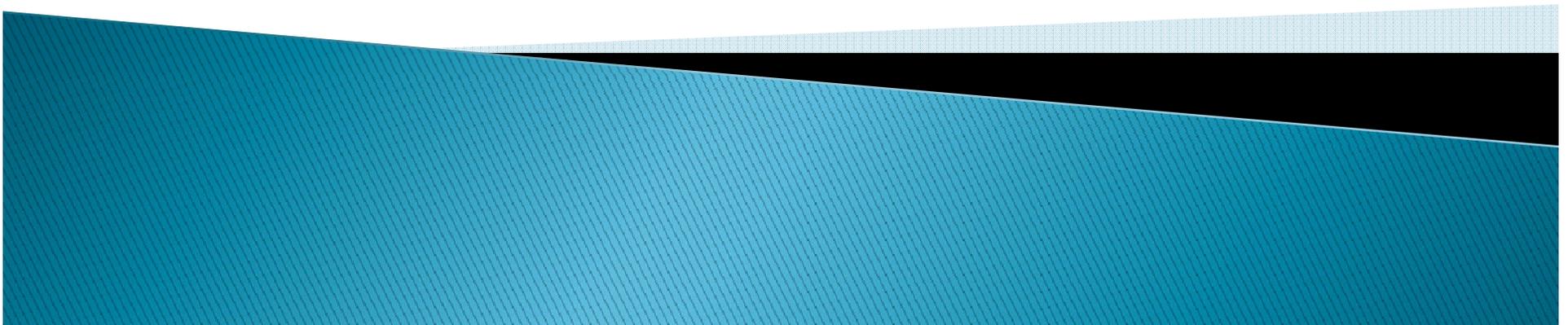


“Preamble to the constitution of India”

Subject - Political Science
BA 3rd Semester , Paper- III
(General Course)



Introduction:

- ▶ The idea of the Preamble has been borrowed from the Constitution of USA.
 - ▶ ‘Preamble’ refers to the introduction or preface of the Constitution.
 - ▶ The Preamble is said to be the soul of the Constitution.
 - ▶ N. A. Palkhivala an eminent jurist called Preamble as the “Identity card of the constitution”.
 - ▶ The Preamble to the Indian constitution is based on the ‘Objectives Resolution’ of Pt. Jawaharlal Nehru.
 - ▶ The words ‘Socialist’ ‘Secular’ and ‘Integrity’ were added to the Preamble by the 42nd Amendment Act (1976).
 - ▶ The Constitution was adopted on 26th November 1949 and finally came into effect on 26th January 1950.
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TEXT OF THE PREAMBLE TO THE CONSTITUTION OF INDIA

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

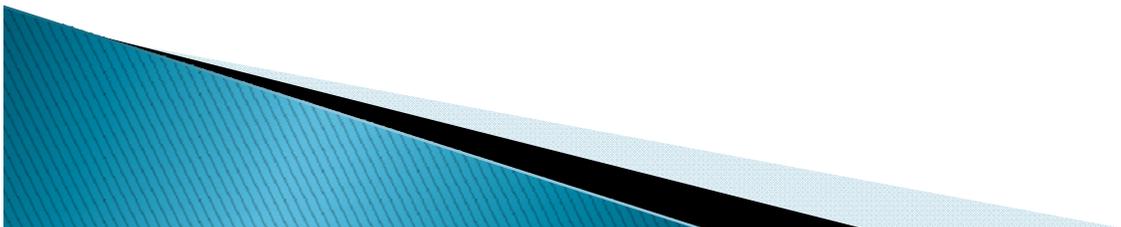
**HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS
CONSTITUTION.**



Salient features of the Preamble -

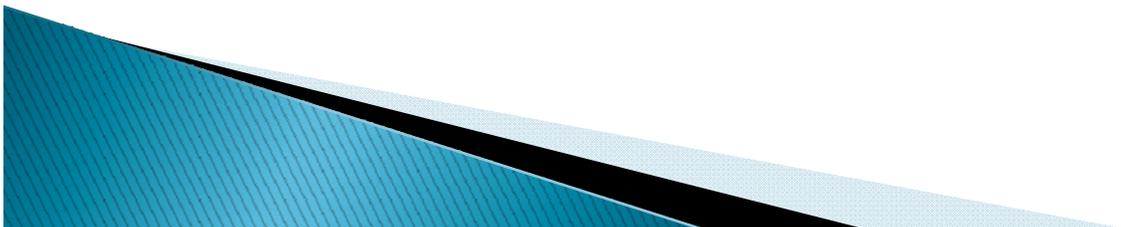
It can be analyzed in four parts-

- 1) The source of Authority
- 2) Nature of State
- 3) Objectives of the State
- 4) Date of Adoption and Enactment



