"I feel that it (Indian Constitution) is workable, it is flexible and it is strong enough to hold the country together both in peace time and in war time. Indeed, if I may say so, if things go wrong under the new constitution, the reason will not be what we had a bad constitution, what we will have to say is the Man was vile…" B.R. Ambedkar

A study of Indian Legal system includes the study of the Indian constitution, enacted laws and the study of judicial Administration. The three inevitable parts of our nation namely legislature, executive and judiciary contribute to the legal system. Here the constitution is the source, guideline, and also the limitation of our legislation, Executive is the implementing body of the laws. Finally judiciary is the supreme body which helps judicial administration and guides both executive and legislature by interpreting laws. Judiciary also add among the laws by various decisions as judicial precedents. As he prime source, the study of the constitution includes the short history it's enactment, philosophical aspects, and amendments which took place after it's enactment on being passed by the parliament to make it's provision to suit the changing social and political atmosphere.

1Mohandass Namishray, Caste and Race Comparative Study of B.R. Ambedkar And Martin Luther King, Rawat Publications, New Delhi,2003, p.212
Constitution of India

"In a democratic country like India which is governed by a written constitution, supremacy can be legitimately claimed only by the constitution. It is the constitution which is paramount, which is law of laws, which confers on Parliament and the state legislatures the executive and the judiciary their respective powers, assigns to them their respective functions and prescribes limitations within which the said powers and functions can be legitimately discharged".²

The constitution of India is the founding stone of the present Indian legal system. Though major criminal and civil laws were enacted before independence any law enacted after 26th January 1950 is within the scope of the constitution. As the administrative system of India after Independence is based on the provisions in the constitution, any change taking place in the constitution has utmost importance. Moreover the amendments in the constitution in turn are the reflection of changing values in the society and in the political sphere. After decades of struggle and sacrifice, the historic event of Independence came on the midnight of 19th August 1947. At that time every member of the constituent Assembly took a pledge that

"At this solemn movement when the people of India, through suffering and scarifies have secured freedom, 'as a member of the constituent, Assembly of India, do dedicate myself in all humility to the sacrifice of India and her people to the end that this ancient land attain her rightful and honoured place in the world and make her full and willing contribution to the promotion of world peace and the welfare of mankind".³

Moreover the constitution as a whole and its provisions in special is in accordance with the true spirit of the speech delivered by Jawaharlal Nehru at the time of independence. He said:

"Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes out rarely in history, when we step out from the old to the new, when as age ends, and when the soul of nation, long suppressed find utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity".  

Apart from the contributions given by constituent Assembly Indian constitution was the result of invaluable work of drafting committee containing seven members including Dr. B.R. Ambedkar as the chairman of the drafting committee. In order to assist the drafting committee constituent Assembly constituted Twenty-one committees on various issues. They are

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5 Dr. Rajendra Prasad was the President of the Constituent Assembly, and would later became the first President of India. The Assembly, much like the modern Parliament system, was divided into committees and sub-committees to deal with specific branches of government. Dr. B.R. Ambedkar served as the Chairman of the Drafting Committee, responsible for writing the Constitution. India's political leaders such as Jawaharlal Nehru, Sardar Patel, Purushottam Das Tandon and others were all members of this Assembly. It first met on December 9, 1946 in Delhi, while India was still under British rule. It originally included the provinces that now compose Pakistan, and the representation of the princely states of India. The Assembly approved the Constitution on January 26, 1949, making it official. On January 26, 1950, the Constitution took effect - a day now commemorated as Republic Day nationwide. (Wikipedia, The free encyclopedia 2006 May 14, http://en.wikipedia.org/wiki/Constituent_Assembly_of_India)
(I) Committee on the Rules of procedure

(II) Steering committee

(III) Finance and staff Committee

(IV) Credentials committee

(V) House committee

(VI) Order of Business committee

(VII) Adhoc committee on the National Flag

(IX) State Committee

(X) Advisory Committee on Fundamental rights, Minorities and tribal and excluded areas

(XI) Minorities sub committee

(XII) Fundamental rights sub committee

(XIII) North-East Frontier Tribal Areas and Assam excluded and partially excluded Areas Sub Committee.

(XIV) Excluded and partially Excluded Areas (other than in Assam) subcommittee

(XV) Union powers committee

(XVI) Union constitution committee

(XVII) Ad hoc committee on the supreme court

(XVIII) Provincial constitution committee

(XIX) Committee on chief commissioners princes
Session of the Constitution Assembly commenced on 15th November 1948 and was concluded on October 17, 1949. A large number of amendment proposals came before the Drafting committee and some of them were adopted. Final committee submitted before the president of the Assembly the draft containing 391 articles and 8 schedules.

