

Preamble of the Indian Constitution, Meaning, Notes, Amendment

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The Preamble to the Constitution is the reflection of the core values, philosophy and objectives that embody the Constitution. It declares India to be a **Sovereign, Socialist, Secular, Democratic, Republic** committed to Justice, Equality and Liberty for the people. Although it does not grant substantive rights to the people and neither is enforceable in the courts, it is a guiding light in the interpretation of the Constitution. It was introduced through the **Objective Resolution** by Jawaharlal Nehru and adopted on **January 22, 1947**.

The Supreme Court through various judgements has held that the Preamble is a part of the Constitution. The opening and last sentences of the Preamble -“We, the people...adopt enact and give to ourselves this Constitution” imply that sovereignty lies with the people of India. Thus, it is the soul of the Constitution.

Evolution of Preamble

The journey of the Preamble began with the **Objective Resolution**, introduced by **Jawaharlal Nehru** on **December 13, 1946**, in the Constituent Assembly. This resolution laid the groundwork for the core principles and

objectives that would guide the drafting of the Constitution.

- **Objective Resolutions:**

- It declared India as an **independent sovereign republic governed by the Constitution**.
- It stated that all territories of India, including those under British rule, would form the **'Union of India'**.
- These territories would be **autonomous units** with powers derived from the people of the sovereign.
- It guaranteed **justice, social, economic, and political equality**, along with freedom of thought, expression, belief, faith, worship, vocation, association, and action (subject to law and public morality).
- It also provided **safeguards for minorities, depressed and backward classes, and tribal areas**.

- **Drafting of the Preamble:** B.N Rao drafted a version of the Preamble, stating, "We, the people of India, seeking to promote the common good, do hereby, through our chosen representatives, enact, adopt and give to ourselves this constitution".

- This draft was presented to the Constituent Assembly on **July 4, 1947**.

- **Adopted:** After extensive debates, it was adopted by the Constituent Assembly on **January 22, 1947**.

Components of the Preamble

The Preamble of the Constitution consists of several key components that collectively define the nature of the Indian state and the aspirations of its people. These components are:

- **Source of Power/Sovereignty:** The Preamble begins with the iconic phrase: "**We, the people of India,**" establishing the foundational principle that the **power and sovereignty of the state derive from the will of the people**.
 - It underscores the democratic nature of the Indian polity, where the government is a creation of the people and exercises its authority on their behalf.
- **Ideals of the Constitution:** The Preamble boldly declares India to be a "**Sovereign, Socialist, Secular, Democratic, Republic.**"
- **Aspirations of the People:** The Preamble articulates the key objectives and aspirations that the Constitution seeks to fulfil **Justice**, upholding **Liberty**, ensuring **Equality and** assuring **Fraternity**.
- **Date of Adoption:** The Preamble also specifies the date of adoption of the Constitution, which is November 26, 1949 (Constitution Day), and the date of its commencement, which is January 26, 1950 (Republic Day).

Ideals of the state

The Preamble's declaration of India as a "Sovereign, Socialist, Secular, Democratic, Republic" encapsulates the fundamental principles that shape the nature and functioning of the Indian state.

- **Sovereignty:** The term "Sovereign" signifies the **independent and supreme authority** of the Indian state.
 - Internally, it means that the Indian government has the ultimate decision-making power within its territorial boundaries.
 - Externally, it implies that India is not subject to control or interference by any external power.

- **Socialism:** The addition of “Socialist” through the **42nd Amendment in 1976** reflects India’s commitment to achieving **social and economic equality**.
 - The government plays a crucial role in ensuring the **equitable distribution of resources** and providing basic amenities to all citizens, regardless of their social or economic status.
 - It is reflected in the DPSPs of the Constitution.
- **Secularism:** The declaration of India as a “**Secular**” state in the Preamble emphasises that the state does not have an official religion. It ensures that all religions are treated with equal respect.
 - Citizens have the **freedom of conscience** and the right to profess, practice, and propagate their religion without discrimination.
- **Democracy:** The characterisation of India as a “**Democratic**” republic underscores the principle of government **by the people, for the people, and of the people**.
 - Regular, free and fair elections allow citizens to actively participate in the political process.
 - Every citizen has an equal right to vote and choose their representatives.
- **Republic:** The term “**Republic**” signifies that the head of the state (the President) is an **elected official**, not a hereditary monarch.
 - This form of government ensures that the power and authority of the state are derived from the people’s mandate.

Aspirations of the people

The Preamble articulates the fundamental aspirations and objectives that the Constitution seeks to fulfill on behalf of the Indian people. These aspirations are:

- **Justice:** The Preamble commits to securing for all citizens “**justice, social, economic and political.**”
 - This encompasses the provision of **equal opportunities**, the **fair and equitable distribution of resources**, and the protection of the rights and interests of all individuals, irrespective of their social or economic status.
 - Fundamental Rights provide **political justice** whereas; the Directive Principles of State Policy aim to achieve socio-economic justice.
- **Liberty:** The Preamble guarantees the “**liberty of thought, expression, belief, faith and worship**” to all citizens.
 - Various provisions of the Fundamental Rights provide liberty to the people.
- **Equality:** The Preamble assures the “**equality of status and opportunity**” to all citizens.
 - This is reflected in the two broad perspectives of equality in **Article 14** of the Fundamental Right (**equality and equal opportunity**), promoting both negative and positive equality (**affirmative action**).
 - The positive equality underscores the state's commitment to ensure equal access to political, social, and economic opportunities.
- **Fraternity:** The Preamble's inclusion of the term “**fraternity**” reflects the aspiration to strengthen a sense of **unity** and **brotherhood** among the diverse peoples of India.
 - It aims to promote the dignity of the individual and the integrity of the nation, thereby strengthening the nation's social fabric.

Preamble as a Part of the Constitution

The question of whether the Preamble is an integral part of the Indian Constitution has been the subject of extensive debate and judicial interpretation.

- **The Berubari Union Case (1960):** In this case, the Supreme Court initially held that the Preamble is **not a part of the Constitution** and cannot be used to interpret the provisions of the Constitution.
 - The Court relied on the American jurisprudence, which viewed the Preamble as a mere **introductory statement** and not a source of power.
- **Kesavananda Bharati Case (1973):** The Supreme Court **reversed** the **Berubari Union Case verdict** and recognised the Preamble as an **integral part of the Constitution**.
 - The Court held that the Preamble is not the source of any substantive powers but is **a key to interpreting** the Constitution's provisions.
 - The components of the preamble intrinsically form the **"basic structure"** of the Constitution, which cannot be abolished or violated through the amendment process.
- **LIC of India Case (1995):** The Court reiterated that the Preamble is an integral part of the Constitution.
 - However, it clarified that the Preamble **cannot be directly enforced in court** as a standalone provision.
- **Amendment to the Preamble:** The Court in the Kesavananda Bharati Case also ruled that the Preamble can be **amended** under **Article 368** of the Constitution, provided that the basic structure of the Constitution, as reflected in the Preamble, **is not altered or destroyed**.
- The Preamble was amended **once** by the **42nd Constitutional Amendment Act of 1976**.
- This amendment was based on the recommendations of the **Sardar Swaran Singh Committee**.
- It introduced three significant changes to the Preamble - **"Socialist", "Secular" and "Integrity"**.

Significance of the Preamble

The Preamble to the Indian Constitution holds immense significance as it serves as the moral and philosophical foundation of the document. It outlines the guiding principles and aspirations that shape the Indian state and society.

- **Guiding principles:** The Preamble serves as the moral compass of the Indian Constitution. It provides the guiding principles that help interpret the provisions of the Constitution.
 - For instance, the principle of **'Secularism'** in the Preamble guides the interpretation of laws related to religious practices, ensuring that the state maintains neutrality in matters of religion.
- **Unity in Diversity:** The Preamble emphasises the principle of 'Fraternity', promoting unity among India's diverse cultural, linguistic, religious, and social groups.
 - For example, the term **'Fraternity'** in the Preamble underscores the need for harmony among various **linguistic groups** in states like **Kerala, Punjab, and Assam**, each with its unique language and culture.
- **Constitutional identity:** The Preamble defines the essential identity of the Indian Constitution. It sets the tone for the entire legal framework and the subsequent articles and provisions in the Constitution.

- For instance, the term 'Sovereign' in the Preamble signifies that India is free from external control, which is reflected in India's foreign policy decisions.
- **International influence:** The Preamble reflects the influence of international ideals and principles. Words like '**Justice**', '**Liberty**', and '**Equality**' highlight India's commitment to global values of human rights, social justice, and equality.
 - For example, the term 'Equality' aligns with **Article 14** of the **Universal Declaration of Human Rights**, which states that everyone is equal before the law.
- **Reflection of Historical Struggles:** The Preamble pays homage to the sacrifices and struggles of the Indian people in their fight for independence and justice.
 - It encapsulates the spirit of the freedom movement and the principles for which the freedom fighters fought.
 - For instance, the term '**Justice**' in the Preamble reflects the long-standing struggle against colonial rule and the aspiration for a just and equitable society.

Preamble of the Indian Constitution UPSC PYQs

Question 1: Discuss each adjective attached to the word 'Republic' in the preamble. Are they defensible in the present circumstances' stances? **(UPSC Mains 2016)**

Question 2: The Preamble to the Constitution of India is **(UPSC Prelims 2020)**

1. A part of the Constitution but has no legal effect
2. Not a part of the Constitution and has no legal effect either
3. Part of the Constitution and has the same legal effect as any other part
4. A part of the Constitution but has no legal effect independently of other parts

Answer: (d)

Question 3: Which one of the following objectives is not embodied in the Preamble to the Constitution of India?

1. Liberty of thought
2. Economic liberty
3. Liberty of expression
4. Liberty of belief

Answer: (b)

Question 4: The mind of the makers of the Constitution of India is reflected in which of the following? **(UPSC Prelims 2017)**

1. The Preamble
2. The Fundamental Rights
3. The Directive Principles of State Policy
4. The Fundamental Duties

Answer: (a)

Question 5: 'Economic Justice' the objective of the Constitution has been one of the Indian provided in **(UPSC Prelims 2013)**

1. The Preamble and Fundamental Rights
2. The Preamble and the Directive Principles of State Policy
3. The Fundamental Rights and the Directive Principles of State Policy
4. None of the above

Answer: (b)

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