

SECULAR STATE AND PHILOSOPHY OF INDIAN CONSTITUTION

DR. PRADIP NARAYAN MASKE

Associate professor in Political Science, GVM's GGPR College of Commerce & Economics, Ponda, Goa 403401 India. Email: pnmaske@gmail.com. Mobile:09423314925

Paper presented at multidisciplinary International Conference on Environmental Justice: Social, Political, Economic, Cultural Issues in South Asia organised by Indian Institute for Social Development and Research and Rashtrya Mahatma Gandhi Mahavidyalaya, Pune, Maharashtra on January 19, 2025.

Abstract

Respect for all forms of life is an environmental ethic deeply rooted in the Indian tradition. It is not human life but every form of life that is divine. An individual is linked with the family, family is linked with the society, the society is linked with the nation, and the nature is linked with the universe spirally. It is the integral and not compartmentalised view of life that is going to save the planet and celestial bodies in the Universe. The outer spaces is facing the growing threat of space debris.

The Preamble to the Indian Constitution is unrivalled in ideas, ideals and expression. It guides legislators to make laws, administrators to implement laws and judges to interpret laws. Every constitution has only two goals. One, to provide good things of life to every citizen. Two, it has to protect territory and culture. The framers of the Constitution of India did not use the words—'socialist' or 'secular' to articulate the type of government in free India. The words socialist and secular were added under the 42nd Constitutional (Amendment) Act, 1976. The words 'unity of the nation' were changed to 'unity and integrity of the nation'. Article 51A, entailing the fundamental duties of citizens was inserted in 1976. The changes were made without any justification or foresight. We abandoned socialism in 1991 and are looking for ruins of majestic temples below the places of worship erected by the foreign rulers.

The Preamble provides freedom of speech, expression, belief, faith, and worship that incorporates the way of life of the Indus Valley Civilisation down the ages as well as environmental justice: socio-cultural, economic, and political.

Key Words: *Integral View, Preamble, Ram Rajya, Secular State.*

Introduction

The Preamble of the Indian Constitution is unrivalled in ideas, ideals, and expression. The Preamble outlines the entire philosophy of the Constitution of India. It begins with the words, 'We the people of India...' The Constitution is meant for the people. People are not for the Constitution. People are primary, and the constitution is secondary. A good constitution has only two goals. Firstly, it has to promote happiness of the people. Secondly, it has to protect territory and culture. Indus Valley Civilisation is traced to Vedic period. It glue that strengthens unity of the nation. The Atharva Veda refers to *Sabha* and *Samiti* modern equivalent of house of the people and council of the states. Every idea is tried in India. Dissent is divine. We agree to disagree. Economic independence leads to a democratic society. Material progress should lead to happiness in the life of an individual. The

India is a duty based society. India gave human rights to world. India. It evolved unstitched fabrics (saree, dhoti, turban, lungi) clothing. Atharva Veda said nobody should be involved in malpractices of weight and measurement. India evolved a celestial calendar It is more scientific and reliable. Indus Valley Civilisation is a living civilisation. The meditation, prayer, silence takes us inward and makes you healthy and peaceful societies. The concept of Ram Rajya is equated with the maximum consumption of justice, liberty and equality. The framers of Constitution of India emphasised on ‘a constitutional culture’.

Methodology

The study is carried out through an integration model. The present study is a historical, descriptive, analytical and exploratory study.

Goals of Preamble

The goals of of the Preamble of the Constitution of India are justice, liberty, equality, and fraternity assuring unity of nation. Fraternity depends on the realisation of goal of justice, liberty, and equality in the society. The Preamble outlines the sovereign, democratic, republic-type of government. The words, ‘socialist’, secular and ‘integrity’ were added to the the Preamble to the Constitution of India under the 42nd Constitutional Amendment Act, 1975. Article 51A was inserted to emphasise the fundamental duties of the citizens.

1. Justice—social, economic and political—is the first goal of the constitution of India. Justice means fairness. Justice is adopted from the American Revolution in the 1770s.

1. Social justice means no discrimination of the citizens on the basis of colour, creed, religion, place of birth, gender, etc.

2. Economic justice means no concentration of wealth and income, suitable distribution of income, and zero poverty. Wealth creators and managers are not the enemies of the nation.

3. Political justice means the right to vote, hold political office, and enjoy civic rights. Political justice is meaningless without economic justice. Zero poverty, right to work, right to livelihood opportunities, a decent standard of living, etc. It makes social and political justice a reality. The anarchists, urban naxalite, and separatist use fundamental rights to let loose the violence. The political masters ensure the survival of political dole during the elections.

The goals of liberty, equality, and fraternity are taken from the French Revolution in 1789. Liberty means freedom of thought, expression, belief, faith, and worship. The goal of liberty includes the concept of a secular state. Equality of status and opportunity means every citizen has right to equality and opportunity in matters of education, business, trade, vocation, and employment.

The Preamble provides for fraternity assuring the dignity of individual, and the unity and integrity of the nation. Fraternity means brotherhood. Unless there is justice, liberty and equality there will be no brotherhood among the citizens. Economic justice precedes a non-violent society. The dignity of individual means there will be no violation of human rights of an individual in the society. Unity and integrity of the nation are equated with the loyalty to the nation.

