

standard of material existence, and a sufficient degree of national homogeneity to devote itself to an ideal of liberty which has to be worked out in each by the common effort of all. If the problems of material existence are still absorbing... the ideal of living a common life of freedom—in other words, of attaining a particular quality of life—will seem an ideal dream. If, again, the problems of national homogeneity are still insistent, and there is no common feeling of fellowship—if some sections of the community are regarded by others, whether on the ground of their inferior education, or on the ground of their inferior stock or any other ground, as essentially alien and heterogeneous—the ideal of the common life of freedom will seem equally illusory...

Combining the ideals of political, social and economic democracy with that of equality and fraternity, the Preamble seeks to establish what Mahatma Gandhi described as “the India of My Dreams”, namely:

... an India, in which the poorest shall feel that it is their country in whose making they have an effective voice; . . . an India in which all communities shall live in perfect harmony. There can be no room in such an India for the curse of untouchability or the curse of intoxicating drinks and drugs. Women will enjoy the same rights as men.³⁰

No wonder such a successful combination in the text of our Preamble would receive unstinted approbation from Ernest Barker, who has reproduced this Preamble at the opening of his book on Social and Political Theory, observing that the Preamble to the Constitution of India states:

In a brief and pithy form the argument of much of the book, and it may accordingly serve as a key-note.³¹

REFERENCES

1. (1947) *Constituent Assembly Debates*, vol 1, 304 (moved by Pandit Jawaharlal Nehru on 13 December 1946).
2. The words in italics were inserted by the Constitution (42nd Amendment) Act, 1976. See Author's *Constitutional Law of India*, Preamble.
3. *AK Gopalan v State of Madras*, AIR 1950 SC 27 : (1950) SCR 88, p 198 : 1950 SCJ 174; *UOI v Madan Gopal*, AIR 1954 SC 158 : (1954) SCR 541, p 555.
4. *Re Berubari Union*, AIR 1960 SC 845, p 846 : (1960) 3 SCR 250.
5. So called since the Imperial Conference 1926. Later it has come to be mentioned simply as “The Commonwealth” [Cf Barker, *Essays on Government*, 1956, pp 16–18].
The concept of Commonwealth as an association has considerably weakened when the United Kingdom virtually segregated itself by refusing to protest against the Racist atrocities committed by the Government of South Africa and later by imposing the visa system upon immigrants from India and some other states.
6. *Constituent Assembly Debates*, vol 8, 16 May 1949.
7. *Constituent Assembly Debates*, vol 2, 22 January 1947.
- 7A. *Vishakha v State of Rajasthan*, AIR 1997 SC 3011 : (1997) SCR (Supp 3) 404. In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all working places, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity enshrined in Articles 14, 15, 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. This is implicit from Article 51(c) and enabling power of parliament to enact laws for implementing the International Conventions and norms by virtue of Article 253 read with entry 14 of the Union List in Seventh Schedule of the Constitution. The Parliament has now enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to protect women from sexual harassment at their place of work.
- 7B. *Vellore Citizens' Welfare Forum v UOI*, (1996) 5 SCC 647, p 660 para 15).
8. The survival of this representative democracy and Parliamentary Government in India for about seven decades since Independence should silence her critics, since military regime prevailed in her neighbouring countries until recently.