## Chapter 1

## Introduction

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1.1 Introduction

Before the midnight of 14\textsuperscript{th} August, 1947, “the effective power and control over the Indian Administration lay with the Secretary of State of British Crown, the Governor-General and the Governors. Indian participation in the governmental process was minimal”.\textsuperscript{1} and naturally the Indians felt to release from the rule.

Thus, in India arose demand for independence which resulted in the setting up of a ‘Constituent Assembly’ for making a constitution for free India. The Assembly formally commenced its task of Constitution-making from December 9, 1946 and ended on 26 November, 1949. The ‘People of India’ have drafted, adopted, enacted and gave to themselves the Constitution through their ‘Constituent Assembly’.

The Constitution generally became effective on January 26, 1950 in India. After that, the ideas of Public life have been changed. The Constitution of India is being proved as the document of ‘Social Revolution’. This is the document for social change and, “the Constitution is not a just document in solemn form, but a living framework for the Government of the people”, a new framework of life.

And it outlines the order or structure to ‘new society’ for India. The Indian Constitution provides the direction of ‘social Change’. It lays the foundation to the political, economic and social democracy in India. And idea of social democracy is to be, as a ‘human’ ‘every man and his same dignity’ in the Society. And the idea of political democracy is ‘one man, one vote, and its one value’. It based on ‘political equality’ and ‘Republic democracy’. Equality is the basic feature of the Constitution of India and treatment of equals unequally or unequals as equals will be violation of basic structure of the Constitution of India.\textsuperscript{2}
The Constitution is the supreme law of the land and any law inconsistent therewith is void. It is the ‘legal document’, and as an ‘ideological mechanism,’ for the society which based on ‘life’, ‘equality, liberty, fraternity and social justice. For the establishment of this society, it takes the liberal, socialistic, democratic, sovereign, and secular stand. It stands for the ‘individual dignity’, integrity and the unity of the nation. **It is a socio-economic revolution.**

The Indian Constitution is very detailed and comprehensive. The Constitution-makers have underlaid various ideas in the Constitution. “The new Constitution would be dedicated to the goal of social revolution”, as pointed the ‘Objective Resolution’.

“The Indian Constitution is first and foremost a social document. The majority of its provisions are either directly aimed at furthering the goals of the social revolution or attempt to foster this revolution by establishing the conditions necessary for its achievement. Yet despite the permeation of the entire constitution by the aim of national renascence, the core of the commitment to the social revolution lies in Parts III and IV, in the Fundamental Rights and in the Directive Principles of State Policy. These are the Conscience of the Constitution”.³

In the Constitution, there is no mention that this is the ideology of the Constitution. But after studying, it is noted that there is the certain ideology reflected in the Constitution. There is a proposal of civil society, which should be based on the certain ideas. The society of India should be based on liberty, equality, fraternity and social justice.

“The Constitution is not a mere political document. It is essentially a social document. It is based on a social philosophy and every social philosophy like every religion has two main features, namely, basic and circumstantial. The former remains constant but latter in subject to change.
The core of a religion always remains constant but the practices associated with it may change. Likewise, a constitution like puts contains certain features which are so essential that they cannot be changed or destroyed,” as stated Justices Mukherje and Hegde.4

Thus, the underlying basic philosophy is the doctrine of non-amendability of the basic feature of the Constitution.

The Fundamental Rights guarantee certain economic rights. Too much emphasis on these rights might have led to the emergence of a laissez faire economy in India which is now an out of date concept. Accordingly, partly by judicial interpretation, and partly by constitutional amendment process, emphasis has come to be laid on social control in economic matters leading to the emergence of a regulated economy. 5

The Supreme Court has been able to imply by its interpretative process, several Fundamental Rights, such as freedom of press, right to privacy, out of the expressly stated Fundamental Rights.

The Constituent Assembly was not only to frame of a political structure and administrative set up but also machinery for the social and economic future of the nation. “The Fundamental Rights and Directive Principles constitute the “conscience of the Constitution…” There is no antithesis between the Fundamental Rights and Directive Principles…and one supplement the other”.6

Shelat and Grover, JJ., observed in their judgment:
“Both parts III (Fundamental Rights) and IV (Directive Principles) have to be balanced and harmonized…then alone the dignity of the individual can be achieved…They were men to supplement each other”.7

“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 of the basic structure of the Constitution.”