The Source of Authority -

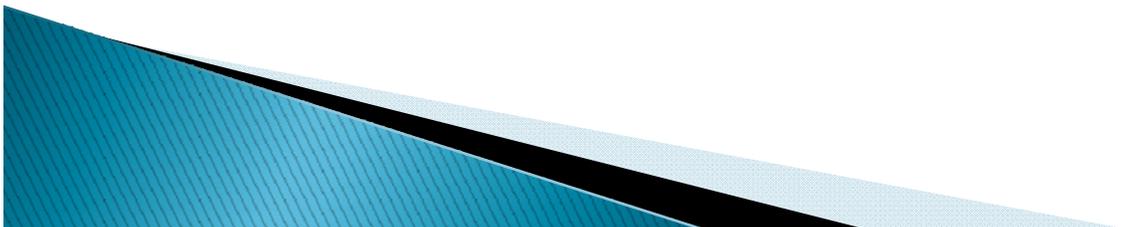
- The opening lines of the Preamble:
‘We the people of India’ denotes the principle of **Popular Sovereignty**.
- These words testify to the fact that **the people of India are the ultimate source of all authority**.



Nature of the State -

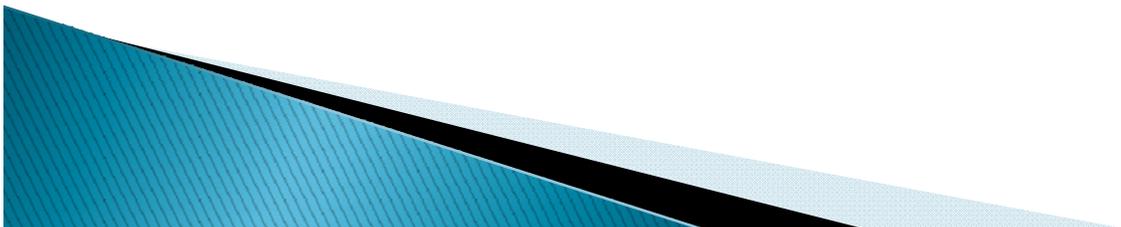
India has been declared as a

- ❖ Sovereign
- ❖ Socialist
- ❖ Secular
- ❖ Democratic
- ❖ Republic



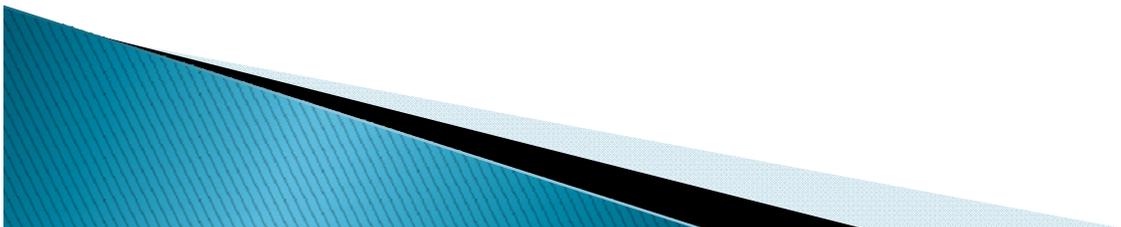
Sovereign -

- ▶ The Preamble proclaims that India is a sovereign state.
- ▶ The word **Sovereign** means **supreme or independent**. It implies that India is an independent state.
- ▶ There is no authority above it and it is free both internally and externally to conduct its own affairs.



