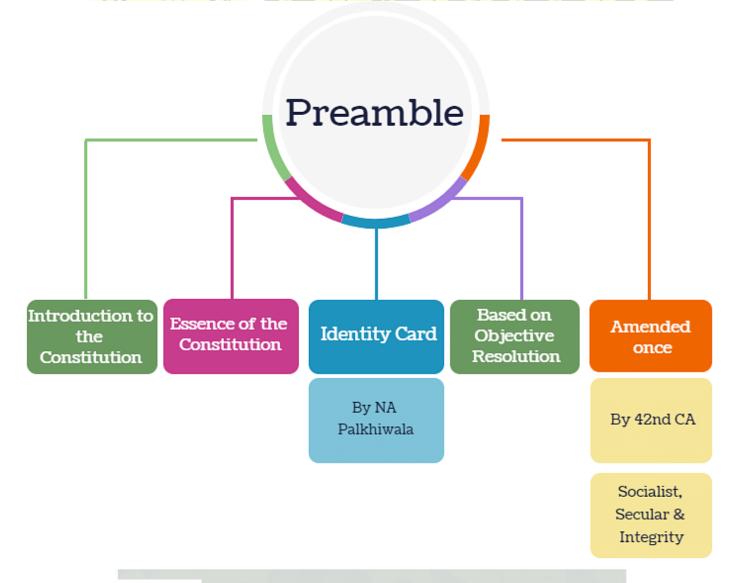
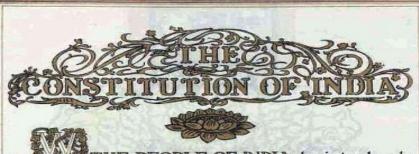
# Introduction

The Constitution of India is the longest written constitution in the world. It is the bedrock to all of the Indian polity. The Preamble is a brief introductory statement to the Constitution of India. It constitutes the philosophy embodying the ideals and aspirations to which the national movement committed. The Preamble can be referred to as the preface which highlights the entire Constitution.



#### Original Text of Preamble

We, The People of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens 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 [3] of the Nation; In Our Constituent Assembly This 26th Day of November 1949, Do Hereby Adopt, Enact and Give to Ourselves This Constitution.



resolved to constitute India into a SOVEREIGN DEMO-CRATIC REPUBLIC and to secure to all its citizens:

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 of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twentysixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.



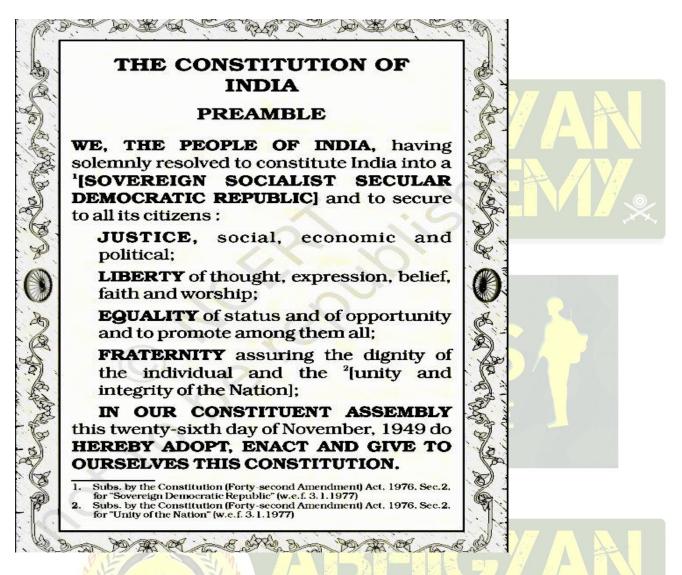


Try yourself: The following are enshrined in the Preamble of the Constitution of India:

- (1) Equality of status and opportunity
- (2) Liberty of thought, expression, belief, faith and worship
- (3) Justice-social, economic and political
- (4) Fraternity assuring the dignity of the individual
- (5) Unity and integrity of the nation.

What is the correct order in which these appear in the Preamble?

