

The Indian Constitution: A Source of Learning Values

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Abstract- *The Preamble to the Indian Constitution declares India to be a Democratic Republic. In the Preamble, one can see the noble vision for India. “Democracy is the basic feature of the Indian Constitution.” But the Democratic values are absent in the society even today. So, it can be cultivated by the Value Education. The Indian Constitution has laid down the foundation of new outline and structure of social democracy and economic democracy. Actually, this is the legal document for nonviolent social revolution. Articles 12 to 35 the Fundamental Rights, 36 to 51 Directive Principles of State Policy and Fundamental Duties, and the Preamble of the Constitution are essential to understand the supreme outline for social system, economic structure and political obligation in India. Various theories, Principles, ideas and core values are reflected in the Indian Constitution. Concept of dignified life, Non Discrimination, Egalitarianism, Equal protection to all, Equality before the law (Art. 14), Rule of law, Rationality (“rational differentia” article 16), Protection of environment, Liberty, Inculcation of scientific temper, Doctrine of non-waiver, Right to know is a basic right, ‘One man one vote one value, The Constitutionalism, Human dignity, Freedom from exploitation, Secularism, Protection of life and personal liberty, Privilege against self-incrimination, Justice, Doctrine of Equality, Fraternity, Humanism Equal opportunity to all, Peace, Prevailing philosophy of social welfare, Nonviolence social revolution, Natural Justice, the emotional and relational skills and Social justice like these values are enshrined in the Constitution. And these values must be the core value to the society. These are core and essential for the new political, economic, social democratic nation. But, there is a contradiction to some extent between traditional and democratic values. Hence, the Value education becomes the important way to cultivate and inculcate these values in the mind of the Indians. So, the Indian Constitution is one of the sources of the learning values.*

Keywords: Constitution, Value, Life, Liberty, Equality, Justice, Secularism, Right to Education.

Introduction

Values are as old as human civilization. In the context of Indian society, there has been an inequality of social and economic life. “We the people” have to create the society beyond caste-discrimination. Casteless values, human values, democratic values and secular values are enshrined in the Indian Constitution.

“Article 13(1) declares that all pre-Constitution laws shall be void to the extent of their inconsistency (“includes custom or usage having the force of law”) (Jain, 2016) with the Fundamental Rights.” (Jain, 2016) “Judicial review is the basic feature of the Constitution.” “That power of judicial review over legislative action vested in the High Courts under Art. 226 and in the Supreme Court of India under Article 32.” (Jain, 2016) And it has given the outline of the new republic, democratic society which is declared in the Preamble to the Constitution.

Equality, Liberty, Fraternity and Social Justice must be the core value to the society. Education is one of the essential media to shape the character for good citizen. For democratic society, its values can be cultivated in the society.

Culture of Indian people was not democratic for the long time. Hence, the Constitutional Values should be cultivated in the mind of Indian people. People should live together harmoniously without discrimination among themselves in the society.

There is the Constitutional obligation to constitute the nation which is based on Equality, Liberty, Fraternity and Social justice. To inculcate these values education is the essential important medium.

The values such as equality, liberty, fraternity, justice can promote inclusivity where all members of the society feel included irrespective of their colour, culture, economic and social background, caste, religion, gender or community.

Values: Definition

Geiger (1950): “Values are the outcomes of human choices among competing human interests”.

Sigmund (1908): “The acquisition of morality meant the installation within child’s personality...that part of the unconscious mind that acts as a conscience.”

Allport (1951): “A value is a belief upon which a man acts by preferences.”

Hiriyana (1952): “Indian Philosophy is the philosophy of values. Values are (in behavior) means a choice between the good and the bad.”

Definition of value can be generalized as, Value is a thought or a point of view, a concept, an understanding idea, which may vary or even differ from place to place and time to time.

They are the ultimate reason for one’s action. And a quality or a practice that gives worth, goodness and meaning of life. They are quality of self-evaluating, self-interpreting and a fundamental criterion for one to choose what is good among possible course of action.

Set of values can support or reject the current political, social, and economic system. Hence, according to the political, social system inculcation of values socialization of political culture is one of the essential processes for education.

Meaning of Value

“Values are a set of principles or standards of behavior.” Value meant price, something precious, dear and worthwhile. The word ‘value’ is used in many ways as good, best, right etc.

According to Oxford dictionary, “Value” means “worth”. It has been seen that, intelligence plus character is the goal of true education. Values influence the characters of citizens. It reflects one’s personal attitudes and judgments, decisions and choices, behavior and relationships, dreams, and vision. They influence our thoughts, feelings and actions. These are nothing but the directions to live happily both at individual and societal levels.