SOCIALIST -

- The word '**Socialist**' was added by the **42nd Amendment Act , 1976.**
- It reflects the fact that India is committed to secure social, economic and political justice for all its people. It stands for ending all forms of exploitation as well as for securing equitable distribution of income, resources and wealth. This has to be secured by peaceful, constitutional and democratic means.
- The term '**India is a Socialist state**' really means, '**India is a democratic socialist state.**'



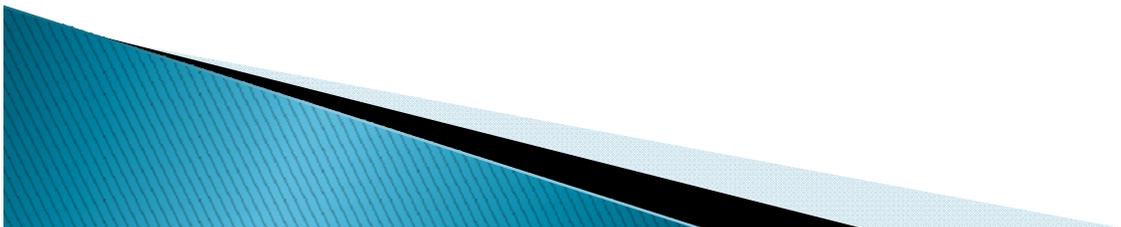
SECULAR -

- By the **42nd Amendment**, the term ‘**Secular**’ was incorporated in the Preamble.
- The Indian constitution embodies the positive concept of Secularism i.e. all religions in our country have the same status and support from the state.
- India guarantees equal freedom to all religions. As such, **Article 25-28** guaranteeing **the Right to Freedom of Religion** has been incorporated in our Constitution.



DEMOCRATIC STATE -

- ▶ The Preamble declares India to be a Democratic State. The authority of the government rests upon the **sovereignty of the people**. The people enjoy equal political rights.
- ▶ They elect their government at all levels by the process of **universal adult suffrage**. The people can change their government through elections. The government enjoys limited powers.
- ▶ The term 'democratic' in our preamble is used in a broader sense embracing not only **political** but **social and economic democracy** as well.



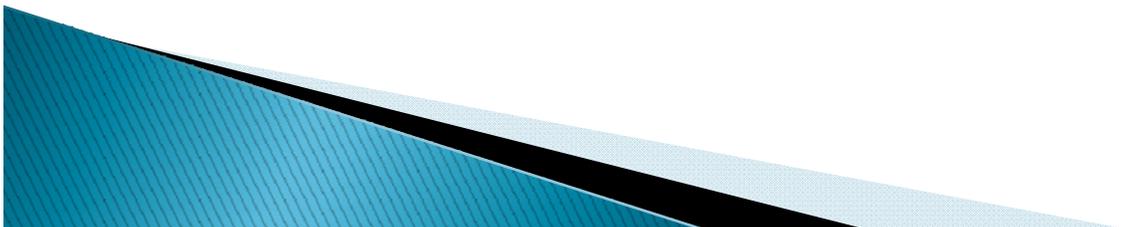
REPUBLIC STATE -

- ▶ The Preamble declares India to be a Republic.
 - ▶ Negatively, this means that India is not ruled by a monarch or a nominated head of state.
 - ▶ Positively, it means that India has an elected head of state who wields power for a fixed term.
 - ▶ The President of India is the elected sovereign head of the state. He holds a tenure of 5 years.
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Objectives of the constitution -

It seeks to secure for all its citizens the following-

1. Justice
2. Liberty
3. Equality
4. Fraternity



JUSTICE -

➤ **Social Justice:**

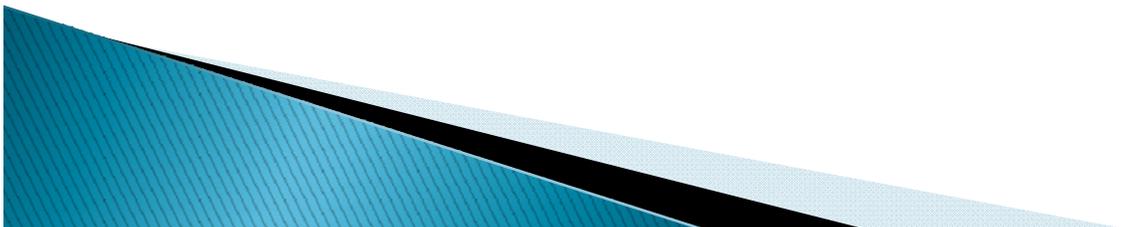
No discrimination against any citizen on grounds of caste, creed, color, religion, sex or place of birth.

➤ **Economic Justice:**

Non-discrimination between people on the basis of economic factors. It stands for securing of adequate opportunities to all for earning their livelihoods.

