

Preamble of the Constitution

"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 all its citizens; 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."

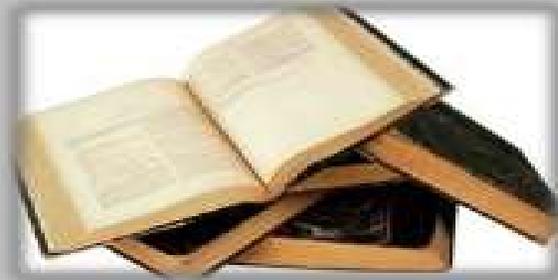
What is Preamble????

A preamble is an introductory statement of a constitution which lays down the ideals it attempts to promote. A preamble to an Act of Parliament gives its reasons and purposes and lays down the aims and objects for which a particular Act has been passed. The idea of the Preamble has been borrowed from the Constitution of the U.S.A. The Constitution of the Republic came into effect on 26 January 1950. As an introduction, it is not a part of the contents but it explains the purposes and objectives with which the document has been written. So is the case with the 'Preamble' to the Indian Constitution. As such the 'Preamble' provides the guide lines of the Constitution. The Preamble, in brief, explains the objectives of the Constitution in two ways: one, about the structure of the governance and the other, about the ideals to be achieved in independent India. It is because of this, the Preamble is considered to be the key of the Constitution.



Preamble of the Constitution

Embodies the spirit of the constitution.



A key to the Constitution.

The soul of the Constitution.

In ideas and expression it is a unique one.

A jewel set in the Constitution.

The most precious part of the Constitution.



The Purpose

The purpose that it serves, namely, the declaration of

- (1) the source of the constitution,*
- (2) a statement of its objectives and*
- (3) the date of its adoption.*



Sovereign:

- ❖ *The word 'Sovereign' emphasis that India is no more dependent upon any outside authority.*
- ❖ *It's membership of the Commonwealth of Nations and that of the United Nations Organization do not restrict her sovereignty.*



Secularism

The term Secularism means a State which has no religion of its own as recognized religion of the State. It treats all religions equally. In a Secular State, the State regulates the relationship between man man. It is not concerned with the relation of man with God.

- In **S.R. Bommai v. Union of India** (1994) SCC 1.
- The supreme court held that "secularism is the basic feature of the Constitution."

In **Aruna Roy v. Union of India** AIR 2003 SC 3176.

- The Supreme Court has said that Secularism has a positive meaning that is developing, understanding and respect towards different religions.

Amedabad St. Xaviers College V State of Gujarat AIR 1974 SC 1389 (PARA 75).

- There is no mysticism in the secular character of the State. Secularism is not anti-God; it treats alike the devout, the agnostic and the atheist. It eliminates God from the matters of the state and ensures that no one shall be discriminated against on the ground of religion.



Democratic Republic

- *Government which gets its authority from the will of the people. The rulers are elected by the people and are responsible to them.*
- *The term Republic signifies that there shall be an elected head of the State who will be the chief executive head.*



Socialist

- *The term socialist has been inserted into the preamble by the Constitution 42nd Amendment Act, 1976.*
- *Though the word “Socialism” has no definite meaning, in general, the word means some form of ownership of the means of production and distribution by the State.*
- *The degree of State control will determine whether it is democratic State or Socialistic State. India has, however, chosen its own brand of socialism which is mixed economy.*

Interpretation of the word Socialism

- Excel wear V Union of India AIR 1979
- SC considered the meaning of word Socialism.

- D.S.Nakra v Union of India AIR 1983
- It means security from cradle to grave. Blend of Marxism and Gandhism.



Fraternity

- *The spirit of brotherhood.*
- *India being a multilingual and multi-religious state, the unity and integrity of the nation can be preserved only through a spirit of brotherhood that pervades the entire country, among all its citizens, irrespective of their differences.*

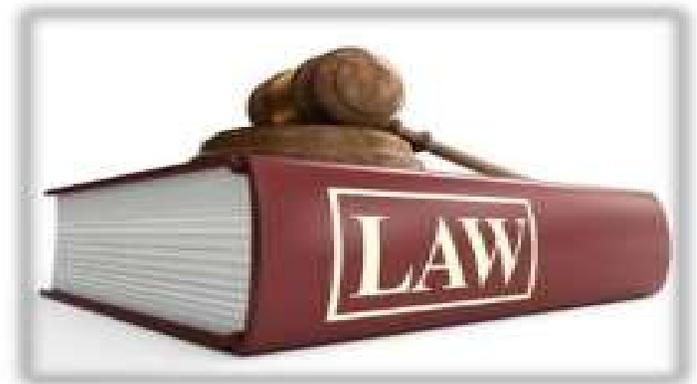


Liberty and Equality

- *The term 'liberty' used signifies not only the absence of any arbitrary restraint on the freedom of individual action but also the creation of conditions which are essential for the development of the personality of the individual.*
- *'Liberty' and 'Equality' are complementary.*
- *Equality does not mean that all human beings are equal mentally and physically.*
- *It signifies equality of status, the status of free individuals and availability of opportunity to everyone to develop his potential capacities.*

Justice

- *The attainment of the common good.*
- *It embraces the entire social, economic and political spheres of human activity.*



Whether or Not Is Preamble A Part of Indian Constitution?

Can Preamble Be Amended Under Article 368 Of The Indian Constitution

- **Beruberi Case** (In Re: Beruberi Union (I), (1960) 3 SCR 250.)
- Preamble to the Constitution, containing the declaration made by the people of India in exercise of their sovereign will, no doubt is "a key to open the mind of the makers" which may show the general purposes for which they made the several provisions in the Constitution but nevertheless the Preamble is not a part of the Constitution.

- **Kesavananda Bharati case**
- (Kesavanada Bharati v. State of Kerala, AIR 1973 SC 1461)
- milestone and also a turning point in the constitutional history of India.
- it was held that the Preamble is a part of the Constitution and, therefore, is amendable under Article 368.