The values and attitudes can guide individual actions based on the principles of fairness, goodness, constructive and critical attitude and wisdom. Values involve the processes of thinking, knowing or understanding feelings and action. These become the criteria for judgment, choices, action and grounds for decision-making in behavior. Values regulate and guide human behavior and action in everyday life.

Values Enshrined in the Constitution of India

There are various social, political and economic values enshrined in the Constitution of India. But, there are differences between the socio-economic background of the society in India and the socio-economic order which has to be created according to the Constitution of India. Democratic outline of the society for India in Constitution is value laden. But, due to the Contradiction between the many traditional values and new Constitutional values, struggle has been seen, in the Social and economic context in India. So, the cultivation of the values is necessary through value learning or education for smooth working Constitutional mechanism in India.

Concept of Dignified Life

Concept of dignified life implies the Right to live with human dignity, which allows one, to grow in all aspects, physical, mental and intellectual”, “the bare necessity of life such as adequate nutrition, clothing and shelter over their head”. “The person’s reputation is a facet of his right to life under Article 21 of the Constitution.” (Jain, 2016)

Non-Discrimination

Article 15 prohibits discrimination against citizens on such specific grounds as religion, race, caste, sex or place of birth. Article 14 of the Constitution embodies the principle of “non-discrimination”. However, it is not a free standing provision. It has to be read in conjunction with rights conferred by other articles like Article 21 of the Constitution. (Jain, 2016)

Egalitarianism

The core meaning of egalitarianism is ‘the society based on equality’. Equality (Articles 14 to 18) and the “equality of status” (Jain, 2016) referred in the Preamble to the Constitution. In the Words of Supreme Court, “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.” (Jain, 2016)

Equal Protection to All

The concept “equal protection of laws” is positive in content. “It denotes equality of treatment in equal circumstances. It implies that among equals the law should be equal and 55 equally administered, that the like should be treated alike without distinction of race, religion, wealth, social Status of political influence.” (Jain, 2016)

“Article 14 prescribes equality before law. But the fact remains that all persons are not equal by nature, attainment or circumstances, and, therefore, a mechanical equality before the law may result in injustice.

Thus, the guarantee against the denial of equal protection of the law does not mean that identically the same rules of law should be made applicable to all persons in spite of difference in circumstances or conditions”. (Jain, 2016)

Equality before the Law (Art. 14)

There is the two expressions “equality before law’ and ‘equal protection of law’. They do not mean the same thing even if there may be much in common between them. “Equality before law” is a dynamic concept having many facets. One facet is “the obligation upon the State to bring about, through the machinery of law, a more equal society... For, equality before law can be predicated meaningfully only in an equal society...” (Jain, 2016)

“That there is no special privilege in favor of any one, that are the equal subject to the ordinary law of the land and that no person, whatever be his rank or condition is above the law.” This is equivalent to the Dice an concept of “The Rule of Law” in Britain. But some exceptions are there.

Rule of Law

The rule of law permeates the entire fabric of the Indian Constitution excludes arbitrariness. Every State action must be non-arbitrary and reasonable. The Supreme Court declared the rule to be discriminatory unreasonable and arbitrary and thus volatile of the Principle of equality enshrined in Art. 14 (Jain, 2016)

Rationality (“Rational Differentia” Article 16)

It is also called “Intelligible differentia”. “The Supreme Court has explained that ‘the doctrine of classification is only a subsidiary rule evolved by the courts to give practical content to the doctrine of equality”. (Jain, 2016)

The Constitution permits the reasonable classification of persons, objects and transactions by the Legislature for the purpose of achieving specific ends. Classification to be reasonable should fulfill the following two tests:

- (1) It should not be arbitrary, artificial or evasive. It should be based on an intelligible differentia, some real and substantial distinction, which distinguishes person or things grouped together in the class from others left out of it.
- (2) The differentia adapted as the basis of classification must have a rational or reasonable nexus with the object sought to be achieved by the statute in question (Jain, 2016).

Protection of Environment

The Court, within the Constitutional limitation laid down the “Precautionary Principle”, and the “Polluter Pay Principle”, for the “sustainable development” and for the ecological balance, mining within the “Principle of balancing,” and “concept of banning”. The Constitution not only provides the doctrine to natural environment but also doctrines for social environment.

Liberty

Clauses (a) to (g) of Art. 19 (1) guarantee to the citizens of India six freedoms, viz, of ‘speech and expression’, ‘Peaceable assembly’, ‘association’, ‘free movement’, ‘residence’, and ‘practicing any profession and carrying on any business’.

The various freedoms are necessary not only to promote certain basic rights of the citizens but also certain democratic values in and the oneness and unity of, the country.

Article 19 guarantees some of the basic, valued and natural rights inherent in a person. These rights are very necessary for evolving “free society”. And every right is coupled with a duty.

