

## Chapter 7 - Objectives of the Constitution

As the Indian Constituent Assembly set out to draft a Constitution that would reflect the aspirations of the people, the Preamble emerged as a cornerstone of this effort. It declared the foundational values that guided the framers in addressing the social and economic disparities and injustices left by colonial rule. The Preamble articulates India's key aspirations, emphasizing the commitment to secure and promote **justice**—social, economic, and political; **liberty** of thought, expression, belief, faith, and worship; **equality** of status and opportunity; and **fraternity**, along with the unity and integrity of the nation. As these objectives offer insights into the foundational ideals that guide India's institutions today and will continue to inspire the generations to come, it is crucial to know what these principles entail.

### I. Justice:

Justice is not merely a legal or abstract notion but is deeply intertwined and aligns with moral principles. It inherently demands just conditions, ensuring that all individuals have fair access to opportunities and are protected from exploitation and injustice. This vision of justice extends beyond the mere application of laws, where the state plays an active role in addressing disparities and promoting fairness. It is this active role of state that fosters a moral and ethical foundation for governance and societal interactions.

"Injustice anywhere is a threat to justice everywhere." - Martin Luther King Jr.

### Idea of Justice in the Preamble:

The term Justice in the Preamble was borrowed from the Soviet Union (former USSR). It embraces three distinct forms of Justice - Social, Economic and Political.

- **Social Justice:** It means a fair and just relationship between an individual and society. It aims to meet the challenge of socio-economic inequality by the rule of law, leading to the creation of a more equitable society based on equal social status. According to Dr. B. R. Ambedkar, social justice is a means to create an ideal or a just society. To him, a just society is a casteless society, based on the principles of social justice. The key components of Ambedkar's concept of social justice are liberty, equality, and fraternity. For instance, the affirmative policy (reservation system) followed in India is an apt example of social justice. In *S.R. Bommai v Union of India*(1994), the apex court held Social Justice as the basic feature of the Constitution of India.  
In a just society, individuals have access to the resources and opportunities necessary for a dignified life. For instance, access to education and healthcare shall not be determined by one's ability to pay. Equal access to quality services ensures that everyone has a fair chance to lead a fulfilling life.
- **Economic justice:** It aims to ensure an equitable distribution of wealth and prevent its concentration in the hands of a few, thereby laying the foundation for a life of dignity and opportunity for all. The state can promote this through policies such as equal wages, progressive taxation, and targeted social welfare programs. Economic justice also involves bridging the gap between the rich and the poor by redistributing resources, reducing income inequality, and supporting vulnerable sections of society. A more balanced distribution of wealth diminishes extreme deprivation and lessens the reliance on charity to meet basic needs, fostering a more inclusive and just society.
- **Political Justice:** It seeks to empower all citizens as a stakeholder for the purpose of power-sharing in politics through political participation. Provisions like universal adult suffrage, reservation policy, etc., encompass the idea of political justice. It also entails the term 'legal justice,' which refers to the rule of law, wherein all men are

This study material is a part of Mastering Indian Polity - 1st Edition | © Flaviant Network Pvt Ltd | No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise.

## Chapter 7 - Objectives of the Constitution

equal before the law and the law applies equally to all. The emphasis is laid on the legal process to be straightforward, swift, fair, affordable, and effective.

Beyond these explicit mentions in the Preamble, there can be other types of Justice also, like:

- **Distributive Justice:** Distributive justice is a course that Social Justice adopts. It focuses on the fair allocation of resources and benefits within society. In India, this concept is prominently reflected in policies aimed at addressing socio-economic inequalities. For example, affirmative action measures, such as reservations in educational institutions and government jobs are designed to provide equitable opportunities to historically marginalized communities. Primarily, Article 38 and 39 of Indian Constitution defines distributive Justice.
- **Procedural Justice:** Procedural justice pertains to the fairness of the processes and procedures used to make decisions and administer laws. In India, this principle is evident in the legal system's efforts to ensure transparency and fairness in judicial and administrative processes. For example, the Right to Information (RTI) Act of 2005 empowers citizens to seek information from public authorities, thereby promoting transparency and accountability.
- **Retributive Justice:** Retributive justice involves addressing wrongdoings by imposing appropriate penalties or punishments, aiming to maintain societal order and deterring future offenses. In India, this is embodied in the criminal justice system, which includes laws and procedures for prosecuting and penalising offenders. For instance, high-profile cases such as the 2012 Delhi gang rape have led to stringent legal reforms and increased penalties for sexual offences, reflecting a commitment to retributive justice and societal well-being.
- **Restorative Justice:** Restorative justice focuses on repairing relationships and restoring social harmony by addressing the needs of both victims and offenders. In the Indian context, community-based reconciliation processes are sometimes used in cases of minor disputes or conflicts to facilitate dialogue and mutual agreement between the parties. Also, the Juvenile Justice Act incorporates restorative principles by emphasizing rehabilitation and reintegration of young offenders rather than purely punitive measures.

Although the pursuit of justice is an ideal objective, it is important to acknowledge that no society can completely eradicate all forms of injustice. Some individuals, due to unforeseen circumstances or systemic limitations, will inevitably require support and protection. It is the responsibility of every member of society to uphold justice in thought, word, and deed, ensuring that ethical and moral principles guide actions. As Plato observed, "Justice in the life and conduct of the State is possible only as first it resides in the hearts and souls of the citizens."

### Principles of Natural Justice

Principles of Natural Justice are the basic rules that aim at bringing fairness in the procedure followed by every judicial, quasi-judicial, and administrative agency in making decisions that can adversely affect the rights of a private individual. It requires the fulfilment of three conditions- a) No one should be a judge in their own case; b) A judge should always hear the other party before giving any order and c) A judge should act without any bias.

## II. Liberty

The term 'liberty' broadly means the absence of restraints on the activities of individuals. However, in the context of polity, the most appropriate definition of liberty is the opportunity to develop oneself fully (PYQ 2019). The Preamble seeks to secure to all its citizens the liberty of - thought, expression, belief, faith, and worship. Economic Liberty, thus, is

This study material is a part of Mastering Indian Polity - 1st Edition | © Flaviant Network Pvt Ltd | No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise.

## Chapter 7 - Objectives of the Constitution

NOT embodied in the Preamble to the Constitution of India (PYQ 2017).

“Whenever a separation is made between liberty and justice, neither, in my opinion, is safe.” - Edmund Burke

Within the framework of liberal democracy, the concept of liberty finds its greatest safeguard in the principle of separation of powers between the branches of government (PYQ 2021). This foundational tenet ensures that no single branch wields excessive authority. Thus, preventing any centralization of powers that endangers individual liberty by concentrating authority in one branch of the government (PYQ 2021).

In the Indian Constitution, the ethos of positive liberty (discussed below) is embedded, wherein the state not only refrains from interfering with individual liberty but also facilitates the realization of certain rights and opportunities. Some of the constitutional provisions, like the Fundamental Rights, exemplify this commitment, aiming to preserve and promote various facets of liberty.

However, it is important to note that the Constitution also imposes certain limitations on liberty in the form of “reasonable restrictions.” These restrictions, like public order, morality, and the sovereignty and integrity of the nation, are deemed necessary to balance individual freedoms with the broader interests of society.

It is worth mentioning that the concept of liberty differs from the idea of freedom. The Constitution of India explicitly mentions the term ‘Liberty’ only in the Preamble and in the Fundamental right under Article 21. Otherwise, it uses the term ‘Freedom’ instead. In the modern context, both liberty and freedom are used interchangeably sometimes. However, there are certain differences:

Liberty	Freedom
Liberty deals with the state of being ‘free to do something.’	Freedom is the state of being ‘free from something’.
Liberty is the responsible use of freedom Without depriving anyone else of their freedom.	Freedom is the ability to do as one will and what one has the power to do.
It is granted by the authority to people in common.	It is extracted from the government.

**Relation between Law and Liberty:** It is rightly said, “If there is no law then there is no liberty.” (PYQ 2018)

It suggests that the existence of laws is essential for the preservation and protection of individual liberty within a society. John Locke wrote that “the end of law is not to abolish or restrain, but to preserve and enlarge freedom.” Laws serve as the foundation of a structured and orderly society by establishing rules, norms, and boundaries that govern the behaviour of individuals and institutions.