The Draft constitution was submitted to the president of the Assembly on November 3, 1949. Some more amendments were also considered thereafter. The constitution was adopted by the constituent assembly on the 26th day of November 1949. On 26th January 1950 constitution of India came into force.

Features of Indian constitution

Any discussion on the constitution and its amendments is incomplete without a discussion of its basic features. Though it has been prepared after studying all the known constitutions in the world and also by absorbing valuable provisions embodied in them, Indian constitution has an outstanding characters of its own. To quote Dr. B.R.Ambedkar:

"One likes to ask whether there can be anything new in a constitution framed at this hour in the history of the world. More than hundred years have rolled when the first written constitution was drafted. It has been followed by many other
countries reducing their constitutions to writing... Given these facts all constitutions in their main provisions must look similar. The only new things if there be any, in a constitution framed so late in the day are in variations made to remove the faults and to accommodate it to the needs of the country".6

At the time of drafting and enactment many political thinkers and politicians apprehended that it would be unworkable. Many others criticised that it was going to become a slavish imitation of the west. But the past fifty year showed it's potential and strength though it needs necessary modification from time to time. It was also a fact that many of the original features of the constitution have been substantially modified by the 54 amendments which have been made up to 1986. Among these amendments 42nd Amendment Act, as modified by the 43rd and 44th Amendment Acts, has practically recast the constitution in vital respects.

During this period 30 Articles have been added to the constitution. They are

1. Article 31A - Saving laws providing for acquisition of estates
2. Article 31-B validation of certain Act and regulations
3. Article 31-C saving of laws effect to certain directive principles.
4. Article 39-A equal justice and free legal aid
5. Article 43-A participation of workers in Management of industries

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6. Article 48-A protection and improvement of environment and safeguarding of forests and wild life.

7. Article 51-A Fundamental duties

8. Article 134-A certificate for appeal to the Supreme Court

9. Article 139-A Transfer of certain cases

10. Article 224-A Appointments of retired judges at sitting of High courts.

11. Article 233-A validation of appointment of, and judgement etc delivered by certain District judges.

12. Article 239-A special provisions with respect to Delhi.

13. Article 239-AB provision in case of failure of constitutional machinery

14. Article 244-A formation of autonomous state comprising certain tribal areas in Assam and creation of local legislature or council of Ministers or both therefore.

15. Article 258-A power of the state to entrust functions to the union.

16. Article 300A persons not to be deprived of property save by authority of law

17. Article 312A power of Parliament to vary or revoke conditions of service of officers certain services.

18. Article 323 A Administrative tribunals

19. Article 323-B tribunals for other matters

20. Article 350-A facilities for instruction in mother tongue at primary stage.
21. Article 350B- special officer for linguistic minorities
22. Article 361-A protection of publication of proceedings of parliament and state legislatures.
23. Article 371-A special provision with respect to the state of Nagaland.
24. Article 371-A special provision with respect to the state of Assam.
25. Article 371 C special provision with respect to the state of Manipur
26. Article 371 D. Special provision with respect to the state of Andhra Pradesh.
27. Article 371 E. Establishment of central university in Andhra Pradesh
28. Article 371 F special provisions with respect to the state of Sikkim.
29. Article 371.G. Special provision with respect to the state of Mizoram
30. Article 378A- special provision as to duration of Andhra Pradesh, legislative Assembly.
31. Article 239A- creation of local Legislature or council of Ministers of both for certain union territories.

In the same period a number of articles were also omitted.

The major features adopted by the constitution from other constitutions were-

A  Fundamental Rights - American Constitution
B  Parliamentary system of Government - United Kingdom
C  Directive principles of state policy - Eire
D Provision relating to emergency - German Reich and also from government of India Act 1935

Apart from these our constitution includes modified result of judicial decisions from various comparable provisions. This helps to minimise litigation and uncertainty. As the critiques of the constitutions feared that the constitution might be perverted, the form of administration was also provided in the constitution. This was done by following and reproducing Government of India Act 1935. Ambedkar also remained this by saying "it is perfectly possible to pervert the constitution without changing the form of administration".⁷ There was a solid reason of adopting lengthy and detailed provisions of the Act of, 1935 to the constitution, the reason is that the people were familiar with the existing system.