The freedom of speech is essential for the proper functioning of the democratic process. The freedom of speech and expression is regarded as the first condition of liberty.

“Right to speech implies the right to silence and “the right to receive information.” (Jain, 2016) “Freedom of speech includes the right to impart and receive information, which includes freedom to hold opinions.” (Jain, 2016)

Doctrine of Non-Waiver

The Doctrine on non-waiver is, “No individual can barter away, the freedom, conferred on him, by the Constitution”. “The doctrine of non-waiver and “Basic Structure”, developed by the Supreme Court of India denotes manifestation of its role of protector of the Fundamental Rights. (Jain, 2016)

Inculcation of Scientific Temper

“Article 51 A of the Constitution which envisaged the development of a scientific temperament, a feeling of humanism and a spirit of inquiry”. (Jain, 2016)

Right to Know

“Right to know is a basic right which citizens of a free country aspire in the broaden horizon of the right to live in this age on our land under Article 21 of the Indian Constitution.” (Jain, 2016)

‘One Man One Vote One Value’

This Doctrine implies principle of equality and same dignity of the individual. The right to vote is not the gift of the Legislature but flows from the Constitution, Under Article 326. So, the right to vote is a constitutional right. Under Article 325, no voter can be debarred from voting “on the grounds only of religion, race, caste or sex”. (Jain, 2016)

The Constitutionalism

The Constitutionalism is essentially the antithesis of arbitrary powers and dictatorship of the State. “...the state is subject to the Constitutional limitation...the governing power wherever located must be subject to the fundamental constitutional limitation.” (Jain, 2016)

Human Dignity

In the Preamble to the Universal Declaration of Human Rights we can find that “the inherent dignity of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the World.” In the Indian Constitution “human dignity” has given the paramount important to all people. To protect such dignity core ethical values such as Freedom from exploitation are enshrined in the Constitution of India.

Freedom from exploitation Article 23 (1) proscribes (illegal) three unsocial practices, these are:

- (1) Begar,
- (2) Traffic in human beings, and
- (3) Forced labour

A significant feature of Article 23 is that it protects the individual not only against the State but also against private citizens (Jain, 2016). It is necessary for living with human dignity culture and civilization and free from exploitation.

The Begar: Unsocial Practice

The term begar means compulsory work without any payment. Begar is labour or service which a person is forced to give without receiving any remuneration for it.

The practice was widely prevalent in the erstwhile princely State in India before the advent of the Constitution. It was a great evil and has, therefore, been abolished through Article 23(1) (Jain, 2016).

These Fundamental Rights as ethical values can be inculcating in the mind of the people through the value education in India.

Traffic in Human Beings: Anti-Human

The expression ‘traffic in human beings’, commonly known as slavery, implies the buying and selling of human beings as if they are chattels, and such a practice is constitutionally abolished.

Traffic in women for immoral purposes is also covered by this expression. The Constitution declared it unsocial and illegal.

Forced Labor: As Slavery

Where a person provides labor, or service to another for remuneration, but the remuneration is less than the minimum wage, the labor or service provided by him clearly falls within the scope and ambit of the words “forced labor” under Article 23.

Secularism

“Secularism is a basic feature of the Constitution.” (Jain, 2016) Secularism in India does not mean irreligion. It means respect for all faiths and religions. The State does not identify itself with any particular religion.

India being a secular State, there is no state preferred religion as such and all religious groups enjoy the same constitutional protection without any favour or discrimination. “Study of religions therefore, in school education cannot be held to be an attempt against the secular philosophy of the Constitution” (Jain, 2016)

In *Bommai Union of India* (1994), a nine –judge Bench of the Supreme Court referred to the concept of secularism in the Indian context. According to Justice Sawant, “...religious tolerance and equal treatment of all religious groups and protection of their life and property and of the places of their worship are an essential part of secularism enshrined in our Constitution...” (Jain, 2016)

Personal Liberty

In the Indian Constitution, the right to freedom of the person, it can be stated the Fundamental Rights of Personal liberty. It comprises the following:

(A) protection of life and personal liberty: art. 21

Article 21 lays down that no person shall be deprived of his life or personal liberty except according to procedure established by law.” (Jain, 2016)

According to justice Krishna Iyer, “the spirit of man is at the root of Article 21”. “The personal liberty makes for the worth of the human person”. (Jain, 2016) He characterized Article 21 as “the procedural magna carta protective of life and liberty.” (Jain, 2016)

(B) Protection against ex-post-facto laws: Art. 20(1)

(C) Protection against Double Jeopardy: Art. 20(2)

(D) Privilege against self-incrimination: Art. 20(3)

Article 23(3) which embodies this privilege reads: ‘No person accused of any offence shall be compelled to be a witness against himself.’

