The celebration of the diamond jubilee of our Republic and the Constitution last year gives us a satisfying remembrance of the challenge once offered by Lord Birkenhead, the then Secretary of State for India, way back in 1927, who was sceptical about the capacity of the Indians in producing an enduring Constitution to which there would be a fair measure of general approval. Further, we are the largest democracy in the world today, much beyond the perception of the West that a Constitutional government for such a populous, poor and plural society like India would be a mismatch. On both the counts, credit goes to the founding fathers of our Constitution who were both pragmatic and visionary in their approach and attitude while embarking on, what Granville Austin says, ‘perhaps the greatest political venture since that originated in Philadelphia in 1787’¹. In this context, Pandit Nehru’s statement during a debate in the Constituent Assembly (CA) on 8 November 1948 sounds very appropriate to be quoted here. He said, “The Constitution is after all some kind of legal body given to the ways of Government and the life of the people. A Constitution if it is out of touch with the people’s life, aims and aspirations, becomes rather empty: if it falls behind those aims, it drags the people down. It should be something ahead to keep people’s eyes and minds made up to a certain high mark...Remember this that while we want this Constitution to be as solid and as permanent a structure as we can make it, ... there should be a certain flexibility. If you make anything rigid and permanent, you stop a nation’s growth, the growth of a living, vital, organic people.”² Accordingly, our Constitution was drafted keeping in mind the expectations of the freedom loving Indians of that time leaving enough scope for its dynamism to cater to the needs of future generations as well. In other words, our Constitution instead of being solely ‘the resultant of a parallelogram of forces which operate at the time of its adoption’³ was ‘projected for the unknown future’⁴.

Our leaders had long cherished aspirations and dreams during the arduous course of freedom struggle. To realize them, they were thus passionate about making a fresh start in the form and system of our government substantially different from that of our colonial rulers. Therefore, the arrival of political freedom gave impetus to the drafting of our Constitution. The ‘Constituent Assembly of India’⁵, which was first set up by the Cabinet Mission plan in 1946; and later restructured following a split in accordance with the Mountbatten Declaration of 3 June 1947, became a sovereign body to frame the Constitution of India. In the process, our Constitution emerged
from that great hall of the CA. As a result, 26 November 1949 and 26 January 1950 became two most important events in Indian history in connection with the Constitution of India. The former marks the day of adoption of the draft Constitution and the latter, stands for the date on which the Constitution of India came into force and thereby, making India a truly sovereign country and a republic as well.

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

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 place in our Constitution seems a remote possibility. Therefore, it is essential to turn to the various expressions contained in the Preamble for a better understanding and interpretation of the Indian Constitution. Recognising its importance, the Preamble was amended in 1976 by the 42nd Constitution Amendment Act. According to an eminent Constitutional expert Subhash C. Kashyap, ‘the text of the Preamble stands for the fundamental Constitutional values in which the founding fathers believed, which they wanted to foster among the people of the Republic and which, they hoped, would guide all those who, from generation to generation, were called upon to work’. The values expressed in the Preamble are sovereignty, socialism, secularism, democracy, republican character, justice, liberty, equality, fraternity, human dignity and the unity and integrity of the Nation. In addition to them, our Constitution promotes respect for diversity and minority rights, accommodates regional and political assertions through federalism and fosters international peace and cooperation.