Moreover the contributions from Government of India Act which in itself, is a bulky, are expanded the volume of the constitution. Another reason is that in order to avoid all defects and loop holes that might be anticipated in the light of other constitutions, makers included all relevant and progressive portions from various constitutions as we stated earlier. Even the list of fundamental Rights is bulkier than elsewhere because the framers of the constitution had to include novel matters owing to the peculiar problems of our country e.g. preventive detention, untouchability.

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Another outstanding character of our constitution is its flexibility. While American constitution requires ratification of 75% of states for an amendment, the major amendment, the major amendments in our constitution requires ratification of the 50% of states. Some of the amendment did not need any ratification at all. Union parliament has the power to amendment the constitution by special majority, which is not less than $\frac{2}{3}$ of the members of each house present and voting, which again must be a majority of the total membership of the House. In addition to this feature parliament has the power to alter or modify many of the provisions of the constitution by a simple majority, with a condition that such changes shall not be deemed to be amendments of the constitution. Parliament has also given the power to supplement the provisions of the constitution by legislation. This will help the parliament to modify various laws according to the exigencies of time without having resort to constitutional amendment Prof Where in his book modern constitutions refers this system by saying "This variety in the amending process is wise but is rarely found".\textsuperscript{8}

Jawaharlal Nehru also supports this flexible character of the constitution when he says:

"While we want this constitution to be as solid and permanent as we can make it there is no permanence in constitutions. There should be certain flexibility. If you make anything rigid and permanent, you stop the nation's

\textsuperscript{8} Cited in DD Basu, 1993; p. 35.
growth, the growth of a living, vital organic people... In any event one would not make this constitution as rigid that it cannot be adapted to changing conditions. When the world is a turmoil and we are passing through a very swift, period of transition, what we may do to day may not be wholly capable tomorrow.  

The feature of flexibility itself, is the main reason of seventy-nine amendments made in the provisions within fifty years. During the first thirty-six years of working it has been amended fifty four times. Vital changes have been effected by the first, fourth, twenty fourth, thirty ninth, forty second and forty fourth amendments to the constitution.

Another special character of our constitution is the enforceability of fundamental of rights through High courts and supreme courts. In the Part III of our constitution there are six fundamental rights. 'Article 19 says all citizens shall have the right.

(a) to freedom of speech and expression
(b) to assemble peaceably and without arms
(c) to form associations and unions
(d) to move freely throughout the territory of India
(e) to reside and settle in any part of the territory of India
(f) to practice any profession or to carry on any occupation trade or business.

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9 Cited in DD Basu, 1993; p.35.
Among these 19(e) is inserted by the constitution forty fourth Amendment Act 1978 and sub clause (f) is omitted by the same Act. Any citizen can approach the Supreme Court as stated in Article 32 and the High court as stated in Article 226 to enforce the fundamental rights. This can be done through the writes namely habeas corpus, mandamus, prohibition, and certiorari. Any law or executive order which offends against the fundamental right is liable to be declared void by the Supreme Court or the High court. These provisions were criticized by some of the English jurists who commented that such provision would make our constitution a lawyer’s paradise. To quote Sir Ivor

"Though no English lawyer would have thought of putting the prerogative writs into a constitution, the constituent assembly did so . . . these various factors have given Indian a most complicated constitution. Those of us who claim to be constitutional lawyers can look with equanimity on this exclamation of our profession. But constitutions are intended to enable the process of Government to work smoothly, not to provide fees for constitutional lawyers. The more numerous the briefs the more difficult the process of government becomes India has perhaps placed too much faith in us".  

But D.D. Basu observes that these observations are a result of the failure to appreciate the very foundation of the Indian constitution. He also says that Sir Ivor omitted to point out that the fathers of the Indian

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constitution preferred the American, doctrine of limited government' to the English doctrine of Parliamentary sovereignty.\textsuperscript{12}

Indian constitution also assures an independent judiciary with the power of judicial review. But there is no judicial supremacy as like that of American system. But the various provisions in Article 125 - 147 ensure security of tenure and salary. Moreover the Legislative power regarding the constitution and organisation of, the Supreme Court and the high court vested us the parliament. And the lower judiciary is place under the exclusive control of the high courts also. A balanced position between Parliamentary Sovereignty and written constitution with provision for judicial review is a unique achievement of the framers of our constitution. Here the comparison of English constitution which cannot nullify any Act of parliament is quite different. In such a situation the constitution has assigned no limits to the authority of parliament. A law may be unjust and contrary to the principles of sound government. But, parliament is not controlled in its discretion and when it errors can be corrected only by itself.