This study material is a part of Mastering Indian Polity - 1st Edition | © Flaviant Network Pvt Ltd | No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise.

## Chapter 7 - Objectives of the Constitution

**Concept of Positive and Negative Liberty:** The idea of positive liberty delineates the realm within a society where individuals enjoy freedom within the constraints set by both societal norms and governmental regulations. Thus, facilitating an opportunity to develop oneself fully. It serves as a check on excessive individual freedom, which could be an obstruction to social stability.

Conversely, negative liberty safeguards the domain of an individual's life from external interference, emphasizing the absence of imposed constraints. Greater emphasis on negative liberty correlates with increased personal freedom, reinforcing the notion that more negative liberty results in expanded freedoms for individuals.

**Liberalism &** Liberalism is a political doctrine that is concerned with protecting and enhancing the liberty of an individual. It stands for the emancipation of the individual. Neo-liberalism, on the other hand, is an ideology that emphasizes the value of free market competition. It is most commonly associated with laissez-faire economics

### III. Equality

The term 'equality' means the absence of special privileges to any section of society and the provision for fair and equal opportunities for all individuals without any discrimination. Within the context of the Preamble, equality encompasses both equality of status and equality of opportunity for all citizens, regardless of their background or circumstances. This principle ensures that every individual within the nation enjoys the same rights and opportunities, without facing unjust barriers or biases based on factors such as race, religion, caste, creed, gender, or socio-economic status.

The notion of equality, if overstretched, can imply uniformity or sameness among individuals by treating everyone equally, regardless of their circumstances. Equality, in a way, seeks to provide the same resources and opportunities to everyone. In contrast, the concept of 'equity' acknowledges that people are unique and have different circumstances. It recognizes that addressing diverse needs may require differential treatment or resource allocation to ensure that everyone has an equal chance to thrive. Thus, emphasizing fairness and justice by actively creating a level playing field.

[Note: More details on Equality have been discussed in the Fundamental Rights chapter.]

### IV. Fraternity

In simplest terms, Fraternity means a sense of brotherhood. It is derived from the word '**fraternal**,' which indicates a common lineage, hence, it is brother-like. Fraternity emphasizes mutual support and solidarity, which are crucial for maintaining national integrity, fostering social harmony, and building a cohesive society. This concept is inherently linked to social solidarity, a goal that cannot be achieved without widespread public empathy.

"Fraternity is social endosmosis - the sense of common brotherhood and sisterhood among all Indians. It is only another name for democracy." - Dr. B.R. Ambedkar

### Fraternity in the Indian Preamble:

Acharya Kripalani observed that the Preamble's contents encompass not only legal and political principles but also carry moral, spiritual and mystical dimensions. Knowing the importance of fraternity, the Drafting Committee of the

This study material is a part of Mastering Indian Polity - 1st Edition | © Flaviant Network Pvt Ltd | No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise.

## Chapter 7 - Objectives of the Constitution

Constituent Assembly added the term 'fraternity' in the Preamble, even though it was not a part of the Objectives Resolution.

Beyond the Preamble, the principle of Fraternity is also found in the Constitutional provision of Fundamental Duties, wherein Article 51A (e) refers to the duty of every citizen 'to promote harmony and the spirit of common brotherhood amongst all the people of India.' In the Indian Preamble, fraternity assures two things-

- a) **'Dignity of the individual':** Fraternity seeks to preserve and promote the fundamental unit of Indian polity - the individual citizen. Thus, improving the quality of life leading to a life of dignity, and
- b) **'Unity and Integrity of the Nation':** It is only through a spirit of fraternity that we can build national unity - psychological and territorial integration - in a pluralistic and heterogeneous society like India, with many diverse pulls. The term 'integrity' was added by the 42nd Amendment Act, 1976.