- a. 5, 1, 3, 2, 4
- b. 3, 1, 2, 4, 5
- c. 3, 2, 1, 4, 5 OACHING CENTRE
- d. 1, 3, 2, 4, 5



# History of India's Preamble

- Origin: The Preamble originated from the Objective Resolution presented by Jawaharlal Nehru on December 13, 1946, and adopted by the Constituent Assembly on January 22, 1947. This resolution outlined the vision for an independent, sovereign India with autonomous units and guaranteed justice, equality, and freedom for all its people.
- Design: The Preamble was beautifully designed by Beohar Rammanohar Sinha, a renowned artist from Jabalpur.
- Adoption: The date of adoption of the Indian Constitution, November 26, 1949, is specifically mentioned in the Preamble.
- Implementation: Article 394 of the Constitution lists the articles that came into effect on November 26, 1949, marking the official implementation of the Constitution.
- Handwritten Copies: The original copies of the Constitution were meticulously handwritten by Prem Behari Narain Raizada.

# **Key Points:**

- The Preamble is a declaration of India's ideals and aspirations.
- It highlights the core values of justice, liberty, equality, and fraternity.

- The Preamble reflects the aspirations of the people of India as expressed through the Constituent Assembly.
- It serves as a guiding principle for the interpretation and implementation of the Constitution.



Beohar Rammanohar Sinha

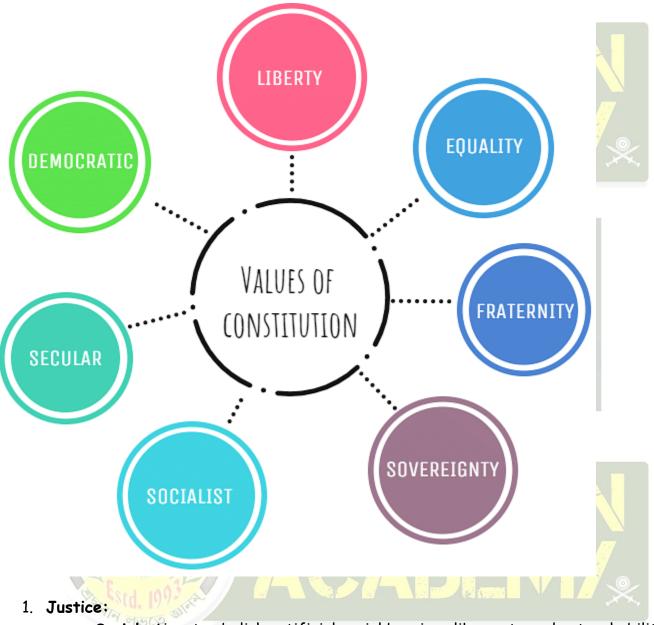
Prem Bihari Narain Raizada

# Preamble of the Indian Constitution: Key Values & Interpretations

# 5 Basic Characteristics of the Union of India:

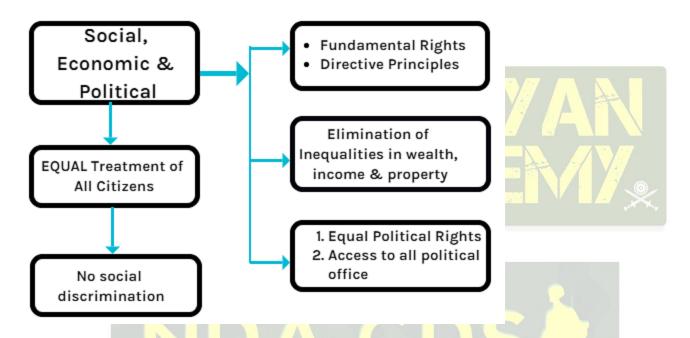
- 1. Sovereign: India is an independent authority with the power to legislate on any subject, not subject to control by any other state.
- 2. **Republic:** The head of state, the President, is elected by the people, and all offices are open to all citizens.
- 3. **Democratic:** India has an established constitution that derives its authority from the will of the people expressed in elections. It encompasses political, social, and economic democracy.
- 4. Socialist: This term aims to establish a society free from all forms of exploitation (social, political, and economic).
- 5. Secular: The state has no official religion, and all persons are equally entitled to freedom of conscience and the right to practice their religion.