Dr. B. R. Ambedkar; the Drafting Committee Chairman argued the Constitutional morality in the Constituent Assembly, “The form of the administration must be appropriate to and in the same sense as the form of the Constitution…it is perfectly possible to prevent the Constitution, without changing its form by merely changing the form of the administration and to make it inconsistent and opposed to the spirit of the Constitution…The Constitutional morality is not a natural sentiment. It has to be cultivated. We must realize that our people have yet to learn it. Democracy in India is only a top-dressing on an Indian soil, which is essentially undemocratic.” Next Dr. Ambedkar stated, “In these circumstances it is wiser not to trust the legislature to prescribe (define, to make an official rule) forms of administration. This is the justification for the incorporating them in the Constitution.”

Thus, the idea of Constitutional morality has to be cultivated and it is not a natural sentiment. To achieve the goal of the Constitution to come in reality an appropriate form of administration and as ‘constitutional morality’ is necessary. Such ideas are behind the Constitution of India.

Constitution Makers were concerned with the not to misuse of the power, and to avoid the misuse of the power. Various members were the opinion of India to be socialist republic. Many members were at the opinion to clearly mention the ideology of the Constitution of India. But they don’t want to impose on the people any ideology without their consent.

Pandit Jawaharlal Nehru explained his idea as he was republican but his desire was not to impose his will on-others he said that that House could not bind down the next generation. The human spirit will prevail (win/conquer) over the atom bomb. “This ancient land attains its rightful and
honored place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind.”

According to him India will not bound by anything. The House can not bind down the next generation, or the people who will dully succeed us in this task. Man is better than any other material progress and **ultimate value is to be given to the individual.** He hoped the promotion of world peace and the welfare of the mankind through the Constitution of India.

The real freedom in turn will bring food to our starving people, clothing for them, housing for them and all manner opportunities of progress. Thus, the idea of all manner opportunities for progress was behind the Constitutional document. Thus the framing of the Constitution was the preparing the ideological set up for the future generation knowingly, although framers of the Constitution did not want to impose any binding on the next generation.

**Dr. Rajendra Prasad stated, "Nothing is more valuable than the freedom to be free."** So every member has expressed his ideas before the Constituent Assembly. Hence gradually the ideas to new civil society have taken shape in the Constitution. And it is felt necessary to study to know reflected ideologies in the whole Constitution of India.

The majority Judges insisted that Fundamental Rights occupy unique place in the lives of civilized societies; they constitute the ‘ark’ of the Constitution. “The Indian Constitution is founded on the bedrock of the balance between Parts III and IV. 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 of the basic to the Constitution.”
Mr. R. K. Sidhwa in the Assembly stated the need of the socialist principle and such a constitution for India. According to him, poverty should be eradicated from India, to bring human happiness to this country and our constitution should be based on the socialist principle. And when the Constitution is made, emphasize has to be given social control in economic matter. Otherwise it would be very difficult to achieve the ‘social justice’ and ‘economic equality’. And the Constitution of India does so, to some extent by removing the right to property from the part 3rd of the Fundamental Rights. But, with some exception, the Court has interpreted the Fundamental Rights in a liberal manner as whole and treated each right as distinct and separate entity.

The Constitution of India is not merely a proforma for the Parliamentary Democracy. It has such as the basic structure. “A restriction can be said to be in the interests of public order only if the connection between the restriction and the public order is proximate and direct.” Many members of the Constituent Assembly believed in the Socialist Constitution to eradicate the poverty from India.

In the Golak Nath case, the majority of the Supreme Court while holding the Fundamental Rights as no-amendable emphasized the great value and significance of these rights and expressed the apprehension that if these rights were to be diluted or curtailed then it would usher in a totalitarian regime in the country.

