

Lecture 2 Notes: Preamble and the Philosophical Values of the Constitution

Each constitution has its own philosophy, basic principles and a world outlook. It gives a perspective, set out some ideals and put down some core values in front of the citizens.

In this respect, the preamble of our constitution is a philosophical perspective, a kind of pledge and a desirable goal to be achieved.

The Preamble of the constitution was a reflection of objective resolutions that was moved by Nehru in 1946 and was adopted by the Constituent assembly on 22nd January 1947. The basic premises of the 8 objective resolutions were of the following:

Main points of the Objectives Resolution

- √ India is an independent, sovereign, republic;
- √ India shall be a Union of erstwhile British Indian territories, Indian States, and other parts outside British India and Indian States as are willing to be a part of the Union;
- √ Territories forming the Union shall be autonomous units and exercise all powers and functions of the Government and administration, except those assigned to or vested in the Union;
- √ All powers and authority of sovereign and independent India and its constitution shall flow from the people;
- √ All people of India shall be guaranteed and secured social, economic and political justice; equality of status and opportunities and equality before law; and fundamental freedoms - of speech, expression, belief, faith, worship, vocation, association and action - subject to law and public morality;
- √ The minorities, backward and tribal areas, depressed and other backward classes shall be provided adequate safeguards;
- √ The territorial integrity of the Republic and its sovereign rights on land, sea and air shall be maintained according to justice and law of civilized nations;
- √ The land would make full and willing contribution to the promotion of world peace and welfare of mankind.

In the words of Nehru, the above mentioned resolutions were “something more than a resolution. It is a declaration, a firm resolve, a pledge, an undertaking and for all of us a dedication.”

Now if we look at the preamble as it exists today, then it reads as follows:

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] of the Nation;

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

The 42nd Amendment Act of 1976 added the words “secular and socialist” to the opening line of the preamble.

Similarly, the 42nd Amendment Act of 1976 added the words “and integrity” to the penultimate line or second last line of the preamble. The current version of the preamble was effective from 3rd January 1977.

The importance and utility of the Preamble were pointed out in several verdicts of the Supreme Court although it is not enforceable in a court of law like the Fundamental rights.

The preamble serves two purposes: 1) it indicates the *source* from which the constitution derives its authority and 2) it also states the *objects* which the constitution seeks to establish and promote.

Our constitution states that India is an independent and sovereign country. This sovereignty is however not inconsistent even India is a member of the British Commonwealth. Commonwealth countries are those who were once colonies of the British Empire.

It is also a republic as all offices including that of the President, Prime minister and chief ministers of the provinces are open to the citizens of the country. Also, it strives to promote international peace, which has been reiterated in Article 51 of the Indian constitution.

India is also a democratic republic and it is governed by the logic of electoral democracy with universal adult suffrage. In this respect, India is a representative democracy and today, it is the largest democracy in the world where the government is of the people, by the people and for the people.

The preamble also notes that the country must ensure political, economic and social justice. At the same time, it wants to create a democratic society. In fact, Ambedkar reminded in his final speech at the Constituent Assembly during the third reading of the draft constitution in the constituent assembly debates during 17-26 November 1946 with the following words:

We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life... On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In Politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value.... We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.

Along with the principles of liberty, equality and fraternity, the preamble after the 1976 amendment also wants to create a socialistic pattern of society, which in all practical terms was to ensure a welfare state like many social democracies in the West.

Moreover, it is also clear from the 1976 amendment that a secular state must be formed guaranteeing freedom of religion to all along with maintaining the unity and integrity of the country.

In the preamble, however, the normative values of 'rights' and 'duties' were not uttered. Rights will be stated in Part 3 of the constitution while duties will find a place in Part 4A of the constitution.

took 2 years, 11 months and 18 days to form constitution