## Chapter 6

### Summary and Conclusion

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6.1 Summary

According to the research design, chapter 1st of this thesis is, ‘Introduction’. In this chapter, it has been made acquainted with the research title- ‘Reflected Various Ideologies in the Constitution of India: A Critical Study’. In this chapter it has been seen, silent features of the Indian Constitution, nature of ideology, objectives of the research, research hypotheses, research methods, sources of data collection and chapter scheme.

Chapter 2nd of this thesis is, “The Constitution of India: Reflected Liberalism”. Here, efforts have been made to present the summary of this chapter in brief. Liberalism considers individual liberty to be the most important political goal, and emphasizes individual’s rights and equality of opportunity. And India is one of the countries which are governed by ‘the Rule of Law’.

It has been studied that a Democratic Liberalism is reflected in the Constitution of India. Indian Constitution tried to balance between individual liberty and social control in Indian circumstances. Through the mechanism of Rule of law, the Fundamental Rights, Sovereignty of the People, Republic Democracy, Responsible Government, the Supreme Court-independent judiciary, Constitutionalism and Federal Structure the Constitution has fully tried to establish the Positive Liberalism in India.

But the Constitution did not permit to the “Free-Market Liberalism” which upholds the Laissez faire idea mean Capitalism. Because, this entire mechanism ultimately to establish liberty, equality, fraternity, social justice, human dignity and national integrity. But the Indian economy is started emerging Regulated Economy from the Mixed economy due to its policy of Privatization. In this time the accountability of the government has been more increased to secure the Social Justice. Otherwise its result will be in economic inequality. Accordingly, the
'Sate socialism’ and ‘Democratic Socialism’ is incorporated and interwoven with ‘Positive Liberalism’ in the Constitution of India.

According to research design, chapter 3rd of this thesis is, “Socialism in India’s Constitution: Dr. B.R. Ambedkar’s and Pandit Jawaharlal Nehru’s Reflection”. It can be stated in brief, Preamble to the Constitution and the Directive Principles are the most important to know the prevailing idea of ‘socialism’ in the Indian Constitution. The core idea of ‘Socialism’ is ‘equality’, and equality is the basic feature of the Constitution of India.

The term ‘Socialism’ has not a single concise definition agreeable to all. Avoiding all controversies, it may be stated in the Indian Constitution, ‘Socialism’ is not only economic system but also way of public life in which, exploitation in any form and inequality social, economic and political is to remove by the democratic means.

The Preamble to the Indian Constitution, the Fundamental Rights and the Directive Principles of State Policy are full of with the Liberalism and Socialism. State Socialism and Democratic Socialism these concepts prevail in the Constitution of India.

According to research design, chapter 4th of this thesis is, ‘The Constitution of India: Reflected Gandhism’. Here efforts have been made to present the summary of this chapter in brief.

Gandhiji conceived new ideal social order, Sarvodaya, in which the aim of good and welfare of all people and not select few. His concept of Sarvodaya is as an egalitarian society. The Doctrine of equality is the basic structure of the Constitution. Egalitarian society fully reflected in the Constitution. Gandhiji dreamt of building up a non-authoritarian, non-exploitative society. He wanted decentralized socio-political and economic order. Gandhiji was secular
in some extent. Gandhiji’s non-authoritarian idea is reflected in the Indian Constitution.

Indian Constitution Article 39 “(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. It simply means that everybody should have enough to satisfy their basic needs namely dwelling place, food - at least a square meal a day and clothing – minimum Khadi to cover the body. Gandhi said about simple living and high thinking. Gandhiji wanted to bring a non-violent social revolution.

The Court said, the state cannot deny to casual labourers at least the minimum pay-scales of employed workmen. Such denial amounts to exploitation of labour which is not permissible. According to the Constitution, economic system does not result in the concentration of wealth and means of production to the common detriment. “Gandhiji’s economic thought is simplicity and minimizing of wants.

Gandhiji wanted Trusteeship but the Constitution gave the concept of ‘eminent domain’. The power of eminent domain can be defined as the power of the state to take property for public use, without the owner’s consent upon making just compensation to him. The right to property has practically ceased in India. Right to property ceased due to socialistic philosophy.

Gandhiji’s true notion of democracy is that under it the weakest should have the same opportunity as the strongest. “Equality of opportunity” and ‘equal protection to all’ prevails in the Constitution of India.