Thus the framer of the Constitution of India laid emphasis on the idea of the sovereignty of the people and Fundamental Rights. In the Directive Principles of State Policy, Bharat should achieve the economic democracy and social democracy. But to achieve this, there must not be breached the basic structure of the Constitution. The Supreme Court protects some of the
basic values to the Constitution from the onslaught of transient majority in Parliament.¹¹

Mr. R. K. Sidhwa proposed on 28th July 1947 in the discussion on Report of the Union Constitution Committee the following new clause (12-A) is to be added

The Federation shall make laws for-
(1) The Socialist system of economy nationalization of high industries, administration on co-operative basis of trading enterprises;
(2) Equalization of capital by private owners;
(3) Prevention of exploitation;
(4) Abolition of unemployment, and guaranteeing the right of work to every citizen;
(5) Recreation, annual vacations, leaves with wages for maternity period, child welfare, rest homes, clubs and comfortable dwelling houses for all classes of workers;

(6) Right to maintenance in old age, family provision in cast of sickness or loss of capacity to work, free medical aid…” ¹²

He wanted to include in the part III of Fundamental Rights. This was Sidwa’s socialist plan for India, which was proposed in the Constituent Assembly.

He emphasized on to establish an “Inter-State Commission”, “Economic Commission” and “National Building Programmes” in the Constituent Assembly, on 30th July, 1947. He said, “…Such an Inter-State Commission also requires to investigate the economic conditions of the country…it is necessary that in the constitution itself provision should be made whereby an Economic Commission will be set up so that they may devise ways and means of advancing the nation-building programmes, for, Instances public health, social security, social co-operation... In our Objectives Resolution itself we have made it perfectly clear that we stand for
the socialist system...” 13 Mr. R. K. Sidhwa’s this entire plan stands for socialist system

Mr. B. Das in the Constitution Assembly, on 30th July 1947 spoke and proposed for social security, minimum education, well-being of people, maintenance of peace, minimum standard of living which is appropriate to socialism. 14 Mr. B. Das spoke about almost goals of the socialist state, and it should be the obligation of the future state.

Dr. B. R. Ambedkar was very careful about responsibility of the country. He stated, by independence we have lost the excuse of blaming the British for anything going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves.

Krishna Sinha in the Assembly stated for the equal right to liberty and happiness to all people, individual liberty to be safeguarded, principle of the sovereignty of the people, eradication of poverty.

Krishna Sinha spoke some important ideologies to be included in the Constitution of India; an equal right to liberty and happiness, individual liberty to be safeguarded, not the presence of poverty in society, the principle of the sovereignty of the people. These should be certain ideals on which the government should be based. Thus the result of every member in the Constituent Assembly strongly expressed his ideas and ideal about the future India resulted in the reflections of various ideologies the Constitution of India.

1.2 Constitution and Ideology

The Constitution of India can be understood through the ideological approach. One point, the Constitution is a fundamental law and the social document of the country, and behind the law the certain political, social and
economic ideas function. For example, a law might prohibit discrimination of persons on grounds of language, religion and sex etc. such as the law is connected to the idea of social equality. Thus the various ideologies are reflected in the Constitution.

The concept of equality is a certain kind of idea. We can either found the definitions of alike these terms or not in the Constitution, but the responsibility of the interpretation is given to the Supreme Court of India. When contradiction found between the ideas behind the provisions and policies of the government, then confusion and tension arise. Therefore, it is necessary to look upon the constitution as a legal document which is based on the certain ideologies.

So, there is adopted an ideological approach to the study of the Constitution. First, there is the need to understand the conceptual structure of the Constitution of India. There must be attempted to work out a coherent (logical and well organized) vision of society and polity conditional upon an interpretation of the key concepts of the constitution. Silent features of the Indian Constitution can be thought as following.

**Indian Constitution: Silent Features**

(a) Modern Constitution  
(b) Written Constitution  
(c) Preamble  
(d) Democratic Republic State  
(e) Socialist State  
(f) Welfare State  
(g) Secular State  
(h) Responsible Government  
(i) Fundamental Rights  
(j) Directive Principles
The word “ideologie” coined by the French philosopher Antoine Dustutt de Tracy during the French Revolution, and original meaning, “science of ideas” (the study of the origins, evolution, and nature of ideas) remains today as one of the common dictionary definitions of ideology.\textsuperscript{15}

The current usage of the term was, however, originated from Karl Marx. He defined "ideology" as a "false consciousness" of a ruling class in a society.