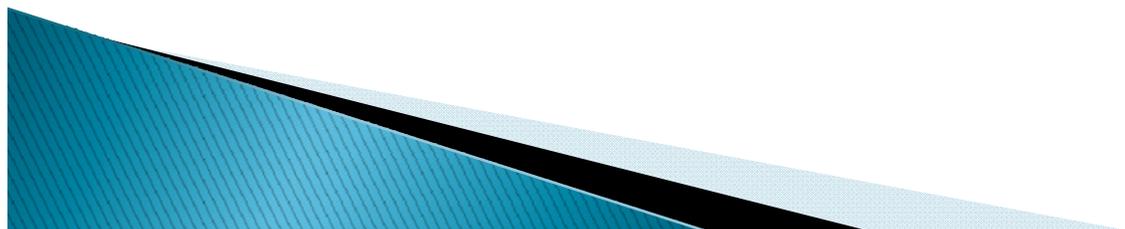
➤ **Political Justice:**

It stands for the grant of equal political rights to all the people without any discrimination.



LIBERTY -

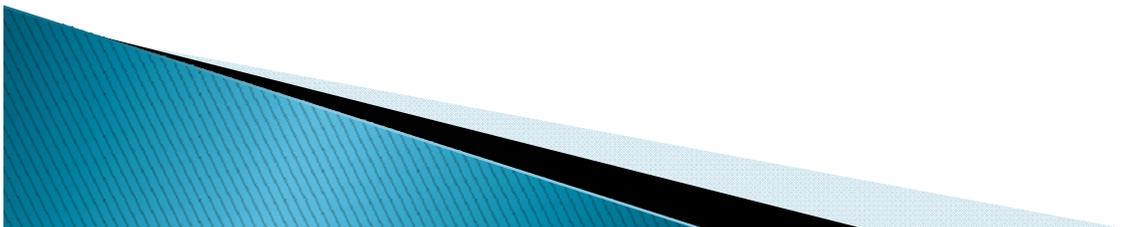
- ❑ The Preamble secures to all the citizens of India **liberty of thought, expression, belief, faith and worship.**
- ❑ These are guaranteed to the people in Part III of the Constitution as The Right to Freedom (Art. 19-21) and the Right to Freedom of Religion (Art. 25-28)



EQUALITY -

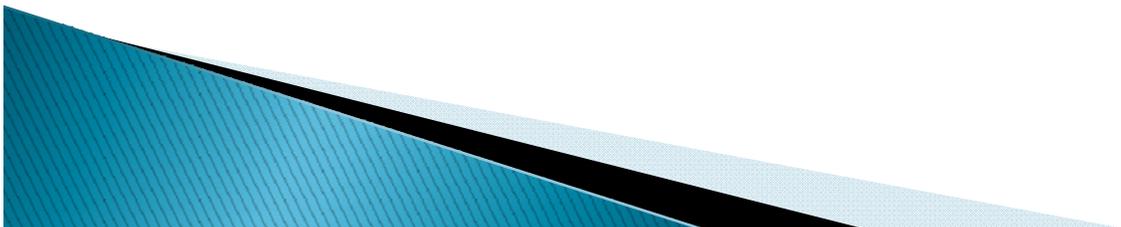
‘Equality’ means the absence of special privileges to any section of the society, and the provision of adequate opportunities for all individuals without any discrimination.

- ▶ **Equality of status** - all persons are equal and free citizens of India enjoying equality before law.
- ▶ **Equality of opportunity** i.e. adequate opportunities for all to develop and choose means of livelihood. For securing the equality of status and opportunity, the Constitution of India grants and guarantees the fundamental Right to Equality (Art. 14-18).