Before going to discuss the values that our Constitution upholds, and the objectives it has set to achieve, it is of relevance to discuss their correlation. ‘Value’ in a layman’s understanding is that which is very essential or ‘worth having’ for its existence as an entity. In that sense, there are some core values and secondary values of each state. ‘Security of one’s territory’ is definitely a basic or mainstay value of every state; whereas ‘promotion of cultural relations with other states’ could be a lesser value. Objective means what we want to have or we wish to achieve. Here the same values could be the objectives. Thus, objectives and values appear similar since there is a very thin line of difference between the two. For example, social justice or a just society could be both an objective and a value. An objective, usually, is guided by a value. In other words, the objectives set, are directly or indirectly linked with or are drawn from values. There is an integral relationship between them. However, value deals with ‘what’ of the same thing whereas the objective is concerned with the ‘how’ of that. It means that translation of values is the concern of objectives. Sometimes a value may not be an immediate objective but that still exists. Promotion of international peace may belong to that category. And finally, one finds a correlation between and among all the values; no value stands alone and so also the objectives. Each contributes to the other. Let’s now discuss some of basic values and objectives that provide basis and direction to governmental policy decisions.
(i) **Sovereignty:**

By declaring us as a sovereign entity, Preamble emphasizes complete political freedom.

It implies that our state is internally powerful and externally free. She is free to determine for herself without any external interference. There is none within her to challenge her authority. Only this attribute of sovereignty has made her a member in the comity of nations. Without sovereignty she has no essence. If a state can not freely determine what it wants and how to achieve it, it loses the rationale to exist. Further, sovereignty gives the state the dignity of existence. It would not receive respect from within as well from outside if it does not possess the sovereign status. This suggests that sovereignty is one of the most important values of a state. Therefore, the government is duty bound to defend its sovereignty by preventing any kind of threat to it coming from any entity and direction.

Though our Constitution does not specify where the sovereign authority lies but by mentioning the source of our Constitution as ‘We the people of India’ it announces to the world that the ultimate sovereignty rests with the people of India as a whole. Political sovereignty is the hinge of our polity. Accordingly, it is implied that the Constitutional authorities and organs of government derive their power only from the people. Therefore, our political system should ensure the support and approval of people to it. Article-51A(c), on the other hand, says that it shall be the duty of every citizen to uphold and protect the sovereignty, unity and integrity of India.

(ii) **Socialism:**

The word ‘socialist’ was added to the Preamble by the 42nd amendment act of 1976 however, several articles of our Constitution were already there giving credence to the ideal. The fathers of our Constitution had a wider vision of social transformation. Despite all social, economic and political inequality present and inherent in Indian traditional society, our Constitution started a crusade against that order. The Constitution has deliberately imposed on us the ideal of socialist pattern of society – a kind of Indian model of socialism to suit to our needs and temperament. It stands to end all forms of exploitation in all spheres of our existence. Our Constitution directs the state to ensure a planned and coordinated social advance in all fields while preventing concentration of wealth and power in few hands. Our Constitution supports land reforms, promotes the well-being of working class and advocates for 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. Government of India has adopted mixed economy, introduced five year plans and has framed many such laws to achieve the value 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.

(iii) **Secularism:**

India is a home to almost all major religions in the world. To keep the followers of all these religions together secularism has been found to be a convenient formula. The ideal of secularism in Indian context implies that our country is not guided by any religion or any religious considerations. However, our polity is not against religions. It allows all its citizens to profess, preach and practice any religion of their liking. 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. The Supreme Court in S.R Bommai v. Union of India held that secularism was an integral part of the basic structure of the Constitution. Secularism thus is a value in the sense that it supports to our plural society. It aims at promoting cohesion among different communities living in India. Despite the Constitutional provisions and safeguards it is unfortunate that we still remain insufficiently secular. That has resulted in communal riots. Therefore, to achieve true secularism has remained a challenging objective.

(iv) Democracy:

India is a democracy. We have adopted parliamentary democracy to ensure a responsible and stable government. As a form of government it derives its authority from the will of the people. The people elect the rulers of the country and the latter remain accountable to the people. The people of India elect their governments at all levels (Union, State and local) by a system of universal adult franchise; popularly known as ‘One man one vote’. Elections are held periodically to ensure the approval of the people to the governments at different levels. All the citizens without any discrimination on the basis of caste, creed, colour, sex, religion or education are allowed freedom of speech, thought and expression and also association. Democracy contributes to stability in the society and it secures peaceful change of rulers. It allows dissent and encourages tolerance. It rules by persuasion, not by coercion. It stands for a constitutional government, rule of law, inalienable rights of citizens, independence of judiciary, free and fair elections and freedom of press etc. Therefore, to develop a democratic political culture has been an important objective.

