

Preamble to The Constitution of India

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Agenda

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Introduction

- ▶ The original text of the Preamble to the Constitution of India is an introductory statement that sets out the guiding purpose and principles of the document.
- ▶ It also indicates the source from which the document derives its authority, meaning, the people.
- ▶ It is considered as the soul of Indian Constitution since the hopes and aspirations of the people as well as the ideals before our nation are described in the preamble in clear words.
- ▶ The preamble can be referred to as the preface which highlights the entire Constitution.
- ▶ It was adopted on 26 November 1949 by the Constituent Assembly and came into effect on 26th January, 1950.
- ▶ The preamble is based on the Objectives which was drafted and moved in the Constituent Assembly by Jawaharlal Nehru on 13 December 1946.
- ▶ The preamble-page, along with other pages of the original Constitution of India, was designed and decorated solely by renowned painter Beohar Rammanohar Sinha of Jabalpur.

Text of the Preamble to the Constitution of India

“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;

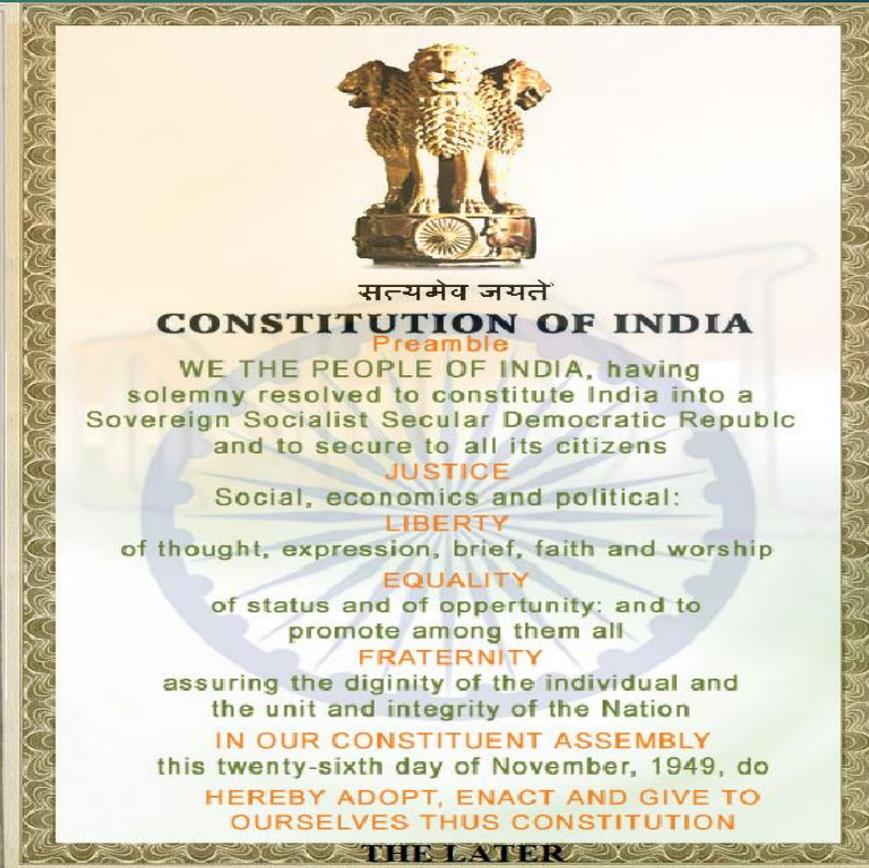
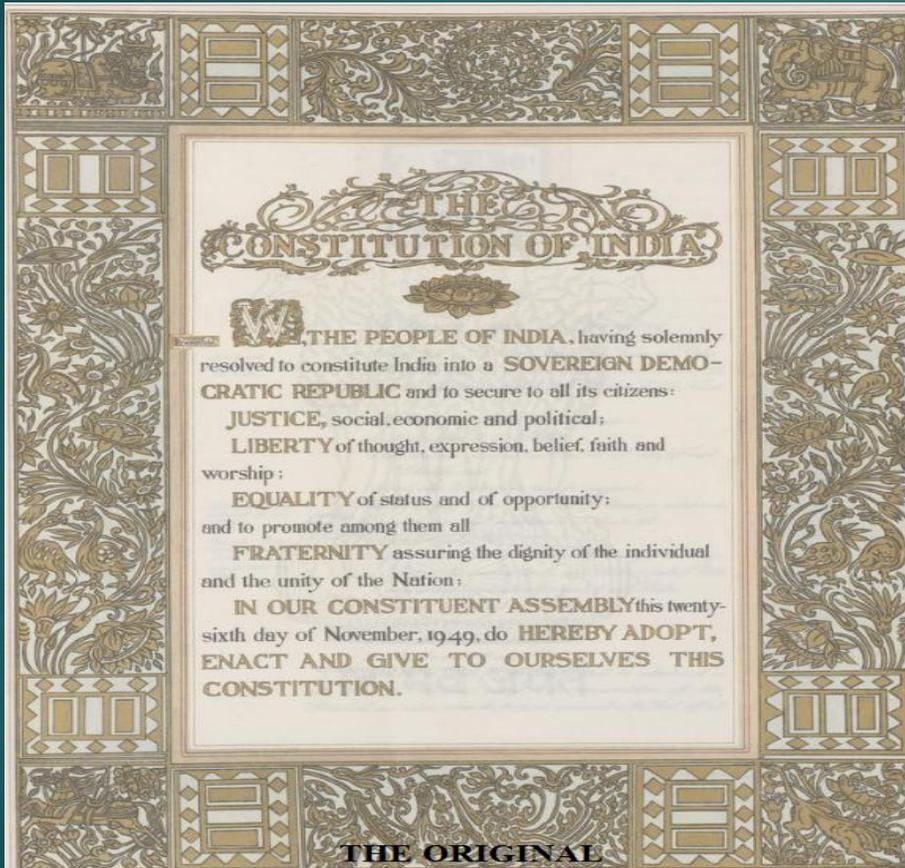
LIBERTY of thought , expression, belief, faith and worship;