But in the case of USA judiciary has assumed supremacy under its powers of interpretation of the constitution to such an extent as to deserve the epithet of the safety valve or balance wheel of the constitution. Comparing with the constitutions of USA and Britain character of Indian constitution is

\textsuperscript{12} DD Basu, 1993; p.36.
well balanced. The theory underlying our constitution is that we adopt a method between American system of judicial supremacy and the English principle of Parliamentary supremacy. It gave the judiciary the power to declare a law as unconstitutional. At the same time judiciary is deprived from making judicial review of the wisdom of legislative policy. The special character of our constitution in this regard is observed by Nehru.

"No supreme court, no judiciary can stand in judgement over the sovereign will of parliament, representing the will of the entire community. It can pull up that sovereign will if it goes wrong, but in the ultimate analysis where the future of the community is concerned, no judiciary can come in this way. . . ultimately the fact remains that the legislature must be supreme and must not be interfere with by the courts of law in such measures as social reform".13

Moreover the declaration of fundamental right which balances between supremacy of the constitution and sovereignty of the legislature shows another feature of our constitution. But it is to be noted that the guarantee of individual Rights in the constitution has been very carefully balanced with the need for the security of the state itself. Universal Adult suffrage as provided in Article 126 is considered as an important characteristics of our constitution. In Article 326 says

"The election to the house of the people and to legislative Assembly of every state shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than (eighteen years) of age on such date as may be fixed in that behalf by or under any law made by

the appropriate legislature and is not otherwise disqualified under this constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.”

This Article ensures voting right to every citizen irrespective of sex, property, taxation or the like . . . The scope of this provision is wider that in England or the United States. After the commencement of the constitution the election held in 1952 showed the fruitfulness of this Article. In the election 180 million people were enrolled as voters and not less than 88 million voters exercised their franchise.

Above all the most outstanding feature of constitution is its supremacy of over the three organs of the state. In ancient Indian jurisprudence also 'Raja dharma' is supreme. The executive and the judiciary are found by the provisions contained therein and are required to function within the four corners of the provisions. This feature was explained by Dr. S. Radhakrishnan in his speech made in the constituent Assembly on January 26 1947 supporting the objectives Resolution made moved by Jawaharlal Nehru. He said

"Dharmam Kshatrasya Kshatram"

Dharma, righteousness is the King of Kings.

14 P.N. Bakshi, 2000; p.233.
It is the ruler of both the people and the rulers themselves it is the sovereignty of the law we have asserted.\(^{15}\)

While explaining the restrictive clauses continued in Article 368 emphasised the supremacy of the constitution by saying.

"The constitution is a fundamental document. It is a document which defines the position and power of the three organs of the state i.e. the executive, the judiciary and the legislature. It also defines the powers of the executive and the powers of the legislature as against the citizens, as we have done in our chapter dealing with fundamental rights. In fact, the purpose of a constitution is merely to create the organs of the state out to limit their authority, because, if no limitation was imposed upon the authority of organs there will be complete tyranny and complete oppression. The legislature may be free to frame any law; the executive may be free to take any decision and the Supreme Court may be free to give any interpretation of the law. It would result in utter chaos.\(^{16}\)"

In the case of 'Shyam sunder Gupta' V/s Union of India Supreme court refers, the legislative competence of parliament and the powers under this article which cannot be challenged in the court, by saying that

"The legislative competency of parliament must not and should not be interfered with by the High court at a stage when the constitution sixty fourth Amendment Bill 1989 is under its active consideration. The court must not create a constitutional crisis by passing any order which may affect the smooth functioning of parliament. The court had not hesitation to hold that the bill, presently before parliament, if enacted and enforced and there after if it affects the federal structure and the frame work of the constitution then only the

\(^{15}\) Shiva Rao, 1966, p.15.  
\(^{16}\) Cited in Rama Jois, 1990; p.34.
vires of the same can certainly be legislative competence of parliament and that application of the constituent power under Art 368 of the constitution, in the High court, at this stage. No cause of action arises until the Bill is enacted into the constitution sixty fourth Amendment Act it's enforcement by notification is made and till such period the doctrine of brutum hulmen' (i.e., threat to which effect cannot be given) prevails".17

The above-mentioned features of the constitution is inevitable the system of democracy existing in the country now. Though the need of codification in the constitution are rising from various corners, it is not safe to alter its above-mentioned features. In the case of Golak Nath culminating with Keshavanandaibharathi's case supreme court affirmed that there are certain basic feature of the constitution which were immune from the power of amendment conferred by Art 368.18

Philosophical implications of Indian Constitution

The nutshell of the philosophy of our constitution is embodied in its preamble. By the amendment, made in the year of 1976 one more feature was added which nourished the constitution with a greater consideration for the poor population. The preamble says "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;

17 Syam Sunder Gupta Vs Union of India cal.64; p.74 –75.
18 Kesavananda Bharathi V/s Union of India, AIR 1973, SC.1461.
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."