(v) Republic:

As opposed to a monarchy, our Constitution prefers to remain a republic. The office of the head of the state is elective. This idea strengthens and substantiates democracy that every citizen of India (barring some who are constitutionally disqualified) after attaining a particular age is equally eligible to become the head of the state if he is elected as such. Political equality is its chief message. Any sort of hereditary rule is thus regarded as a disvalue in India.

(vi) Justice:

Justice is called a total value. The fathers of our Constitution knew that political freedom would not automatically solve the socio-economic problems which have been deep rooted. Therefore, they stressed that the positive constructive aspect of political freedom has to be instrumental in the creation of a new social order, based on the doctrine of socio-economic justice. The message of socio-economic justice mentioned in the preamble to our Constitution has been translated into several articles enshrined in part-III and part-IV of the Constitution. A number of practical measures have been taken over the years to create more favourable social conditions for the millions of downtrodden. These include several developmental policies to provide safeguard to minorities, backward, depressed and tribal people. Our constitution abolishes untouchability; prohibits exploitation of the women, children and the weak and advocates for reservation to raise the standard of the people oppressed over ages. Whenever our government undertakes any developmental project it always adds a human face to it. Therefore, this ideal of a just and egalitarian society remains as one of the foremost objectives.

(vii) Liberty:

The blessings of freedom have been preserved and ensured to our citizens through a set of Fundamental Rights. It was well understood by the fathers of our Constitution that the ideal of
democracy was unattainable without the presence of certain minimal rights which are essential for a free and civilized existence. 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 States by Part-III of the Constitution. There are however less number of success stories. Unless all dissenting voice is heard and tolerated and their problems are addressed liberty will be a distant dream.

(viii) **Equality**:

Every citizen of India is entitled to equality before law and equal protection of law. As a human being everybody has a dignified self. To ensure its full enjoyment inequality in all forms present in our social structure has been prohibited. Our Constitution assures equality of status and opportunity to every citizen for the development of the best in him. Political equality though given in terms of vote but it is not found in all spheres of politics and power. “Equality before law” in order to be effective requires some economic and education base or grounding. Equality substantiates democracy and justice. It is therefore held as an important value.

(ix) **Fraternity**:

Fraternity stands for the spirit of common brotherhood. In the absence of that, a plural society like India stands divided. Therefore, to give meaning to all the ideals like justice, liberty and equality our Constitution gives ample stress on fraternity. Democracy has been given the responsibility to generate this spirit of brotherhood amongst all sections of people. This has been a foremost objective to achieve in a country composed of so many races, religions, languages and cultures. Article-51A(e) therefore, 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. However, Justice D.D. Basu believes that, “Fraternity will be achieved not only by abolishing untouchability amongst the different sects of the same community, but by abolishing all communal or sectional or even local or provincial anti-social feelings which stand in the way of unity of India.”

(x) **Dignity of the individual**:

Fraternity and dignity of the individuals have a close link. 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 Directives enshrined in the Part-IV of our Constitution to ensure the 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 too directs the state to take steps to put an end to exploitation and poverty.

(xi) **Unity and integrity of the Nation**:

To maintain the independence of the country intact and enduring, unity and integrity of the nation is very essential. Therefore, the stress has been given on the ideal of fraternity which would foster unity amongst the inhabitants. Without a spirit of brotherhood amongst the people the ideals of unity and integration of people and nation seem unattainable. Our Constitution expects from all the citizens of India to uphold
and protect the unity and integrity of India as a matter of duty.

