

Chapter-10

The Philosophy of the Constitution

Revision Notes

1. The laws and moral values are interrelated with each other. The Indian Constitution was designed to break the shackles of traditional social hierarchies and to usher in a new era of freedom, equality and justice.
2. The Constitution as a document that is based on a certain moral vision. Hence, the Constitution of India is democratic, secular, federal, liberal, egalitarian, open to community values as well as sensitive towards the needs and aspirations of the peoples to maintain integrity of the country.
3. The philosophy of the constitution does not contain only moral content but mediate between the various interpretations of the core value of Indian polity.
4. The Indian Constitution also provide peaceful, democratic means to bring about social transformation. Moreover, for a hitherto colonised people, constitutions announce and embody the first real exercise of political self-determination.
5. The Constitution of India has made the arrangements to protect the rights and interests of SCs, STs, Minorities by providing the reservation of seats in the legislatures for them.
6. The same reservations have been made for them even in government jobs also to secure their interest.
7. The Constitution of India is a supreme law to be respected and accepted by the institutions and citizens both because only this protects the fundamentalities of citizens and country.
8. Classical liberalism always privileges rights of the individuals over demands of social justice and community values.
9. The Constitution of India experiences the federal character because it distributes the powers between the central government and its constituent units, it is a written document, it is partially flexible and partially rigid.
10. The judiciary of India is supreme, and the bi-camera! legislature exists in India.
11. 'Mutual Exclusion' term means that both religion and state must stay away from the internal affairs of one another. The State must not intervene in the domain of religion; religion likewise should not dictate state policy or influence the conduct of the

state.

12. The constitution has a centralized idea of national unity as its preamble outlines the objectives of constitution by providing justice, equality, fraternity, liberty and unity and integrity of the country.
13. The philosophy of the constitution can be approached by getting the concept of constitution in a clear manner, grasping or analysing the set of ideals in constitution as well as a detailed justification for the same.
14. The philosophy of the constitution mainly emphasises on peaceful and democratic measures to develop a democratic transformations in the form of equality, freedom and national unity and integrity.