



PREAMBLE

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THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **¹[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 **²[unity and integrity of the Nation]**;

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

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f.3.1.1977)

2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f.3.1.1977)

What is a Preamble?

- . A preamble is an introductory statement in a document that explains the document's **philosophy and objectives**.
- . It's an identity card of the Constitution.
- . In a Constitution, it presents the **intention of its framers**, the **history behind its creation**, and the **core values and principles of the nation**.
- . The preamble basically gives idea of the following things/objects:
 - **Source of the Constitution**
 - **Nature of Indian State**
 - **Statement of its objectives**
 - **Date of its adoption**

History of Preamble?

- On January 22, 1947, the Constituent Assembly adopted the Objectives Resolution drafted by Jawaharlal Nehru. The Objectives Resolution contained the fundamental propositions of the Constitution and set forth the political ideas that should guide its deliberations.
- The main principles of the resolution were:
 - that India is to be an independent, sovereign republic ;
 - that it is to be a democratic union with an equal level of self-government in all the constituent parts;
 - that all power and the authority of the Union Government and governments of the constituent parts are derived from the people;
 - that the constitution must strive to obtain and guarantee to the people justice-based upon social, economic and political equality, of opportunity and equality before the law;
 - that there should be freedom of thought, expression, belief, faith, worship, vocation, association and action;
 - that the constitution must provide just rights for minorities, and people from backward and tribal areas, etc. so that they can be equal participants of social, economic and political justice; and
- to frame a constitution that should secure for India, a due place in the community of nations

Keywords of Preamble

- - **We, the people of India:** It indicates the **ultimate sovereignty of the people of India**. Sovereignty means the independent authority of the State, not being subject to the control of any other State or external power.
 - **Sovereign:** The term means that India has its own independent authority and it is not a dominion of any other external power. In the country, the legislature has the power to make laws which are subject to certain limitations.
 - **Socialist:** The term means the **achievement of socialist ends through democratic** means. It holds faith in a mixed economy where both private and public sectors co-exist side by side. It implies social and economic equality
 - It was added in the Preamble by 42nd Amendment, 1976.
 - **Secular:** The term means that all the religions in India get equal respect, protection and support from the state. (Article 25 to 28). Positive secularism.
 - It was incorporated in the Preamble by 42nd Constitutional Amendment, 1976.
 - **Democratic:** The term implies that the Constitution of India has an established form of Constitution which gets its authority from the will of the people expressed in an election.
- **Republic:** There are two types of polity – republic and monarchy. The term indicates that the head of the state is elected by the people. Head of the Government – Prime Minister and Constitutional head of the state is President.

Socialist

- India brand of socialism means democratic socialism and not communistic socialism.
- Communistic socialism – means nationalization of all means of production and distribution and abolition of privatization.
- Democratic socialism – holds faith in mixed economy where both private and public co-exist side by side. It's a blend of Marxism and Gandhism, leaning heavily on Gandhian socialism.
- Gandhian socialism is against violence, while Marxism supports violent revolution.

Objectives of Preamble

- **Justice:** It is necessary to maintain order in society that is promised through various provisions of **Fundamental Rights** and **Directive Principles of State Policy** provided by the Constitution of India. It comprises three elements, which are **social, economic, and political**.
 - **Social Justice** – Social justice means that the Constitution wants to create a society without discrimination on any grounds like caste, creed, gender, religion, etc.
 - **Economic Justice** – Economic Justice means no discrimination can be caused by people on the basis of their wealth, income, and economic status. Every person must be paid equally for an equal position and all people must get opportunities to earn for their living.
 - **Political Justice** – Political Justice means all the people have an equal, free and fair right without any discrimination to participate in political opportunities.
- **Equality:** The term 'Equality' means no section of society has any special privileges and all the people have given equal opportunities for everything without any discriminations. Everyone is equal before the law.
- **Liberty:** The term 'Liberty' means freedom for the people to choose their way of life, have political views and behavior in society. Liberty does not mean freedom to do anything, a person can do anything but in the limit set by the law.
- **Fraternity:** The term 'Fraternity' means a feeling of brotherhood and an emotional attachment with the country and all the people. Fraternity helps to promote dignity and unity in the nation.

Status of Preamble

- The preamble being part of the Constitution is discussed several times in the Supreme Court. It can be understood by reading the following two cases.
 - **Berubari Case:** It was used as a reference under **Article 143(1)** of the Constitution which was on the implementation of the Indo-Pakistan Agreement related to the Berubari Union and in exchanging the enclaves which were decided for consideration by the bench consisting of eight judges.
 - Through the [Berubari case](#), the Court stated that 'Preamble is the key to open the mind of the makers' but it can not be considered as part of the Constitution. Therefore it is not enforceable in a court of law.
- **Kesavananda Bharati Case:** In this [case](#), for the first time, a bench of 13 judges was assembled to hear a writ petition. The Court held that:
 - The **Preamble of the Constitution** will now be considered **as part of the Constitution**.
 - The Preamble is not the supreme power or source of any restriction or prohibition but it plays an important role in the interpretation of statutes and provisions of the Constitution.
 - So, it can be concluded that preamble is part of the introductory part of the Constitution.
- In the 1995 case of **Union Government Vs LIC of India** also, the Supreme Court has once again held that Preamble is the integral part of the Constitution but is not directly enforceable in a court of justice in India.

Amendment of Preamble

- **42nd Amendment Act, 1976:** After the judgment of the Kesavanand Bharati case, it was accepted that the preamble is part of the Constitution.
 - As a part of the Constitution, preamble can be amended under [Article 368](#) of the Constitution, but the [basic structure](#) of the preamble can not be amended.
 - As of now, the preamble is only amended once through the [42nd Amendment Act, 1976](#).
- The term 'Socialist', 'Secular', and 'Integrity' were added to the preamble through 42nd Amendment Act, 1976.
 - 'Socialist' and 'Secular' were added between 'Sovereign' and 'Democratic'.
- 'Unity of the Nation' was changed to 'Unity and Integrity of the Nation'.