

# **THE PROFOUND SEMANTICS OF THE PREAMBULAR**

## **PROSE**

The profound Preamble of our Constitution is an indication of its great philosophy and proud values and unless the people and the lawmakers of the country understand these values we cannot have a legal system which reflects the inalienable fundamentals of the Constitution. Of course, I cannot dwell length on the subject here. But must briefly point out that the words used are not merely simple verbalism but harbor a great value philosophy to violate which is making law India unconstitutional and to comply with which makes of rule of law a jurisprudence of social, secularism and democracy. The marvel and the majesty of the Indian Constitution are exquisitely expressed in the following words of the Preamble:

**JUSTICE**, social, economic and political;

**LIBERTY**, of thought, expression, belief, faith and worship;

**EQUALITY** of status and of opportunity; and to promote among them all

**FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation.

It is the imperative duty of the operators of the Constitution to realize in practical life the ideological wonder of these great words. We have to cover a long way in national life to make these noble phrases in actual life, in judicial interpretation and in the texts of the stream of legislation and statutory rules to implement the basics of the Preamble. A society is judged by the quality of justice it delivers to its citizens. In the present case India has pledged not any kind of justice but qualifies that expression by social, economic and personal. Social and economic justice and the politics of the nation should give to the people social and economic realism. In plain terms this is a guarantee of socialism and collective justice where all people share and have the privilege of being cared for as distinguished from arbitrary discriminatory and tyrannical justice. Fraternity and unity suggest a front of new ideas and institutional transformation, a gender equality and elimination of the lunatic casteism which are part of Indian, urban and agrarian life today. These are radical

implications and revolutionary changes which are totally inconsistent with a feudal heritage and primitive culture. Fraternity is a dynamic word where equal sharing of the resources of the nation becomes obligatory. These are thoughts and feelings absent in the daily realities and monstrously contradicted in the rule of life which made Gandhi say that we should wipe every tear from every eye and Nehru flatly conceded. Such a remarkable transformation of social and economic life is called for if the Preamble is to have its happy home in the slums and agrarian inhumanity of India's grave reality. This is the nascent harmony advocated by the Preamble but paradoxed by the chronic humiliation that mars the life of the masses to neutralize which is a giant experiment in socialist radicalism. To this titanic transformation the Preamble commits us. But we have miles to go and promises to keep making the Preambular ideology a rule of life.

The basic structure of the Constitution has now become unbreakable after Kesavananda case had immortalized the

hard core. The second proposition propounded is the identifying element of this inviolable segment. Luckily the Preamble is integral to the basic structure. Not a word or idea of the Preamble is mutable. You may supplement or superadd without in any manner weakening the values of the Preamble. But you cannot subtract from the fundamental substance already upheld in the Kesavananda case. The world is changing. War upon war brings in new fundamentals which may have to find place in the Constitution. Nothing can prevent such addition provided they do not cancel or detract from what has already been inscribed and upheld. We cannot anticipate the future or foresee what new great thoughts require to be incorporated. They are unpredictable and have to be left to the future to take care of itself, if need be by amendments. Fresh revolutionary thoughts may be born altogether new but too basic to be brushed aside. It is idle for us to speculate about such new sublime wonders which may be the product of another World War or nuclear transformation. All that I

can say is creative generations have to handle a new world of ideas. No revolution or transformation can be within our present vision. So it is factious to enter that imaginary world. When great discoveries are made or the earth itself is shaken up the New Earth will have to deal with such novel incarnations. Enough is enough. Tomorrow to fresh woods and pastures new.

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