Other meaning, “ideology is a set of ideas some people believe in”. In his ‘An Introduction to Political Theory’, (2004), Dr. O. P. Gauba described the nature of ideology as following:

**Nature of Ideology**

Nature of Ideology can be described at two levels, level one is-

**Set of ideas:**

a) Believe in accepted assumptions,

b) symptom of closed mind, and

c) A tendency of action.

And level two-

**Science of Ideas:**

a) Search for reliable knowledge,

b) mark of open mind, and
c) Desire to truth.

An ideology is a set of ideas, beliefs, or stance that determines a perspective with which to interpret social and political realities. People determine according to their ideology that which is the best system of government. Who will have to be given the authority to apply it? Ideology legitimates to the ruling class or motivates to revolution. Ideology implies a manipulative (controlling or using) power of a dominant class or social movement. Ideology motivates to its followers to take action. And it presents a logical cause to take action, and its followers get to ready their whole dedications.

As has been observed, “Political ideology is as one of the necessary elements of politics, it is guiding, supporting, and restraining (to prevent from doing something) factor in the political behavior of individuals, groups and nations”.\(^16\) The intention of ideology is to justify a particular system of power in society. The ideologue is an interested party: his interest may be to defend things as they are or to criticize the status quo (the existing or current state of affairs) in the hope that a new distribution of power will come into being.\(^17\) Ideology…a rationalization for current or future political and social arrangements.\(^18\) Ideology is means of social change.

C. B. Macpherson observed, “Ideologies prevailed in ancient times also; but it was only in recent times that the term ideology came into wide currency. In modern times, ideologies have been able to inspire mass movements.”\(^19\)

The Constitution is made, based on some ideas. There should be clear understanding of these concepts like citizenship, rights, minority, democracy etc., if we make some basic values of the Constitution; there is need to prove the relevancy of them. While determined the ideals, mean and the ends the Constitution makers had some experience, knowledge about the current
enacting constitutions of the world and logical ideas. So it is need to ideological and philosophical sense towards the Constitution of India. Then we can criticize and examine the basic ideas on which the Constitution is based. These ideas are the undividable part of our social life.

What the Constitution is defined by S. Radhakrishnan (United Provinces) as, “A constitution is the fundamental law of the nation. It should embody and express the dreams and passions, the ideals and aspirations of the people. It must be based on the consent of all, and respect the rights of all people who belong to this great land”.20

His hope was there should be no hunger, no poverty, no disease, no malnutrition, no loss of human dignity, not the slavery of the mind, no discrimination of Hindus or Muslims, Princes or peasants. The Chains may be made of gold but they-are still chains that fetter’ us. "Live and let live"-- that has been the spirit of this country.

Dr. Rajendra Prasad stated that who had come there & for framing a constitution for an independent and free India, would be able to get rid (unburden) of those limitations and to place before the world a model of a constitution that would satisfy all our people all groups, all communities, all religions inhabiting this vast land, and which would ensure to everyone freedom of action freedom of thought, freedom of belief and freedom of worship, which would guarantee to everyone opportunities for rising to his highest, and which would guarantee to everyone freedom in all respects.21

Ideas are one of the essential elements, which may dominantly impact on human behavior. Every society has an idea or a set of ideas. These ideas are directly or indirectly expressed in there constitution, it may be written or unwritten. Those ideas are democratic, capitalist, socialist, communist, nationalist, liberal, multiculturalists, fascists, totalitarian, etc.
India as a political society has as a set of ideas which is accepted in the Constitution of India. These ideas are expressed through the various provisions and as well as behind and beyond the document of the Constitution of India. The ends and the means of public life of India, is reflected in the Constitution of India through its ideologies, theories, principles and philosophy. The constitution of India is, in the language of Burke, “a contrivance of human wisdom to provide for human wants.”