The last paragraph of the Preamble deals with the date of enactment of the Constitution of India. On this 26th day of November 1949, do hereby adopt, enact, and give to oversells this

Constitution.adopted, enacted and gave to oversells The Preamble, fundamental rights, directive principles, and fundamental duties form the core of the Constitution of India.

Nation first: The New Mantra

The rule of law draws support from the English phrase: "Government established by law." The salient features of the rule of law are:

- (i) Every person is innocent until declared guilty by a court of law.
- ii) Let a hundred guilty people go free, but one innocent person should not be punished.
- iii) Law spares none.
- iv) The law takes its own course.
- v) One should not take law into his own hands. (Audi, 2015: p. 82-83).

Nation comes first and everything is secondary. If a nation survives, the constitution prevails. A nation that barter away, its territory, relapses into slavery. 'When Gandhiji was asked about his response to armed action in Jammu and Kashmir and his conviction about non-violence, he argued that 'a mass movement has different terms of reference compared to what a nation and state has to do to defend its unity and territorial integrity' (Dixit: 2004: 48).

No thought is untried in India. The insertion of 'secular' and 'socialist' created doubts and chaos. The liberty of thought, expression, belief, faith, and worship denotes spirituality rather than religion. It is not enough that the elected government enact laws without creating enabling conditions in the society. The civilisation is a binding force. Nationality is a binding force. Reality tells that the reorganisation of nation's territories on the basis of languages has done more harm than good. It has strengthened anti-national forces. It is incomplete sign of nationality.


Results

A good constitution has only two goals. Firstly, to provide good things of life to every citizen. Secondly, to protect territory and culture. In the past 76 years of the working of the Constitution of India, there is no right to livelihood, right to work, or decent standard of life to every citizen in India. Territory is bartered away, and national languages, culture, and heritage have no place in the living civilisation of the people. There is a need to restore the sanctity of the philosophy embodied in the Preamble to the Constitution of India.

Conclusion

The Preamble is unrivalled in ideas, ideals, and expression. In the past 76 years, the Constitution of India has been amended 129 times. The reservations on the caste lines have become a permanent feature. The right to work is the basic constitutional mandate that is not realised. The economic system takes no care of environmental and social sustainability. Environmental protection is not an election issue. The emotive issues sway masses on the political plane. Every constitution should be rooted in its culture, heritage, and civilisation. The people glorify the barbaric invaders when there is falsification of history and a lost sense of pride. The environmental justice has no takers in a market economy.

REFERENCES

1. Ambedkar, B. R. (2023). *The Constitution of India*. Japur: Buddha Publishers.
2. Audi, M. J. (2013). *Defects of Constitution of India*. Goa: Jagannath Prakashan.
3. Audi, M. J. *Denationalisation of Hindus*. (2022). Goa: Jagannath Prakashan.
4. Basu, Durga Das (2019). *Introduction to the Constitution of India*. New Delhi: Wadhwa & Co.
5. Brass, Paul. (1974). *Language, Religion & Politics in North India*. London: Cambridge University Press.
6. Brass, Paul. (1991). *Ethnicity & Nationalism*. New Delhi: Sage Publications.
7. Austin, Granville. (1966). *The Constitution of India--- The Cornerstone of the Nation*. New Delhi: Oxford University Press.
8. Dixit, J. N. (2004). *Makers of Indian Foreign Policy: Raja Ram Mohun Roy to Yashwant Sinha*., New Delhi: Sage Publication (P) Ltd.
9. Sankarnarayanan, Gopal. (2024). *The Constitution of India*. Delhi: EBC.
10. Kashyap, Subhash C. (2009). *Our Constitution: An Introduction to India's Constitution and Constitutional Law*. New Delhi: National Book Trust.
- 11 . K a r p

- agam, M. (2019). *Environmental Economics*, New Delhi: Sterling Publishers (P) Ltd.
12. Lohia, Rammanohar (1947). *Action in Goa*. Bombay: August Publication House.
13. Lohia, Rammanohar. (1986). *Language*. Hyderabad: Rammanohar Lohia Samata Nyas.
14. Pereira, Rui Gomes. (1977). *Goa: Hindu Temples and Deities*. Goa: Printwell Press.
15. Priolkar, A. K. (1958). *Printing Press in India*. Bombay: Mumbai Marathi Granth Sangrahalaya.
16. Priolkar, A.K. (1961), *The Goa Inquisition*, (ISBN 81-7810-694-9). Rajhauns Vitara: Goa.
17. Thulgharia, Badrishah. (2003). *Daishik Shastra: Bharatiya Polity and Political Science*.(ISBN 81-7124-316-8). Varanasi: Vishwavidyalaya Prakashan.

Periodicals/ Newspapers

18. Kerkar, Rajendra P. (2006). *Mhadei: The Goan Lifeline in Peril*, Vol. I, No. 7, December 1, 2006,. Ponda, Goa: Atharva (ISSN 0973-9475). Goa, India.
- 19 . Kesari, Pune: 09/09/1890.

20.. *Uniformity is Equality: The shortcomings of the Uniform Civil Code can always be eliminated.*
(Editorial). The Navhind Times, Goa: 03/07/2023.