(E) Protection in case of arrest: Art. 22(1), 22(2) and 22(3)

(F) Safeguards in case of preventive detention: Art. 22(4) to 22(7). (Jain, 2016)

“The time and again, the Supreme Court have emphasized that Arts. 14, 19 and 21 are available to prisoners as well as freemen. Prison walls do not keep out Fundamental Rights.” (Jain, 2016)

Liberty of thought and expression is on the fundamental values embedded in our Constitution. It is necessary for the civilized society. It is the basis for creativity and exploration of new ideas and experiments that can advance social progress.

Democracy creates opportunity to pursue one’s chosen ends as well as respect others’ rights to do so. Hence, it is necessary to be foundation of the value education.

Right to Life

Right to life in the Constitution, Justice Iyer has characterized Art. 21 is as “the procedural magna carta protective of life and liberty”. It expresses the “Right to be let alone” (Art, 21). (Jain, 2016) Life and liberty has been given paramount importance in the Constitution.

Social Justice

In the Preamble of the Constitution of India Justice; economic, political and social must be the foundation of the nation. Everyone has the liberty, but liberty does not mean “the survival of the fittest”. Social security to the insecure, deprived, marginalized people, women, children, disabled people and to create equal opportunity to all, then to create the situation to live every one with dignity. Allocate the resources justiciable among the people and empathy towards the disadvantageous.

Equality is one of another values enshrined in the Constitution. The Constitution of India guarantees the Right to Equality through Articles 14 to 18.

“Equality is one of the magnificent corner-stones of Indian democracy”. The Constitution embodies the principle of ‘non-discrimination’. The Supreme Court declares Equality is a basic feature of the Constitution.

Two concepts are involved in Article 14 these are ‘equality before law’ and ‘equal protection of law’. Freedom and justice remain mere words if equality is not ensured. It implies freedom from exploitation and ensuring to provide opportunities for individual’s development, irrespective of the background, gender, cultural or socio-economic identity and status.

Article 14 strikes at arbitrary state action, both administrative and legislative”. Article 14 bars discrimination and prohibits discriminatory laws. Article 14 is now proving as a bulwark against any arbitrary or discriminatory state action.

The horizons of equality as embodied in Art. 14 have been expanding as result of the judicial pronouncements and Article 14 has now come to have a “highly activist magnitude”. Article 14 of the Constitution provides for equality of opportunity. It forms the Cornerstone of our Constitution. That Article 14 embodies “a guarantee against arbitrariness” on the part of Administration. As the Supreme Court has observed, “From a positivistic point of view, equality is antithetic to arbitrariness.

Fraternity

Fraternity is at the heart of school, society and nation. In fact, promoting values at the school or societal level begins with the individual and the individual in relation to community, larger society, nation and the world.

Humanism, Equal opportunity to all, Peace, “Prevailing philosophy of social welfare”, (Jain, 2016) Nonviolence social revolution, “Natural Justice”, (Jain, 2016) the emotional and relational skills, etc. can be learn the values from the Constitution of India.

The Constitution as A Source of The Value Education

The idea of what values should be fostered through education has been best expressed in the Constitution of India.

The Indian Constitution has explicitly laid down Fundamental Duties of its citizens in Article 51A, emphasizing certain values such as Harmony and common brotherhood beyond religious, linguistic and regional or diversities, the dignity of women, to protect and improve the natural environment, to develop the scientific temper, avoid violence, and “ strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.”

Concept of dignified life, Non Discrimination, Egalitarianism, Equal protection to all, Equality before the law (Art. 14), Rule of law, Rationality (“rational differentia” article 16), Protection of environment, Liberty, Inculcation of scientific temper, Doctrine of non-waiver, Right to know is a basic right, ‘One man one vote one value, The Constitutionalism, Human dignity, Freedom from exploitation, Secularism, Protection of life and personal liberty, Privilege against self-incrimination, Justice, Doctrine of Equality, Fraternity, Humanism Equal opportunity to all, Peace, Prevailing philosophy of social welfare, Nonviolence social revolution, Natural Justice, the emotional and relational skills, such principles are essential and core values in the Indian Constitution, thus laying the foundation of value education in India.

Conclusion

Values are as old as human civilization. They are alterable in the context of time, place and circumstances. If the values from the other sources are not inconsistent with the Indian Constitution, we the Indian can adopt and learn it.

Various values like dignified life, Doctrine of equality, Liberties, Social justice, Fraternity, sovereignty of the people, Nondiscrimination, gender equality, socialism, secularism are enshrined in the Indian Constitution.

In the process of socialization, the role of ‘value education’ is crucial in the Indian society. And the Indian Constitution itself is one of the sources of learning values.

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