This is obviously clear that in India, there is republican democracy because of the head of the State is not elected by heredity; It is elected by the people indirectly. India is democratic country because of acceptance of Parliamentary Democracy. India is socialist country; Socialist word has been added in the preamble of the Indian Constitution in 1976. The 42nd Constitutional Amendment has made two changes in the Preamble. “First, the characterization of India as “sovereign democratic republic” has been changed to “sovereign socialist secular democratic republic”. Thus the concepts of Socialism and secularism which were implicit in the Constitution were now made explicit and India’s commitment to these ideals was further underlined and strengthened”.

Second, the “Unity of the Nation” in the Preamble explaining ‘Fraternity’ was changed to “unity and integrity of the nation”. This change was made to lay emphasis on indivisibility of the country along with the unity of the nation.

In the Constituent Assembly clearly many members were of the opinion of that India should be as Socialist country. But what is the correct definition of Socialism which has been introduced in the Constitution of India. The Supreme Court has an accountability to interpret the definition of Socialism. And the Court has defined many times. As research scholar of
political science, eagerness increased to know that, what the ideology of the Constitution is.

And the implementation of the Constitution is it own right direction or not. In primary study it seems the way of socialism accepted in the Constitution of India but as new economic policies; globalization, privatization and liberalization which India has accepted. The question before the researchers is so. Are these policies to relevant to the Constitution of India?

Liberalism is accepted through the fundamental right in some measure, but the directive principles of the states express welfare states. The preamble of the Constitution provides the socialism. The Indian Constitution included principles to form a ‘socialist state’ as well as create a constitutional democracy. Which ideologies are reflected in the Constitution of India? Thus these questions before the researcher become the cause to arise the research title as,

**Reflected Various Ideologies in the Constitution of India: A Critical Study**

The Constitution is the unique social, legal, moral, political philosophy and ideological document. Policy makers must keep in their mind the goal of the Constitution to achieve. Ultimately the idea of whole way of life, framework of life, shape of Indian society, polity, economy, culture, etc can be searched in the Constitution of India.

This is to understand what is the object of the constitution? What is the political philosophy reflected, accepted in it? Ultimately what is the ideology reflected in the constitution? Is socialism or liberalism or Gandhism or Ambedkaism way of public life or a balanced combination of these reflected in the constitution of India?
After carefully studying the constitutional debates, the Constitution, the Constitutional laws, amendments of the Constitution, Constitutional interpretation of the Supreme Court and practice of near about seven decades, it seems the ideologies are reflected in the Constitution of India. This is needed to Study that moral sense and some ideas are working behind the document of the Constitution. For this study the research design is as following.

**1.3 Significance of the Research:**

The great importance of the Constitution is into India’s social, individual, public, administrative, political, and economic life. Indian Constitution has given a shape to this life. This is the critical study of various reflected ideologies in the Constitution of India, and an analysis will be available to the political system. There is an effort to light on the particular ideology as Liberalism, Socialism, Gandhism, Pandit Jawaharlal Nehru’s Democratic Socialism and Dr. B.R. Ambedkar’s State Socialism. And these ideologies reflected into the Constitution have been seen comparatively.

What are the expectations, aim and objectives, and ideas of the Constitution maker, this will be available. Due to this research, a perspective will be available to analysis the policies of the executives. It will useful to understand a scope and limitations for the decision making to achieve the given aim and the objectives of the Constitution of India. India has a heterogeneous society and the very large demography. The Constitution is working very effectively and successfully in the Indian context. Constitution has a great capacity to give a peaceful, prosperous, democratic, republican, Welfare State which is to transform into a noble Socialist Democracy itself by the ballet paper. Conclusion in Dr. Rajendra Prasad’s words about the Indian Constitution is, “The Indian Constitution envisages a democratic secular States. It makes India the largest democracy in the world…It
endeavours to translate into practice the noble concept of a socialist society—a blending of ballot paper and economic democracy”.

It includes the most elaborate declaration of human rights so far framed by any states. For the first time in the history of India, the country has been territorially integrated and woven into one political texture”. The efforts have been made to describe the meaningful analysis by this research. Thus there would be the significance of this research. So the objectives had been set up to research as following.