For Gandhiji, socialism or communism should be based on non-violence and on harmonious co-operation labour and capital, landlord and tenant. For him, under ideal condition, the barrister and bhangi should both get the same payment. But, it prevails, “equal pay for equal work” in the Constitution.
At one place, Gandhiji stated that independence must begin at the bottom. Panchayat Raj institution gives ‘voice to voiceless’ ‘power to powerless’ people irrespective of caste, creed, sex, and religion living in the villages of India. For Gandhiji, village is to be considered as little Republics.

According to research design, chapter 5th of this thesis is, ‘The Constitution of India: Criticism of Reflected Ideologies’. There is the brief summary of this chapter. One of the principal aims of the Indian Constitution is to create new society’ and ‘new nation’. Secularism is a basic or an essential feature of the Constitution. Nature of liberalism, socialism, Gandhism, capitalism, traditionalism, secularism, and constitutionalism in the Indian Constitution has been studied in this chapter briefly.

6.2 Testing of Hypotheses

This study had been begun with the egger to know mainly Liberalism, Socialism and Gandhism is reflected in what extent in the Constitution of India. Originally, the Indian Constitution is ‘the Constitution of India’. There is no individual idea or ideas in person in the Constitution from 26 of November 1949.

But one of the hypotheses was that various ideas are reflected in the Constitution of India. Obviously Socialism prevails in the Constitution. But, policies of the Government like Privatization, Liberalization, and Globalization have been seeking gradually the ultimate destination to capitalism since 1991 in India.

Being a student of Political Science many question were arose in mind with the policy matter of the Government. The basic question was, these policies were appropriate to the Constitution or not. What is the ideology of the Constitution? There was being sought the answer of that question. And, finally opportunity got to research under the title; ’Reflected various ideologies in the Constitution of

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India: A critical study’ in Political Science under the discipline of Social Sciences.

For that study, hypotheses were shaped as:

(1) Various ideologies are reflected in the Constitution of India.

(2) Ideas of Capitalism and liberalism are reflected in the Constitution of India.

(3) Dr. B. R. Ambedkar’s and Pt. Jawaharlal Nehru’s socialism are reflected in the Constitution of India.

(4) Gandhism and traditionalism are reflected in the Constitution of India.

(5) Socialism and Secularism prevail in the Constitution of India.

Historical Descriptive Method, Comparative Study Method and Analytical Method have been employed to this study. Now, answer of the first question has been got. If the polices of the Government are not compatible with the ‘will of the people’ and the Directive Principles’, the Government must have answer at the electorate at election time. The Government cannot breach the mandate of the ‘Directive Principles’ in India. Unless breaching and directly contravening to the Fundamental Rights to the people, the Court not to intervene into the policy matter of the Government.

The Supreme Court has observed that the Courts cannot act as an Appellate Authority and examine the correctness, suitability and appropriateness of a policy nor are courts advisors to the executive on matters of policy which the executive is entitled to formulate.

It has been tested the hypotheses during the study. ‘Democratic Liberalism’, State Socialism, Democratic Socialism reflected in the Constitution of India. Capitalism does not prevail in the Constitution. Conservatism prevails in
a little manner. Gandhism prevails in some extent. About the Constitution and Gandhism both of their, there is no doubt with the ultimate goal but it is not necessary the ways should be the same. During the study, the researcher acquainted with the various doctrines which prevail in the Constitution.

These Doctrines are as the Doctrine of Non-Waiver of Fundamental Rights developed by the Supreme Court, ‘The Doctrine of Proportionality’, ‘Doctrine of Basic Structure’, ‘Doctrine of Eclipse’, ‘Doctrine of Severability’ (divides /separate), Principle of Reasonable Differentia, Doctrine of Classification, Eminent Domain, and Doctrine of Rule of Law, Due Process, Doctrine of Judicial Review, Doctrine of Separation of power, etc. These doctrines are introduced to interwoven the various ideologies in the Constitution of India.

The Fundamental Rights and Directive Principles constitute the “conscience of the Constitution”. At the commencement of the Constitution they felt contradictory to each other. But now, there is no antithesis between the Fundamental Rights and Directive Principles, and one supplements the other. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance between Fundamental Rights and Directive Principles is an essential feature and the basic structure of the Constitution. Positive Liberalism, Democratic Socialism, State Socialism and some extent of Gandhism prevail in the Indian Constitution.

6.3 Conclusion

Liberalism in the Indian Constitution

It has been seen, the elements of Liberalism is reflected in the Constitution of India through the Fundamental Rights to citizens and various mechanisms, but not absolute individualism as well as ‘free market liberalism’ and extreme capitalism. Article 14 embodies “a guarantee against arbitrariness” on the part of
Administration. No person shall be deprived of his life of personal liberty except according to ‘procedure established by law’. Persons have right to live with human dignity.

Liberalism is seen as a mechanical contrivance for the liberation of living spiritual energy. And in the Constitution, Article 21 is as “the procedural magna carta protective of life and liberty”. And the spirit of man is at the root of article 21” in the Indian Constitution. No person shall be deprived of his life of personal liberty except according to ‘procedure established by law’.

Equality, fraternity, and social justice based as egalitarian society reflected in the Indian Constitution. State monopoly has been seen in the trade and commerce in the public interest, in the Indian Constitution. ‘Positive Liberalism’ is reflected in the Constitution.


**Socialism in the Indian Constitution**

The ideological destination of the Indian Constitution is reaching at the classless and casteless society. India should be transforms into noble socialist society through the ballet paper. The Constitution permits non-violent social revolutionary way to establish the socio-economic Democracy. It held balance between the Directive Principles of State Policy and the Fundamental Rights. The core idea of ‘socialism’ is ‘equality’. The Court has derived the concept of social justice and of an economically egalitarian society from the concept of socialism.
It permits the democratic socialism, the Supreme Court has stated while defining socialism, “Establishment of the egalitarian social order through rule of law is the basic structure of the Constitution.”

Another idea propounded by the Court is that socialism means distributive justice so as to bring about the distribution of material resources of the community so as to subserve the common good.

In India the principal aim of socialist state is to eliminate the inequality in income, status and standard of life. The basic framework of socialism is to provide a decent standard of life to the working people and, especially, to provide security from cradle to grave.

The Court has emphasized that law should be used as an instrument of distributive justice to achieve a fair division of wealth amongst the members of the society based upon the principle: From each according to his capacity, to each according to his needs” Socialism means distributive justice-an idea ingrained in article 39 (b).

Articles 38, 39 and 46 mandate the state, as its economic policy, to provide socio-economic justice to minimize inequalities in income and in opportunities and status. Equality is a basic feature of the Constitution of India and any treatment of equals unequally or unequals as equals will be violation of basic structure of the Constitution of India. Two concepts are involved in Article 14 that is ‘equality before law’ and ‘equal protection of law’. Article 14 of the Constitution provides for equality of opportunity. It forms the Cornerstone of our Constitution.

Secularism in the Indian Constitution

Reference may be made in this connection to Articles 25-28, 29-30, to Articles 14, 15, and 16 as well as to Articles 44 and 51A. These various
constitutional provisions promote the idea of secularism and its implication prohibits the establishment of a theocratic state. The Supreme Court has ruled the secularism is a basic or an essential feature of the Constitution. The reflected Secularism in the Constitution is, “the State is to accord the equal treatment to all religions and religious sects and denominations.

The concept of secularism in the Indian context referred as religious tolerance and equal treatment of all religious groups and protection of their life and property and of the places of their worship are essential parts of secularism enshrined in the Indian Constitution.

Reflection of Dr. B. R. Ambedkar’s State Socialism in the Constitution of India

Dr. Ambedkar’s State Socialism is reflected in the Constitution as non-violent transformation of power, economic and social democracy. For him, India must make political, Social and economic democracy. Liberty, equality, fraternity must be the principles of life. These principles not to be treat as separate items. But his State Socialism has not seen as it was recommended by him a plan for socialist India. He wanted to nationalize the land and key industries. He wanted casteless and classless society for India. And certainly, one day the Constitution will achieve the destination of classless and casteless society for India.

Language used in the Directive Principles something which is not fixed or rigid. It has been left room for people of different ways of thinking, with regard to reaching to the ideal of the economic democracy.

To strive in their own way, to persuade the electorate that it is the best way of reaching the economic democracy, the fullest opportunity to act in the ways in which they want to act.

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Reflection of Pandit Jawaharlal Nehru’s Democratic Socialism in the Constitution of India

Pandit Jawaharlal Nehru rejected both, exploitation and dictatorship. Preservation of freedom and no dictatorship is accepted. For him, Social justice and democratic means are to reach at socialism. His democratic Socialism is fully reflected in the Constitution of India.

He opposed to the continuance of land Lordism and Zamindari System. He vowed to end it. Nehru was not for making the right to property a very absolute or deeply entrenched right. Now the Right to property is not the part of the Fundamental Right in the Constitution.

Reflection of Gandhism in the Constitution

Gandhiji’s Divine theory of State and Varnashrama has not been seen in the constitution but it reflected in some extent as Panchayat Raj decentralization, and grass-root democracy. Sarvodaya—an egalitarian society is reflected which aims at the good and welfare of all and not of a select few. Gandhiji conceived new ideal social order, **Sarvodaya, in which the aim of good and welfare of all people and not select few.** His concept of Sarvodaya is as an egalitarian society. Egalitarian society fully reflected in the Constitution. Gandhiji **dreamt of building up a non-authoritarian, non-exploitative society.** Gandhiji was secular in some extent.