To understand the philosophy underlying the constitution; the historic objectives Resolution of Pundit Nehru, which was adopted by the constituent Assembly on January 22, 1947 and which inspired the shaping of the constitution through all its subsequent stages is to be noted.

"This constituent Assembly declares it's firm and solemn resolve to proclaim India as an independent Sovereign Republic and to draw up for her future governance a constitution.

(1) Wherein the territories that now comprise British India, the territories that now form the Indian states and such other parts of India as are outside British India and the states as well as such other territories as are willing to be constituted into the independent sovereign India, shall be a union of them all and

(2) Wherein the said territories whether with their present boundaries or with such others as may be determined by the constituent Assembly and thereafter according to the law of the constitution, shall possess and return the status of autonomous units, together with residuary powers, and exercise all powers and functions of Government and
administration, save and except, such powers and functions as are vested in our assigned to the union, or as are inherent of implied in the union of resulting there from and

(3) Wherein all power and authority of the sovereign independent India it is constituent parts and origins of Government are derived from the people and

(4) Wherein shall be guaranteed and secured to all the people of India Justice, social, economic and political; equality of status of opportunity; and before the law; freedom of thought, expression belief, faith, worship, vocation, association and action, subject to law and public morality; and

(5) Wherein adequate safeguards shall be provided for minorities backward and tribal areas and depressed and other backward classes; and

(6) Wherein shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilized nations: and

(7) The ancient land attain it is rightful and honoured place in the world and make it's full and willing contribution to the promotion of world peace and the welfare of mankind
Jawaharlal Nehru referred the aforesaid resolution as something more than a resolution, but declaration, a firm resolve, a pledge an undertaking and for all of, Indians a dedication.

The contents of constitution is not a mere product of constituent Assembly and drafting committee chaired by Dr. B.R. Ambedkar, but is the historical out come of the freedom struggle, based on non violence and also based on the plans and ideas of Indian National Congress which was the vanguard of freedom struggle. Prior to independence Nehru, as the leader of national movement said that the National Congress stands for independence and democratic state. It has purposed that the constitution of free India must be framed without outside informs by a constituent Assembly on the basis of adult practice.

Above all, the makers of constitution were influenced by Gandhiji who was the soul of freedom struggle as well as the spiritual leader of India. Matters relating to secularism, freedom of religious worship, equal distribution of resources, sovereignty is all the influence of Gandhi an philosophy upon our constitution.

The words selected and used in the preamble is not a decoration to the constitution. It constitutes the soul of the constitution and it in its true meaning governs the rule of Independent India with an utmost consideration to the people.
For example the democratic republic, which preamble envisages is democratic not only from the political but also from the social standpoint. According to the leaders of the Independence movement democracy is not only a style of political administration but also a life style. So India's concept of democratic republic is a democratic society infused with the spirit of justice, liberty, equality and fraternity.

As a form of government, the democracy, which is envisaged, is of course, a representative democracy and there are in our constitution no agencies of direct control by the people such as referendum or initiative. The people of India are to exercise their sovereignty through a parliament, at the centre and a legislative in each state, which is to be elected on adult franchise and to which the real executive namely, the council of Ministers shall be responsible. Though there shall be an elected President at the head of the state, he cannot exercise any political function without the advice of the council of Ministers, which is collectively responsible to the people's representatives. An exception for this is the functions, which the Governor is authorised by the constitution itself to discharge in his discretion or on his Individual responsibility. Indian constitution holds out equality to all the citizens in the matters of choice of their representatives, who are to run the governmental machinery.
The concept of democratic republic emphasise on more in the term political justice. "The preamble says "... to secure all it is citizens justice social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity ..."19 This ideal can be best explained with reference to the adoption of universal adult suffrage and the complete equality between the sexes not only before law but also in the political sphere. In order to ensure the political justice held out by the preamble it was essential that every person in the territory of India, irrespective of his proprietary or educational claims, should be allowed to participate in the political system like any other person. Universal adult suffrage, without any qualification, was adopted with this object in view.