Other ideals of justice, liberty and equality are relevant and meaningful only in as much as these promote fraternity—a common feeling of being sons and daughters of the same Mother India. Constitutional provisions like single citizenship, cultural and religious rights, equality before law and social and economic rights further promote the principle of fraternity. Unfortunately, in the legal and political circles, not enough importance has been attached to this concept yet. Thus, there is a need for the due recognition of the principle of fraternity for true nation-building.

**Unity in Diversity:** The principle of Unity in Diversity describes the peace and harmony that exists between people with diverse cultural, religious, social, and other demographic differences. While diversity is an existent reality of our nation, it alone should not be celebrated. 'Diversity' is good so long as it contributes to 'Unity,' rather than creating fragmentation.

*"Diversity without divisions and Unity without uniformity."*

### Fraternity in India's Context – Analytical View

India faces several challenges in fostering fraternity, rooted in its vast social and cultural diversity. Religious and caste-based differences often lead to mistrust, discrimination, and at times violence, which weakens the sense of brotherhood envisaged in the Constitution. Political ideologies too create deep divisions, fostering polarization and hostility that impede constructive dialogue and cooperation. Economic disparities add another layer of challenge by fuelling resentment and widening the gap between different sections of society, thereby undermining social cohesion. Further, the lack of mutual trust and inadequate inter-community understanding complicates efforts to bring diverse groups together.

Inadequate adherence to **constitutional morality** erodes confidence in institutions and the rule of law, thereby destabilizing the foundation of fraternity. When constitutional values such as justice, liberty, equality, and dignity are not upheld in spirit, citizens often feel alienated from the system. This sense of **marginalization** is further exacerbated by educational disparities, which perpetuate social and regional inequalities and limit upward mobility. Additionally, **linguistic and cultural barriers** hinder effective communication, mutual understanding, and cooperation among communities..

This study material is a part of Mastering Indian Polity - 1st Edition | © Flaviant Network Pvt Ltd | No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise.

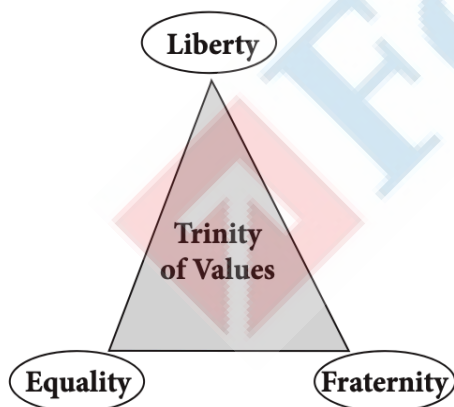
## Chapter 7 - Objectives of the Constitution

Therefore, to foster a sense of brotherhood and to overcome societal differences, initiatives promoting social and cultural harmony are crucial. These programs should facilitate dialogue, understanding and cooperation among diverse communities while encouraging respect for religious and cultural diversity. Interfaith dialogues and protections for minorities, alongside the promotion of tolerance, are key to maintaining social cohesion.

Therefore, to foster fraternity and overcome societal divisions, **initiatives promoting social and cultural harmony** are crucial. Programs like *Ek Bharat Shreshtha Bharat* and *National Integration Council* foster dialogue and cooperation among diverse linguistic and cultural groups. **Interfaith dialogues**, community peace-building initiatives, and strict enforcement of protections for minorities strengthen social cohesion. The **Supreme Court in S.R. Bommai (1994)** underscored secularism as part of the basic structure, affirming that respect for all religions is key to fraternity. Similarly, the Court in **Navtej Singh Johar (2018)** and **Joseph Shine (2019)** expanded the ambit of individual dignity and equality, reinforcing fraternity among marginalized groups. Educational reforms such as **Samagra Shiksha Abhiyan** promote inclusivity and reduce social disparities, while campaigns like *Beti Bachao, Beti Padhao* address gender-based inequalities that weaken brotherhood. Above all, nurturing a culture of **tolerance and constitutional morality**, as emphasized in **Kesavananda Bharati (1973)** and reiterated by Justice Chandrachud in *Government of NCT Delhi v. Union of India (2018)*, is indispensable for preserving India's unity in diversity.

