Preamble to the Indian Constitution

What is a Preamble?

- A preamble is an introductory statement in a document that explains the document's **philosophy and objectives.**
- 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 the Preamble to Indian Constitution

- The ideals behind the Preamble to India's Constitution were laid down by **Jawaharlal Nehru's Objectives Resolution,** adopted by the Constituent Assembly on January 22, 1947.
- Although not enforceable in court, the Preamble states the objectives of the Constitution, and acts as an aid during the interpretation of Articles when language is found ambiguous.

Components of Preamble

- It is indicated by the Preamble that the **source of authority** of the Constitution lies with the **people of India.**
- Preamble declares India to be a **sovereign, socialist, secular and democratic republic.**
- The objectives stated by the Preamble are to **secure justice, liberty, equality to all citizens and promote fraternity to maintain unity and integrity of the nation.**
- The date is mentioned in the preamble when it was adopted i.e. **November 26, 1949.**

Key words in the 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 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.
    - 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:** The term indicates that the head of the state is elected by the people. In India, the President of India is the elected head of the state.

Objectives of the Indian Constitution

- The Constitution is the supreme law and it helps to **maintain integrity in the society** and to **promote unity among the citizens** to build a great nation.
    - The main objective of the Indian Constitution is to **promote harmony throughout the nation.**
- The factors which help in achieving this objective are:
    - **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 is **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.
- **Importance of Objectives:** It provides a way of life. It includes **fraternity, liberty,** and **equality** as the notion of a happy life and which can not be taken from each other.
    - Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity.
    - Without equality, liberty would produce the supremacy of the few over the many.
    - Equality without liberty would kill individual initiative.
    - Without fraternity, liberty would produce the supremacy of the few over the many.
    - Without fraternity, liberty and equality could not become a natural course of things.

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 the 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'.

Fact:

- Article 394 of the Constitution states that Articles 5, 6, 7, 8, 9, 60, 324, 367, 379 and 394 came into force since the adoption of the Constitution on 26th November 1949 and the rest of the provisions on 26th January 1950.
- The concept of Liberty, Equality, and Fraternity in our Preamble was adopted from the French Motto of the French Revolution.

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.**

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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)

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