# Key Values Enshrined in the Constitution:



- Social: Aims to abolish artificial social barriers like caste and untouchability.
- Economic: Strives for equality in economic status and equitable distribution of resources.
- o Political: Ensures fair and free participation of people in the political process, including free and fair elections.

**COACHING CENTRE** 



# 2. Liberty:

o Freedom of thought, expression, belief, faith, and worship, within constitutional limits.

### 3. Equality:

- Of Status: Prohibits discrimination based on religion, race, sex, etc., and abolishes untouchability and titles.
- o Of Opportunity: Guarantees equality before the law and non-discrimination in public employment.
- Political: Provides universal adult franchise, ensuring equal voting rights.

#### 4. Fraternity:

- Promotes a feeling of brotherhood and belonging among citizens.
- Encompasses both psychological and territorial dimensions of national integration.

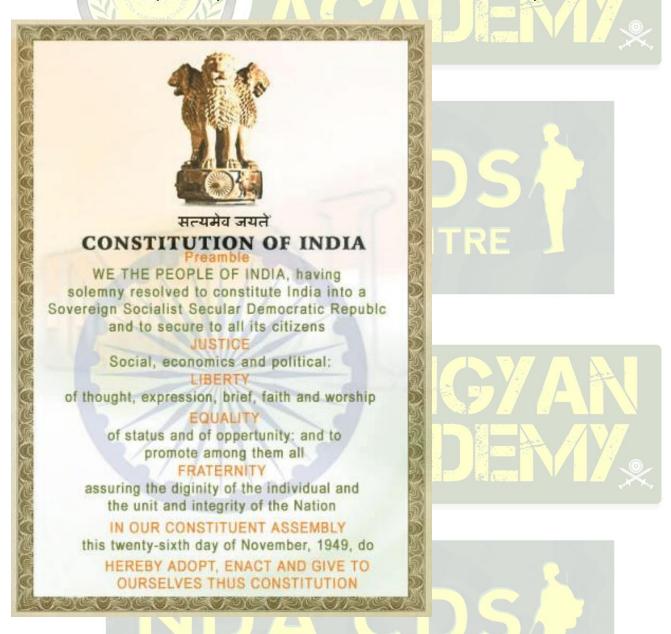
## Important Points:

- The Preamble is not enforceable in a court of law but serves as a guiding principle for interpreting the Constitution.
- The 42nd Amendment Act of 1976 added the terms 'Socialist' and 'Secular' to the Preamble.
- The terms 'Socialist' and 'Secular' remain undefined in the Constitution, despite attempts to provide definitions through the 45th Amendment Act.
- The Preamble emphasizes the importance of achieving justice, liberty, and equality for all citizens while promoting fraternity and national unity.

#### Scope and Significance of the Preamble of the Indian Constitution

• Source of Authority: The Preamble establishes that the people of India are the ultimate source of authority for the Constitution.

- Objectives: Outlines the core objectives of the Constitution, including justice, liberty, equality, and fraternity.
- Aid to Interpretation: Helps in interpreting the Constitution when language is ambiguous.
- Describes the Government: Defines India as a Sovereign, Secular, Democratic Republic.
- Date of Adoption: Specifies the date the Constitution was adopted and enacted.



#### Limitations of the Preamble

- Non-enforceable: Cannot be enforced in a court of law.
- No Power to Restrict: Does not limit the powers of the executive, legislature, or judiciary.
- Not Part of the Constitution (Initially): Initially considered not a part of the Constitution in the Berubari Union Case (1960).

#### Amendability of the Preamble

• Kesavananda Bharati Case (1973): Supreme Court ruled that the Preamble is part of the Constitution and can be amended under Article 368, but its basic features cannot be altered. N A





- S.R. Bommai Case (1994):
  - o The Preamble indicates the basic structure of the Constitution.
  - o Any proclamation violating the basic features of the Preamble is unconstitutional.
- LIC Case (1995): Reaffirmed the position that the Preamble is part of the basic structure.