Addressing **economic disparities** through policies that ensure equitable access to opportunities and resources is vital for an inclusive society. Initiatives like **MGNREGA**, **National Food Security Act (2013)**, and **Ayushman Bharat** directly target livelihood security and social protection, thereby reducing economic inequalities. The Supreme Court in **Indra Sawhney (1992)** upheld reservations as a tool for substantive equality, while in **EWS Reservation case (2022)** it recognized affirmative action for economically weaker sections as integral to social justice. Building fraternity also requires strong foundations in **value and civic education**, such as programs under **Samagra Shiksha Abhiyan** and **National Curriculum Framework (2023)**, which emphasize inclusivity and democratic values from an early age. Finally, **ethical leadership**, from village panchayats to national politics remains essential to foster responsible citizenship and moral conduct. Leaders like **Dr. A.P.J. Abdul Kalam** exemplified how integrity in public life can inspire fraternity and unity across communities.

**Trinity of values - Liberty, Equality, and Fraternity:**



Dr. B.R. Ambedkar, inter-alia, regarded the concurrent existence of the Trinity of values - Liberty, Equality, and Fraternity,

This study material is a part of Mastering Indian Polity - 1st Edition | © Flaviant Network Pvt Ltd | No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise.

## Chapter 7 - Objectives of the Constitution

as the essential pillars of a just and democratic society.

For him, liberty cannot be divorced from equality and equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things.

“Without fraternity, equality and liberty will be no deeper than coats of paint.” - Dr. B.R. Ambedkar

### PYQs

**Did the Government of India Act, 1935 lay down a federal constitution? Discuss. [200 Words] [12.5 Marks] [2016]**

**How far do you agree that the Indian Constitution is merely an amended version of Government of India Act 1935? MGP 2025**

*Approach: Introduce the answer by writing a line or two about the Government of India Act 1935. Immediately afterwards, one must explain why it is said that the Constitution is merely an amendment to the GoI 1935 Act, stating facts and arguments. In the next part, defend why it is not merely a carbon copy. Conclude your answer by explaining the rationale for such adoption.*

The **Government of India (GoI) Act 1935**, was an Act passed by the **British Parliament**. The Act had provision for creating a **federation** and provided **structural mechanisms** to govern British India.

The **Constitution** can be seen as an **amended version of the GoI Act 1935** because:

1. The Act created a **federal structure** such as **Federal, Provincial, and Concurrent lists**. They have been incorporated in **Article 246** and the **Seventh schedule** of the Constitution.
2. The provision of **bicameralism at Centre and Provinces** is adopted by the Constitution under **Article 79 (Parliament)** and **Article 169 (State legislature)**.
3. The role of **Governor as an agent of Centre** is a modified adoption from the GoI 1935 Act. E.g., **Article 200**
4. The act provided for **Institutions** such as the **Public Service Commissions** which are imbibed by the Constitution under **Articles 315 to 323**.
5. Following the **blueprint of the 1935 Act**, the Constitution empowers the Union government to **proclaim an Emergency**. E.g., **Article 352**.
6. The **DPSP** was inspired from the **“Instrument of instructions”** of the Act.

However, the many of the **key features have not been inspired from the GoI Act 1935**, such as:

1. The Act did not have provisions for **fundamental rights, the heart and soul** of the Constitution.
2. The (original) Preamble envisaged India to be a **Sovereign, Democratic and Republic**. But the GoI Act, 1935 was primarily an **instrument of subversion** without any such vision.
3. The Act extended the **franchise to only 14%** of the population with provisions of **separate electorate**. But the constitution provided for a **universal adult franchise under Article 326**.

This study material is a part of Mastering Indian Polity - 1st Edition | © Flaviant Network Pvt Ltd | No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise.

## Chapter 7 - Objectives of the Constitution

- 
4. The Indian constitution establishes several **systems of checks and balances** which are not in the 1935 Act. E.g., Supreme court, Election commission of India, etc.,

Thus, the GoI 1935 Act provided a limited **structural framework for governance**, but many features were **innovated, borrowed** and **selectively adopted** by the constitution makers **to suit India's unique requirements**.

---

This study material is a part of Mastering Indian Polity - 1st Edition | © Flaviant Network Pvt Ltd | No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise.