
Introduction

The term Preamble means an introductory statement that sets out the guiding purpose, principles and philosophy of the Indian Constitution. A preamble gives a brief introduction of documents by highlighting the principles and fundamental values of the document. It shows the source of the authority of the document. The American Constitution was the first Constitution in the world to begin with Preamble. The Preamble of the Indian constitution is based on the 'Objective Resolution' moved by Jawaharlal Nehru in the Constituent Assembly which was adopted by the Constituent Assembly.

The Constitution of India begins with a Preamble. It is interesting to know that the Preamble, though the Constitution starts with it, was not the first to come into existence. It was the last piece of Drafting adopted by the Constituent Assembly at the end of the first reading of the Constitution and then placed at the beginning of the Constitution. Several amendments were suggested in the Preamble but they all were rejected. At the end, the President of the Constituent Assembly moved the motion- "That the Preamble stands part of the Constitution." Thus, Preamble was added to the Constitution.

The 42nd Amendment of 1976, changed the description of India from a "sovereign democratic republic" to a "sovereign, socialist secular democratic republic", and also added the word 'integrity' to change, "unity of the nation" to "unity and integrity of the nation".

Preamble embodies the basic philosophy and fundamental values-political, moral and religious on which it is based.

Text of The 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.

Components of The Preamble

- ❑ SOURCE OF AUTHORITY: Preamble specifies that Constitution of India derives its authority from the people of India
- ❑ NATURE OF INDIAN STATE: Preamble declares India as a Sovereign, Socialist, Secular, Democratic and Republican state.
- ❑ OBJECTIVES OF THE CONSTITUTION: Preamble specifies justice, liberty, equality and fraternity as its objectives.
- ❑ DATE OF ADOPTION: Preamble mentions 26-November-1946 as its adoption date.

Nature of Preamble

- ❑ In Keshavananda Bharti case (1972), the Supreme Court held that, 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.
- ❑ In LIC case (1995), the Supreme Court held that, Preamble is non-justiciable, its provisions are not enforceable in the courts of law, but it helps in the legal interpretation of the Constitution of India.

Ideals Menntioned in the Preamble***Sovereign:***

Sovereignty is one of the principle elements of any independent State. It means absolute independence, i.e., a government is not controlled by any other power, be it internal or external. A country cannot have its own constitution without being sovereign. India is a sovereign country. The term 'Sovereign' mentioned in

the Preamble means that India has its own independent authority and it is not a dominion of any other external power. In India, the legislature has the power to make laws which is subjected to certain limitations. As a sovereign country, India can acquire foreign territory or cede a part of it in favour of any country. It is free from any external control. It can frame state policies on its own. India is also free to formulate its own foreign policy

Socialist:

Initially, the word socialist was not there in the Preamble. It was added by the 42nd Amendment act 1976 in the Preamble. The word 'Socialism' had been used in the context of economic planning. It means commitment to attain ideals like removal of inequalities, provision to ensure minimum basic necessities to all, equal pay for equal work. In the Directive Principles of the State Policy, these ideals have been incorporated. It is basically a 'Democratic Socialism'- the term means the achievement of socialist ends through democratic means, that is followed in the mixed economy like India where both private and public sectors co-exist side by side.

Secular:

The term 'secular' was also added by the 42nd Constitutional Amendment Act of 1976. In the context of secularism in India, 'India is neither religious, nor irreligious nor anti- religious.' It implies that in India there will be no 'State' religion – the 'State' will not favour any particular religion out of public fund. This has two implications,

- i. every individual is free to believe in, and practice, any religion he/ she belongs to, and,
- ii. State will not discriminate against any individual or group on the basis of religion.

The concept of secularism was already implicit in the Indian Constitution. Articles 25 to 28 of the Constitution guarantees every person the freedom of conscience and the right to profess, practice and propagate religion. Indian Constitution encompasses positive concept of secularism that all religion in India have the same status and support from the state.

Comparison with Western Secularism:	
Western Secularism	Indian Secularism
In western society, secularism refers to the complete separation between the state and religion and freedom of religion for all people.	There's no clear demarcation between state and religion in India, positive intervention of the state in religious affairs is not prohibited.
The Western concept of Secularism does not believe in an open display of religion except for places of worship. In a country like France, the hijab is banned because the external manifestation of religion is not appreciated in that society.	In India, secularism manifests itself by the creation of an environment where every religion is represented and its followers can freely practice the religion. All expression of Religion is manifested equally with support from the state.
In western society, laws are made in isolation from religious principles.	In India, the law seeks to incorporate the multiple religious principles that followers of different religions comply to.
The state cannot give any financial support to educational institutions run by religious communities.	The state provides all religious minorities with the right to establish and maintain their own educational institutions which may receive assistance from the state.
The State does not intervene in the affairs of religion until the time religion is working within the limits of the law.	In Indian secularism, the state shall interfere in religion so as to remove evils in it.
A single uniform code of law is used to dispense justice regardless of religious background.	In matters of law in modern India, however, the applicable code of law is unequal, and India's personal laws– on matters such as marriage, divorce, inheritance, alimony– varies with an individual's religion. Muslim Indians have Sharia-based Muslim Personal Law, while Hindu, Christian and Sikh Indians live under common law.
Focus is more on intrareligious domination than interreligious due to religiously homogeneous nature of the State.	Focusing both on interreligious and intra religious dominations because Indian society is not homogenous rather it is multi-religious that has numerous religious denominations and caste under each.
It is concerned with liberty and equality among the individuals of the particular religion and often neglected the equality of other religious minorities.	It not only ensures the religious freedom of individuals but also provides for the religious freedom of minorities.

Democratic:

As said by Abraham Lincoln, 'Democracy is government of the people, by the people and for the people'. The term 'Democratic' implies that the Constitution of India has an established form of Constitution which gets its authority from the possession of supreme power by the people expressed in an election. This means that the Government is elected by the people, it is responsible and accountable to the people. The democratic principles are highlighted with the provisions of universal adult franchise, elections, fundamental rights, and responsible government. The term Democracy used in Preamble embraces not only political democracy but also social and economic democracy.

In views of Dr. Ambedkar, Political democracy cannot succeed without social and economic democracy. For him, the best mode of achieving socio-economic democracy is to achieve political democracy at the first instance. The importance of ideas of political social and economic democracy lies in the fact that, rights cannot be enjoyed by the citizens of any nation in the absence of them. The coexistence of all three democracies is imperative to achieve the goals of equality and fraternity as enshrined in our Constitution in Preamble.

Republic:

India has a republic form of government as the head of state is elected and not a hereditary monarch like a king or queen. It means the power to elect the head of the state for a fixed term lies within the people. So, in conclusion, the word 'republic' shows a government where the head of state is elected by the people rather than any birth-right.

Justice:

Justice stands for rule of law, absence of arbitrariness and a system of equal rights, freedom and opportunities for all in a society. Justice is to give people what they are entitled for in terms of basic rights to food, clothing, housing, participation in the decision-making and living with dignity as Human Beings. The Preamble covers all these dimensions of justice – social, economic and political secured through various provisions of the Fundamental and Directive Principles.

- ❑ Social justice in the Preamble means equal treatment of all citizens without any discrimination on the grounds of race, religion, caste, sex or place

of birth. It also means absence of any privileges to any section of the society and also take necessary steps to improve the conditions of SC/ ST, OBC's and women.

- ❑ Economic Justice means no discrimination can be caused by people on the basis of their wealth, income, and economic status. It means wealth must be distributed on the basis of their work, not with any other reason. Every person must be paid equally for an equal position and all people must get opportunities to earn for their living. A blend of social and economic justice is also known as distributive justice.
- ❑ Political Justice means that all citizens have equal rights in political participation. Indian Constitution provides for universal adult suffrage and equal value for each vote, without any sort of qualification, e.g. education, property, social status.

The ideals of justice are taken from Russian Revolution.

Liberty:

The idea of Liberty refers to the freedom on the activities of citizens. This establishes that there are no unreasonable restrictions on Indian citizens in term of what they think, their manner of expressions and the way they wish to follow up their thoughts in action. However, liberty does not mean freedom to do anything, and it must be exercised within the constitutional limits.

The Preamble provides for the liberty of thought, expression, belief, faith, and worship. The Indian Constitution guarantees six democratic freedoms to the individuals under Art. 19 and right to freedom of religion under Arts. 25-28.

The ideals of Liberty, Equality and Fraternity are taken from French Revolution.

Equality:

The term 'equality' means the absence of special privilege to any section of society, and the provision of adequate opportunity of all the individuals without any discrimination. Preamble ensures equality at- social, political and economic front.

- ❑ Constitution mentions few articles in Fundamental rights to ensure equality in society:
 - Prohibition of discrimination by the State only

on the basis of religion, caste, sex, or place of birth (Art. 15).

- Equality of opportunity in terms of public employment (Art. 16)
- Abolishing untouchability (Art. 17)
- Abolishing titles of honour (Art. 18).
- However, to bring the neglected/ backward sections of the society into the national mainstream, the Parliament has passed certain laws for the SCs, STs, OBCs and also, women (Protective Discrimination).
- Article 39 of Directive principle of State policy ensures economic equality which states for equitable distribution of wealth, equal pay for both men and women for equal work.
- Article 325 and article 326 of the Constitution enables political equality amongst the citizens by providing universal adult suffrage.

Fraternity:

- Fraternity as enshrined in the Constitution means a sense of brotherhood prevailing amongst all the sections of the people. However, fraternity is an evolving process and by the 42nd amendment, the word 'integrity' was added, thus giving it a broader meaning.
- Fundamental duties implicitly describe about fraternity as it talks about upholding and protecting the sovereignty, unity and integrity of India.
- To ensure sense of brotherhood Indian Constitution have provision of single citizenship.

Significance of the Preamble:

- The Preamble to the Constitution embodies the essence of the entire Constitution.
- It sets out the main objectives, which the Constituent Assembly intended to achieve.
- As the Supreme Court has observed, the Preamble is a key to unravel the minds of the makers of the Constitution. It also embodies the ideals and aspirations of the people of India.
- It can neither provide substantive power (definite and real power) to the three organs of the State, nor limit their powers under the provisions of the Constitution.

- As observed by the Supreme Court, the Preamble plays a limited and yet vital role in removing the ambiguity surrounding the provisions of the Constitution.

- The ideals are the means to achieve aspirations

Whether the Preamble is a part of the Constitution?

- In the Berubari Union case (1960), Supreme Court held that Preamble is not a part of the Constitution. However, it is a key to the mind of framers of the Constitution and it reveals their intentions. Preamble is in itself neither a source of any powers, nor a source of any restrictions. The preamble is an important tool for interpretation of the Constitution.
- The Supreme Court in the Kesavananda Bharati vs. State of Kerala (1971) case overruled its earlier decision (Berubari case) of 1960 and made it clear that it is a part of the Constitution and is subject to the amending power of the Parliament as any other provisions of the Constitution, provided the basic structure of the Constitution as mentioned in the Preamble is not destroyed. However, it is not an essential part of the Constitution.
- Minerva Mills V Union of India (1980), Supreme Court held that any positive amendment in the Preamble can certainly be made. Preamble can be amended by procedure held in Article 368 of the Constitution.
- In the latest S.R. Bommai case, 1993 regarding the dismissal of three Governments in MP, Rajasthan and Himachal Pradesh, Justice Ramaswamy said, "the Preamble of the Constitution is an integral part of the Constitution. Democratic form of government, federal structure, unity and integrity of the nation, secularism, socialism, social justice and judicial review are basic features of the Constitution".

Why the two words were left out of original Preamble?

- As per the Constituent Assembly debate over word secular, Dr. B.R. Ambedkar refuted its inclusion with a reason that there was no need to include the term 'secular' as the entire Constitution embodied the concept of secular state, which meant non-discrimination on grounds of religion and equal rights and status to all citizens.
- On the inclusion of the term 'socialist,' he said it is

against the very grain of democracy to decide in the Constitution what kind of society the people of India should live in. Dr Ambedkar said “It is perfectly possible today, for the majority people to hold that the socialist organisation of society is better than the capitalist organisation of society. But it would be perfectly possible for thinking people to devise some other form of social organisation which might be better than the socialist organisation of today or of tomorrow. I do not see therefore why the Constitution should tie down the people to live in a particular form and not leave it to the people themselves to decide it for themselves”. His words had influenced the final decision to omit the two words.

The question arises as to why Preamble was amended?

By the 42nd amendment, the Preamble was amended to include 'socialist', 'secular', 'integrity,' as it was assumed that this amendment is clarificatory in nature.

The structure of the Constitution has been built

upon the concepts crystallized in the Preamble. The 42nd amendment adds liveliness to the philosophy of the Constitution. It makes explicit what was implicit in the Constitution i.e., Positive Amendment.

Prime Minister Indira Gandhi re-introduced the two words for political reasons in the 42nd Constitution Amendment of 1976. In the opinion of Constitutional expert Subhash Kashyap, “The word ‘socialist’ was added to send a message politically that she stood for the poor. The word ‘secular’ was obviously meant for the minorities in the context of the birth control programmes of the emergency period. It was not as if the Constitution was not secular or socialist before the words were added. India has been secular before the 42nd Amendment and continues to be secular after it.