Constitutionalism in the Indian Constitution

**Constitutionalism denotes a constitution not only of powers but also restraints as well.** A constitution envisages checks and balances and putting the powers of the legislature and the executive under some restraints and not making them uncontrolled and arbitrary.
Constitutionalism has one essential quality, it is legal limitation on government; it is the antithesis of arbitrary rule; its opposite is despotic government, the government of will instead of law. Judicial Review is the cornerstone of constitutionalism. The Constitution of India explicitly establishes the doctrine of judicial review in several articles, such as, 13, 32, 131-136, 143, 226, and 246. The judicial review is the essential feature of the Indian Constitution, constituting part of its basic structure Judicial Review is one of the useful doctrines for Liberalism. And it prevails in the Indian Constitution.

Capitalism in the Indian Constitution

The Indian Constitution does not want to concentration of wealth in a few hands. India had mixed economic policy. Now it is transforming into regulated economy. The Constitutional mandate is India transform into socialist country. It has to create social and economic democracy. Indian citizens are free to do any profession. But there is State’s monopoly on trade and commerce. The idea of ‘eminent domain’ prevails in the Constitution of India. And Right to Property is not protected under the Fundamental Right. India should be transform into classless, exploitation-free society. Positive liberalism prevails in the Constitution. Accordingly, the Indian Constitution does not mandate to create the capitalist society in India.

Traditionalism in the Indian Constitution

Traditionalism is adherence to the doctrines or practices of traditions. It is the beliefs or thoughts of those opposed to modernism, liberalism, or radicalism. The core idea of traditionalism is upholding or maintenance of tradition, especially so as to resist change.
But scientific attitudes, social change, reasonability, believe in human capacity reveals in the Indian Constitution. The Constitution does not oppose to the moderate liberalism, democratic socialism, modernism in its limit. It does not oppose to the social change as traditionalism. Which traditions, costumes oppose or abrogate or breach to the Fundamental Rights, those are declared invalid, illegal and unconstitutional in that extent. This idea prevailed in the ‘Doctrine of Eclipse’ in the Indian Constitution.

The Constitution made the constructive social doctrine rests on the conception of human progress. Its good mechanism provides the conditions in which to liberate living spiritual energy of the people.

Those traditions are preserved, by the State in India, which are consistent with the Indian Constitution. If the traditions are inconsistent to that extent they are unconstitutional. The Constitution wants non-violent social change. It is the document of social change. It wants India to transform into social and economic democracy. Accordingly, the idea of conservatism is not prevails in major extent in the Indian Constitution.

**Various other ideas in the Constitution**

As republic democracy, federalism, multiculturalism, humanism, co-existentialism, Buddhism, Feminism, social justice, etc. are reflected in the Constitution of India.

During the study the researcher acquainted with the various doctrines which prevail in the Constitution. These Doctrines are as The Doctrine of Non-Waiver of Fundamental Rights developed by the Supreme Court, ‘The Doctrine of Proportionality’, ‘Doctrine of Basic Structure’, ‘Doctrine of Eclipse’, ‘Doctrine of Severability’ (divides /separate), Principle of Reasonable Differentia, Doctrine of Classification, Eminent Domain, and Doctrine of Rule of Law, Due Process,
Doctrine of Judicial Review, etc. These doctrines are introduced to interwoven the various ideologies in the Constitution of India.

**6.4 Recommendations**

1. Government to seek the policies to follow the mandate of ‘Directive Principles of State Policy’.
2. If the government policies and administration directly or indirectly opposes to the Constitution at work or in practice, it should not be elected to next time.
3. The parliament must not make unnecessary changes frequently in the name of amendment under Article 368. In current position under Article 368 Parliament of India seems too supreme over the Constitution. It must be noted that ‘supremacy of the Constitution and Judicial Review is the basic structure’ of the Constitution.
4. The Supreme Court should be the guardian alert to protect the Constitution. If the Court would not have evolved the concept of ‘Basic Structure’, then the Constitution would have changed time to time by two third majority parties in Parliament.
5. There should be an agency to impart knowledge of the Constitution to the people in India.
6. People should follow honesty with their Fundamental Duties. They have to remove, their misunderstanding about the Constitution with carefully understanding of it.
7. The Constitution is not the root of inequality. The seeds of equality have been sown in it.