Equal opportunity to men and woman, irrespective of their caste and creed, in the matter of public employment is also implied in the concept of justice in the Preamble. The treatment of the minority even apart from the constitutional safeguards clearly brings out that the philosophy underlying the constitution has not been overlooked by those in power. We can see that the members of the Muslim community are, as a rule being included in the councils of Ministers of the union as well as the states, in the Supreme Court, and even in Diplomatic missions, without any constitutional reservation in that behalf. After considering such features of our political administrative system it can be said that Indian constitution promises not only political but

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also social democracy. Dr. Ambedkar pointed out in his concluding speech in the constituent assembly that political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity, which are not to be treated as separate items in 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 concept of Democracy apart from the previous periods include economic justice also. The directive principles envisages the way through which this ideal is to be satisfied. Thus the directive principles explain the concept of economic justice in the preamble. About the concept of economic democracy, Nehru, in 1956 in his inaugural address in the seminar on parliamentary Democracy, said

"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 or 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".20

Every member of the community requires certain minimal rights. Without such right, which are essential for a free and civilized existence, democracy cannot be established. The preamble mentions these essential individual rights as 'freedom of thought expression, belief, faith and worship and these are guaranteed by all the authorities of the state as per part III of the constitution. (Art 19, 25-28), These are also included in the Directive principles (Article 31C) and in the fundamental duties introduced by the 42nd Amendment 1976. Equality in the wider sense reaching the whole area of social life is ensured in the body of the constitution by various articles. This is done by making illegal, all discriminations by the state between citizen and citizen; simply on the ground of religion, sex or place of birth (Article 15). In Article 15 C2) entry to the public places is thrown open to all citizens. And the equality is ensured also by abolishing untouchability (Article 17); by abolishing titles of honour (Article 18); by offering equality of opportunity in matters relating to employment under the state (Article 16); by guaranteeing equality before law and equal protection of the laws, (Article 14). The assurance of universal adult Franchise (Article 326) by reiterating that no person shall be either excluded from the general electoral roll is also a provision created for equality. 42nd Amendment Act 1976 the word socialism was inserted into the Preamble. This historical amendment and the insertion of these words with great philosophical significance add more clearly to the
economic, political and social justice envisaged in the Preamble. But it is to be noted that the socialism envisaged by the Indian constitution is not the usual scheme of state socialism, which involves nationalisation of all means of production, and the abolition of private property.

The abolition of private property is not intended by the concept of socialism embedded in Indian constitution. But it seeks to put under restraints the private capital so that it may be used in the interests of the nation, which includes the upliftment of poor. Against the total nationalisation of all property and industry the policy stand for a mixed economy, but aims at offering equal opportunity to all and the abolition of vested interests. But the constitutional obligation to pay compensation to the private owner for state acquisition has been taken away by repealing Art 31 by the constitution 44th Amendment Act, 1978.

Among the people of India, professing numerous faiths, unity and fraternity has been sought to be achieved by enshrining the ideal of a secular state. The term ‘secular state’ means that state protects all religions equally and does not itself uphold any religion as the state religion. By the 42nd Amendment Act 1976 the word secular was inserted in the preamble. Moreover the liberty of belief, faith, and worship promised in the preamble is implemented by incorporating the fundamental rights of all citizens relating to freedom of religion in Article 18-29. The contents of these Articles guarantee each individual the freedom to profess, practice and propagate religion and
assure strict impartiality on the part of the state and it's institutions towards all religious.

Fraternity can be ensured only by assuring dignity of each of its citizens. In the preamble the dignity of individual is guaranteed. Constitution seeks to achieve this by equal fundamental rights to each individual. He can enforce his minimal rights in a court of law also. Article 32 and 226 assures this by the provision of writs.

The philosophy of our constitution and in special the preamble has been further highlighted by emphasising that each individual shall not only have the fundamental rights in part III of the constitution to ensure his liberty of expression faith and worship, equality of opportunity and the like, but also corresponding fundamental duty, such as to uphold that sovereignty, unity and integrity of the nation, to maintain secularism and the common brotherhood amongst all the people of India. This has been done by inserting Art 51 A laying down ten fundamental duties.

On an analysis of the philosophy of social and economic democracy embedded in the constitution, it can be seen that it incorporated the dreams of the father of our nation. Gandhiji said that an India in which the poorest, shall feel that it is their country in whose making they have an effective voice . . . an India in which all communities shall live in perfect harmony, there can be room in such an India for the curse of untouchability or the curse of intoxicating drinks and drugs. Women will enjoy the same rights as man.