

The Preamble of the Constitution

The Political Horoscope

Presented By:
Dr Rajiv Kumar
Dept of Pol. Science

INTRODUCTION

- Constitution starts with preamble. The idea of the Preamble has been borrowed from the **Constitution of the U.S.A.** The preamble is not a part of the Indian constitution even though it is an important constitutional document and affords the key to its spirit and the meaning.
- In the Berubari Case 1960 The Supreme Court had held that preamble is not a part of the constitution.
- Later on, in 1973 Keshavnanda Bharti case, The supreme court gave an important judgment and said that preamble is the part of the constitution.
- Since then the preamble has been accepted as the part of the constitution.
- The Preamble is subject to the amending power of the parliament under article 368.
- It embodies the value and the philosophy of our constitutional maker . In other words it is the soul of the constitution.

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.

•The Preamble is like an introduction or preface of the constitution of India .

Preamble tells us three main points :

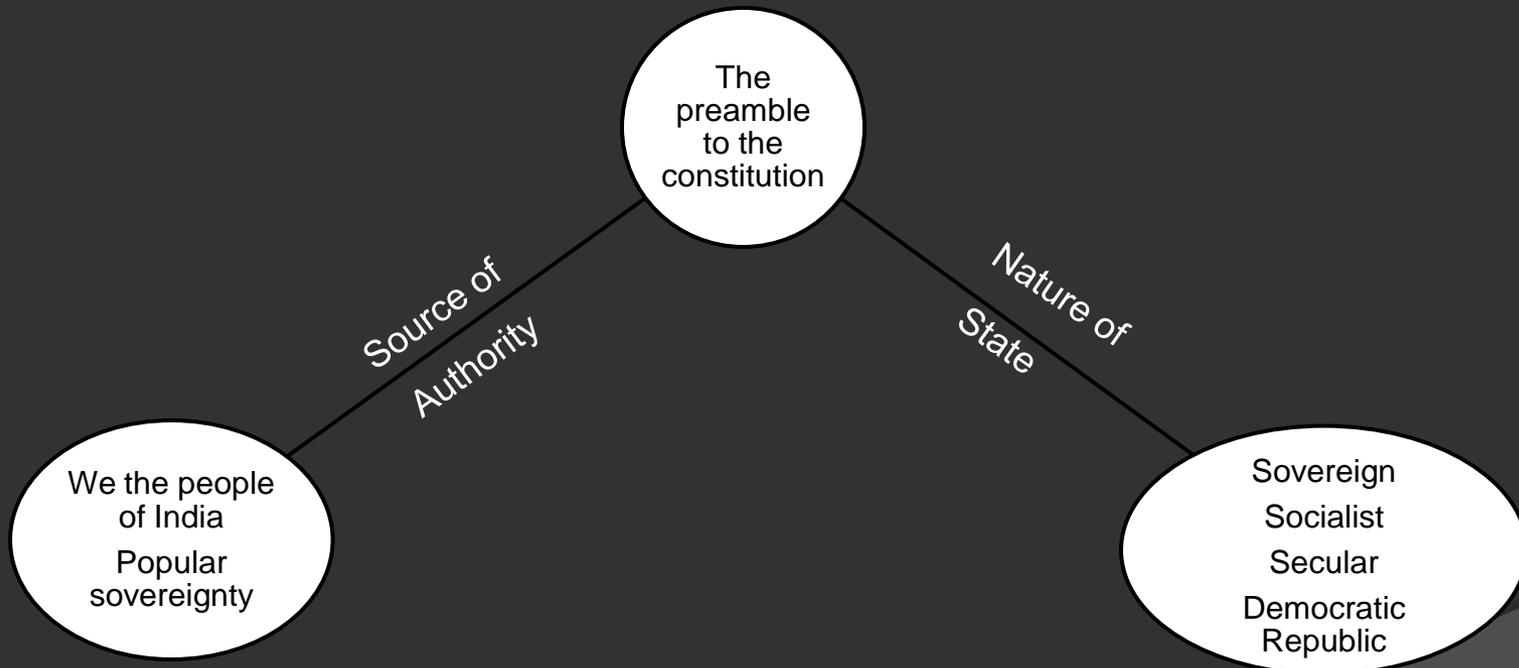
i) The source of the power.

ii) The nature of the Indian political system

iii) Objective or goal of the government.

Before we discuss the preamble it is important to note that from 1950 to 1976 no change was made to the preamble. But by 42nd amendment 1976 three new words were added in the preamble. These words were SOCIALIST , SECULAR and INTEGRITY.

FEATURES OF THE PREAMBLE



FOUR OBJECTIVES

Justice



- Social
- Economic
- Political

Liberty



- Thought
- Expression
- Belief
- Faith
- Worship

Equality



- Status
- Opportunity

Fraternity



- Unity of the nation
- Dignity of the individual
- Integrity of the nation

SOURCE OF THE POWER

In the first instance, the preamble categorically accepts the principle of popular sovereignty. It begins with the words ‘ *we the people of India*’ and if we connect the first line with the last line of the preamble ‘ do hereby *Adopt, Enact* and *Give* to *ourselves this constitution.*

Hence this testifies to the fact that the *people are the ultimate source* of all authority.