1.4 Objectives of the Research:

1. To study the means and the ends in the Constitution of India.
2. To study the reflected various ideologies in the Constitution of India.
3. To study of which political system displays in the Constitution of India.
4. To study the interpretation of various principles and concepts of the Constitution of India.
5. To study the expectations, ideas of the Constitution maker about the new social, political, economic order of the society of India.

1.5 Hypotheses of the Research:

(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 are in the Constitution of India.
1.6 Research Methodology

Historical Descriptive Method

This research comes under the Social Sciences. There is useful historical descriptive method was used.

Comparative Study Method

Comparison has to do Gandhism, Liberalism, Socialism, humanism etc. with the Constitutional contents. Hence, there is the useful Comparative Study Method has been used.

Analytical Method

This study is an analysis related to the reflected ideologies in the Constitution of India, so after reading the all sources of the Constitution to draw brief ideological content the analytical method is accepted.

1.7 Sources of Data Collection

Primary sources

From the legal sources of the Constitutional data have been collected in the primary sources. Supreme Court Judgments, Constitutional interpretation of Supreme Court, the Constituent Assembly Debates these are some legal sources of the Constitution of India. For the ideologies valid sources of references has been used.

Secondary sources

Commentary and Analytical Study references, internet websites, research journals, etc. have been used as the secondary sources for data collection.
1.8 Research Design

Chapter 1

Introduction

This is the first chapter ‘Introduction’ to study of the research. In this chapter introduction, formation of research problem, setting the objectives of research, hypothesis, research methodology, source of data collection, and research design etc. is to be studied.

Chapter 2

The Constitution of India: Reflected Liberalism

This is the second chapter ‘Liberalism in the Constitution of India’ of this research. In this chapter what is liberalism, its types and principles have to be studied. Then where is the reflection of principles of liberalism in the Constitution through its various fundamental rights and other provisions will have to be attempted to study. What nature of liberalism reflected in the Constitution and is it liberal or not will have to be attempted to analysis and explain.

Chapter 3

Socialism in India’s Constitution: Dr. B.R. Ambedkar’s and Pandit Jawaharlal Nehru’s Reflection
The third chapter, ‘Socialism in the Constitution of India: B. R. Ambedkar and Pandit Jawaharlal Nehru’s Reflection’, the attempt will have to be made to study that what is the Socialism and State Socialism. Then is the Socialism and State Socialism reflected in the Constitution of India through its directive principles of the State polices, preamble, justice, dignity of individual and their judiciary etc.. Particularly will be attempted to study, Pandit Jawaharlal Nehru’s idea of Socialism and Dr. B. R. Ambedkar’s State Socialism are reflected in the Constitution of India or not.

Chapter 4

The Constitution of India: A Reflection of Gandhism

The chapter fourth, ‘The Constitution of India: The Reflection of Gandhism and Traditionalism’ the study will have been taken place, what Gandhism is and is reflected or not the Gandhi’s ideas of ‘Ram Raj’ Divine theory of State, Varnashrama, etc. in the Constitution of India. Then what is traditionalism and is traditionalism reflected in the Constitution of India will have to be attempted to study in this research chapter.

Chapter 5

The Constitution of India: Criticism of Reflected Ideologies

This chapter fifth, ‘Criticizing Various Ideologies in the Constitution on India,’ Secularism, Liberalism, Socialism, Gandhism, Republic, Sovereignty, Federalism, Constitutionalism, Traditionalism, feminism, democracy, secularism, multiculturalism, etc. these reflected ideologies in the Constitution of India will have comparatively been criticized.
Chapter 6

Summary and Conclusion

And the last chapter of this study ‘Summary and Conclusion’ all summary of research have to be analyzed. According to hypothesis and objectives what conclusion has been come out, this will have been briefly explained.

This was the introductory chapter first, in this chapter we have briefly acquainted with research problem, objective of the research hypothesis, research methodology, source of data collection and chapter scheme. Then the chapter second will be “Liberalism in the Constitution of India”. In this chapter we are going to study the idea of Liberalism, and its reflection in the Constitution.
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