## Key Amendment:

• 42nd Amendment Act (1976): Added the words "Socialist," "Secular," and "Integrity" to the Preamble. This is the only time the Preamble has been amended.

#### **Practice Questions**

Q1. The Preamble of the Constitution read along with the Directive Principles of State Policy promotes the concept of social justice. Analyse. (250 words)

Q2. The Preamble embodies the philosophy of the Constitution and yet it is not enforceable at a Court of law. Explain. (250 words)



# Try yourself:

Consider the following statements

- (1) The word secular appeared nowhere in the Constitution before it was inserted into the Preamble.
- (2) The word secular signifies state will protect religion of majority in state. Which of the following statements are true?
- a. Only1
- b. Only 2
- c. Both 1 and 2
- d. Neither 1 nor 2

Consider the following statements:

- (1) Preamble has been amended only once through 44th constitutional amendment act 1976.
- (2) Secular, Socialist and liberty were added to the constitution through the 42nd Constitutional amendment act 1976.

Which of the above statements is true?

- a. Only 1
- b. Only 2
- c. Both 1 and 2
- d. Neither 1 nor 2





 Embodies the basic philosophy and fundamental values—political, moral and religious.

 Reflects noble vision of the Constituent Assembly and aspirations of the founding fathers of the Constitution.

#### PREAMABLE AS PART OF THE CONSTITUTION

SIGNIFICANCE

Berubari Union 16 case (1960)- Not a part of the Constitution
Kesavananda Bharati case 17 (1973)- Part of the constitution
LIC of India case 18 (1995) - Part of the Constitution
Current opinion of SC
The Preamble is neither a source of power to legislature nor a

prohibition upon the powers of legislature.
It is non-justiciable, that is, its provisions are not enforceable in courts of law.

Preamble of the Constitution

AMENDABILITY

· Amended only once so far

42nd Constitutional Amendment Act, 1976

Socialist, Secular and Integrity words added.

**NGREDIENTS** 

Source: People of India

Nature: Socialist, Sovereign, Secular democratic and Republic Polity Objectives: Liberty, Jusice, Equality and Fraternity, Date of adoption: 26 Nov, 1949

DEMOCRATIC

REPUBLIC

EQUALITY

SOVEREIGN India is neither a dependency nor a dominion of any other nation, but an independent state.

Added by the 42nd Amendment in 1976

It is 'democratic socialism' and not a 'communistic socialism'. Indian socialism is a blend of Marxism and Gandhism.

It is a 'mixed economy' system where both public and private sectors co-exist

42nd Constitutional Amendment Act of 1976

Articles 25 to 28 guaranteeing the fundamental right to freedom of

Doctrine of popular sovereignty i.e. possession of supreme power by the

Direct democracy, the people exercise their supreme power directly = Referendum, Initiative, Recall and Plebiscite

Indirect democracy where the representatives elected by the people exercise. = Representative democracy which is of two kinds parliamentary and presidential

Universal adult franchise, periodic elections, rule of law, independence of judiciary, and absence of discrimination on certain grounds are the manifestations of the democratic character of the Indian polity.

India has an indirectly elected head called the president for a fixed period of five years.

· Vesting of political sovereignty in the people

The absence of any privileged class and hence all public offices being opened to every citizen without any discrimination.

 Dignity of the individual and the unity and integrity of the nation. FRATERNITY

• Fundamental Duties (Article 51-A) say that it shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood

Found in Fundamental Rights and Directive Principles

 Social justice denotes the equal treatment of all citizens without any social distinction based on caste, colour, race, religion, sex

 Economic justice denotes the non-discrimination between people on the basis of economic factors

 Political justice implies that all citizens should have equal political rights, equal access to all political offices and equal voice in the

government

· Liberty of thought, expression, belief, faith and worship, through their Fundamental Rights, enforceable in court of law, in case of violation.

Meaning the absence of special privileges to any section of the society, and the provision of adequate opportunities for all individuals without any discrimination.

• Three dimensions of equality—civic, political and economic
• Article 14-18, Article 39, Article 325 and 326 = provisions in the constitution