(xii) **International peace and a just international order:**

Indian Constitution directs the state to make endeavour to promote international peace and security; maintain just and honourable relations between nations; and foster respect for international law and treaty obligations in the dealings of organised people with one another; and encourage settlement of international disputes by arbitration. Thus India too cherishes the ideal of universal brotherhood beyond our national border. These provisions enshrined in Article 51 of the Indian Constitution have been a beacon light that provides a ray of hope for saving the world from the impending nuclear and environmental catastrophe. To fulfil these objectives India had provided leadership during the heydays of colonialism and also during Cold War. In a changed world scenario characterized by globalization, proliferation of the weapons of mass destruction, climate change and international terrorism, India has been making a constant bid for a permanent seat in the Security Council of the United Nations to provide direction to these world issues.

(xiii) **Fundamental Duties:**

Our Constitution too prescribes some duties to be performed by the citizens. All these duties though not enforceable in nature but reflect some basic values too. It highlights the values like patriotism, nationalism, humanism, environmentalism, discipline, harmonious living, feminism, scientific temper and inquiry and individual and collective excellence. Article 51A provides a long list of these duties to be observed by all the citizens.

The above account shows how our Constitution is a value loaded document. One may wonder then about its performance and achievements. In that context, the celebration of the 61st Republic day has been both an inspiring and introspective event. As a positive law, our Constitution has endeavoured to bring about social and political change in our society. At the instance of our Constitution several socio-economic provisions enshrined in the Part-IV in the nature of ‘Directive Principles’ have been converted into fundamental rights and Constitutional rights. For example, Article 45 has been transformed into a fundamental right in shape of Article 21-A which directs the state to provide free and compulsory education to all children between the age of six to fourteen years; and similarly, Local Self Government in rural and urban areas have been made regular and uniform throughout the country. In case of the former it is done keeping in mind that education is key to social development and the latter, has been an attempt to revitalize local self governments especially at the village level. In a similar vein several social welfare measures have been taken by the successive governments to raise the standard of living of the people in the lower rungs of the society. The scheme like MGNREGA has been devised to provide employment to all the persons below poverty line at least for 100 days a year. Several measures of land reforms have been introduced and zamindari system has been abolished at the instance of the Constitution. The judiciary, led by the Supreme Court too has played a pro-active role in defending the causes of poor and downtrodden through PILs. Federalism has been carried forward in a way that has led to the devolution of power to the states while not making the Centre impotent. To make our Constitution adaptable to the changing needs and circumstances it has been amended ninety-four times so far. On the whole, despite a plethora of welfare programmes launched by successive
governments and the fine scheme of the Constitutional edifice, our polity faces unprecedented challenges like glaring disparity between haves and have-nots as projected in the increasing number of people Below Poverty Line, regional imbalances, rising of militancy having indigenous roots as well as being sponsored from abroad, ideologies not believing in liberal democracies, ethnic conflicts, and challenges from primordial forces like caste and community etc. Democracy too has been plagued by rampant corruption, heinous crimes involved in politics, intra-party conflicts, and perpetual paralysis of parliamentary sessions and people’s increasing apathy in participation in developmental programmes and electoral exercises. Even, at times people are hinting at the need for the review of our Constitution and switching over to presidential model. Therefore, sufficient introspection is required from all quarters viz., government to individual via political parties and civil society to make our democracy a vibrant and effective one. Constitution is not failing but we are failing the Constitution. Granville Austin has very appropriately said, “Constitutions do not ‘work’, they are inert, dependent upon being ‘worked’ by citizens and elected and appointed leaders.” To conclude, what we need to develop is the right type of political culture for sustaining the Constitution which is not just the result of the labour of few months and years as put by the members of the Constituent Assembly but the result of struggle and toil of millions of people in the national movement spanning over nearly a century almost.


References:
6. Ibid.p.54.

Dr. Anil Kumar Mohapatra is the Assistant Professor in P.G Department of Political Science, Utkal University, Vanivihar, Bhubaneswar.