NATURE OF THE INDIAN POLITICAL SYSTEM

India is *Sovereign*

Sovereignty is one of the foremost elements of any independent State. It means absolute independence, i.e., a government which is not controlled by any other power : internal or external.

Internal Sovereignty means India is totally free to frame her internal development (Home) policies .

External Sovereignty means India is totally free to frame her independent foreign policies.

**We are no longer any colonial rule.

India is *Socialist*

- In 1976, by 42nd amendment the Preamble was amended to include the word 'Socialism'.
- Up to 1991 Socialism was regarded as the prime feature of Indian political system .
- We committed to secure social and economical justice for all people for eg. Under the directive principles of the state policy article 38 & 39 shows our commitment.
- . This has to be secured by peaceful, constitutional and democratic means.
- In June 1991, with the change of the government at the centre, Congress government (P V Narsimha Rao) adopted the policies of globalization , liberalization and privatization .

India is *Secular*

- In 1976, by 42nd amendment the Preamble was amended to incorporate the word 'Secular'.
- It does not mean we were not secular before 1976.
- From the day one (26 Jan, 1950) we were secular because there are many provision given under the constitution which shows that the India is Secular. Eg.
 - Article 14 (Right to equality before the law)
 - Article 15 (prohibition of discrimination)
 - Article 16 (equal opportunity)
 - Article 25-28 (religious freedom)
 - Right to vote is given to all citizens without any discrimination.
- All these features show that India is secular before 1976. but this word was added to make it more clear to the world that India is secular.

India is *Democratic*

- This feature shows that India is a democratic state where all the authority of the government rests upon the sovereignty of the people who elect their representative of their choice.
- People are granted political rights without any discrimination
- Periodical elections are held
- People exercise their right freely during their elections and participate in democratic process of the self rule.
- People can change the government by the ballot not through the bullet .

India is *Republic*

- The preamble declares India to be a republic which shows that we are not ruled by a monarch.
- Republican means that India has an elected head of the state for a fixed tenure(5 years) .
- The head is nominal and exercises the power on the aid and advice of the council of the ministers headed by the Prime minister.

OBJECTIVE OF THE PREAMBLE

JUSTICE: the just treatment with every person which means no discrimination on the basis of caste, religion, place of birth, sex etc.

SOCIAL JUSTICE: absence of any privileges to any class in the society and equal rights to all. India stands for eliminating all forms of exploitations from the society.

ECONOMIC JUSTICE: **fulfillment of all the needs , equal** distribution of wealth, and end of economic exploitation. Hence equal opportunity for all.

POLITICAL JUSTICE : equal political rights for all. Secondly equal opportunity to exercise all these rights.

LIBERTY : of thought expression, belief, faith and worship is an important for the development and human welfare.

- Part III of the Indian Constitution (fundamental rights) provides all the liberties to all the citizens irrespective of all the color, caste etc.

EQUALITY: It is another very important objective of the constitution which means all the persons are equal before the law, get equal protection from the law, equal and adequate opportunity to all for their development. All these equalities are granted under the fundamental rights.

FRATERNITY: This is another very important objective which means to promote harmony among the people or to create strong feeling of spiritual as well as psychological unity among the people.

- Secure dignity of the individual and unity & integrity of the nation.

DATE OF ADOPTION AND ENACTMENT

The Constitution of India is an adopted, enacted and self-made constitution. The last line of the preamble specifies the important historical fact that we adopted this constitution on 26 November, 1949, signed by the President of the Constituent Assembly and it was declared passed (and implemented on 26 January 1951).

CONCLUSION

After the review of the features of the preamble we can say that Indian Constitution contains the ideas and the aspirations of the people. It reflects the dream , the philosophy and the aspirations of the founding Father of the Indian constitution.

REFERENCE

- Basu, D.D (2008). Introduction to the Constitution of India. Nagpur : Lexis Nexis Butterworths Wadhwa .
- Baruah, Aparijita (2007). Preamble of the Constitution of India: An Insight and Comparison with Other Constitutions. New Delhi: Deep & Deep. p. 177. ISBN 81-7629-996-0. Retrieved 12 November 2015.
- Choudhry, Surjit. (2016) The Oxford Handbook Of The Indian Constitution. Oxford University Press.
- M Laxmikanth. "4". *Indian Polity (4th ed.)*. McGraw Hill Education. p. 4.5. ISBN 978-1-25-906412-8.
- "Fundamental rights in The Preamble, Free Law Study material, IAS Law Notes, Study material for Ancient India Law". www.civilserviceindia.com. Retrieved 2015-10-11.
- Can Parliament give its territory to a foreign country?, available at Learning the Law.
- "The Constitution (Forty-Second Amendment) Act, 1976". Government of India. Retrieved 1 December 2010.

THANK YOU !!