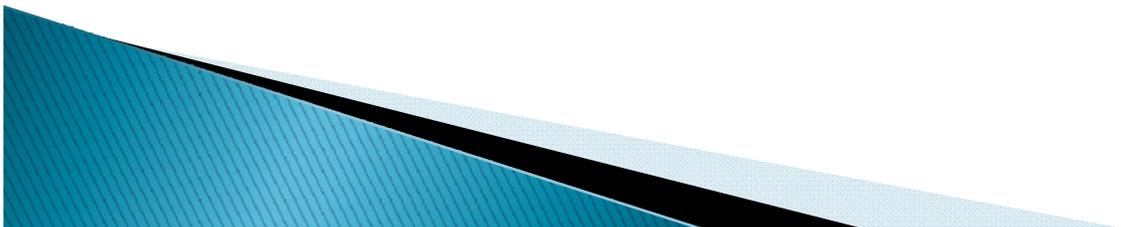
FRATERNITY -

- Fraternity means a sense of common brotherhood.
- The Preamble stresses to promote fraternity among the people of India so that they are able to rise above the narrow feelings of communalism, lingualism, regionalism, casteism etc.
- The preamble declares that fraternity has to assure two things – the **dignity of the individual** and **unity and integrity of the nation**. The phrase ‘unity and integrity of the nation’ embraces both the psychological and territorial dimensions of national integration



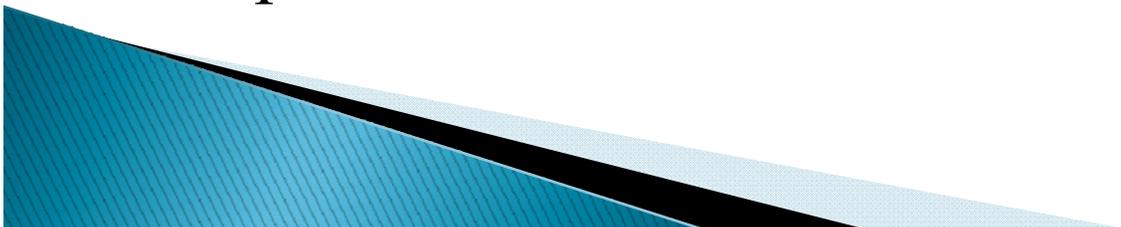
DATE OF ADOPTION AND ENACTMENT -

The Constitution was adopted on **26 November, 1949** by **the Constituent Assembly** acting as the elected representative body of the people of India and was enforced on **January 26, 1950**.

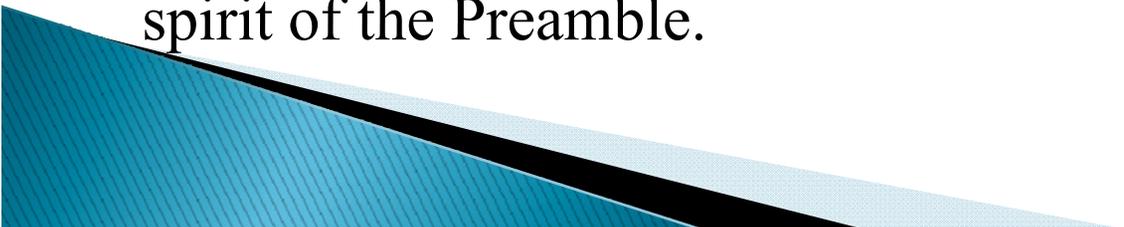


Question on amendability-

- On the question of amendability of the Preamble under Art. 368, it held that the Preamble can be amended on the condition that no amendment is done to the 'basic element' or 'the basic feature' of the Constitution.
- This followed from the judgement by the Supreme Court in the Kesavananda Bharati case (1973).
- The Preamble has been amended only once so far, in 1976, by the 42nd Amendment Act, which has added three new words – Socialist, Secular and Integrity - to the preamble.



SIGNIFICANCE OF THE PREAMBLE -

- The Preamble embodies the basic philosophy and fundamental values on which the Constitution is based.
 - It contains the grand noble vision of the Constituent Assembly, and reflects the dreams and aspiration of the founding fathers of the constitution.
 - It is a **Key for the interpretation of the Constitution** as a whole.
 - It reflects the Basic Structure and spirit of the Constitution.
 - It contains the basic features of the Constitution.
 - It highlights the type of society and government it wishes to establish.
 - Though the Preamble doesn't contain laws enforceable in a court but no law can be enacted or amended in a manner that violates the spirit of the Preamble.
- 

CONCLUSION:

- The Preamble in the words of P.T. Das Bhargava, a member of the Constituent Assembly, is the most precious part of the Constitution, it is the soul of the Constitution, a yardstick with which one can measure the worth of the Constitution.
- The Preamble, which is the first page of constitution, like other part of the Constitution, was enacted by the Constituent Assembly, but, after the rest of the Constitution was already enacted. The reason for inserting the Preamble at the end was to ensure that it was in conformity with the Constitution as adopted by the constituent Assembly.