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”

Preamble Before and After the 42nd Amendment



Purpose of The Preamble

- ▶ It states the fundamental source from which Constitution of India derives its authority.
- ▶ It also states the subjects which the Constitution of India seeks to govern.
- ▶ In addition to the above two, the Preamble lists out objects which Constitution seeks to establish and promote.

What dignitaries think about The Preamble?

- ▶ “Preamble is the political horoscope of the Constitution” – **K.M Munshi**
- ▶ “Preamble is the most precious part and the soul of the constitution” – **Thakur Dass Bhargava**
- ▶ “The Preamble contains in a nutshell its ideals and aspirations” – **Chief Justice Subba Rao**
- ▶ "The Preamble embodies the desire of every member of this house that this Constitution should have its roots, its authority, its sovereignty from the people that it has" – **Dr. B.R Ambedkar**

Main Features of the Preamble

- ▶ Analyzing the Preamble in detail leads to these primary features:
 1. Source of Constitutional Authority
 2. Nature of the State
 3. Objective of the Constitution
 4. Date of adoption of the Constitution
- ▶ These features are discussed in detail in the subsequent slides.

Source of Constitutional Authority

- ▶ The Preamble defines the source of power of The Constitution.
- ▶ The Preamble categorically accepts the principle of Popular Sovereignty.
- ▶ It begins with the words: 'We the people of India'. These words testify to the fact that the people of India are the ultimate source of all authority.
- ▶ The Government derives its power from them.
- ▶ Popular sovereignty, or the sovereignty of the people's rule, is the principle that the authority of a state and its government is created and sustained by the consent of its people, through their elected representatives (Rule by the People), who are the source of all political power.



Nature of the State

- ▶ The Preamble defines five key features of the Indian State
 1. India is a Sovereign State
 2. India is a Socialist State
 3. India is a Secular State
 4. India is a Democratic State
 5. India is a Republic State

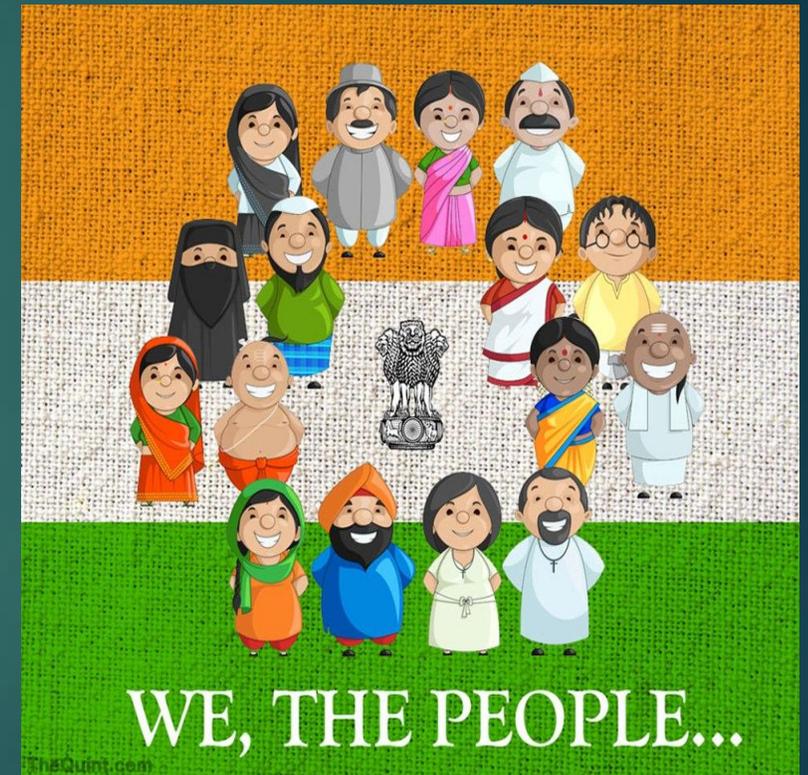
Nature of the State - Sovereign

- ▶ The Preamble proclaims that India is a sovereign state.
- ▶ Such a proclamation denotes the end of rule over India.
- ▶ It testifies to the fact that India is no longer a dependency or colony or possession of British Crown.
- ▶ As a sovereign independent state, India is free both internally and externally to take her own decisions and implement these for her people and territories.



Nature of the State - Socialist

- ▶ In 1976, the Preamble was amended to include the word 'Socialism'.
- ▶ It reflects the fact that India is committed to secure social, economic and political justice for all its people.
- ▶ India stands for ending all forms of exploitation as well as for securing equitable distribution of income, resources and wealth.
- ▶ This has to be secured by peaceful, constitutional and democratic means.
- ▶ The term 'India is a Socialist state' really means, 'India is a democratic socialist state.'



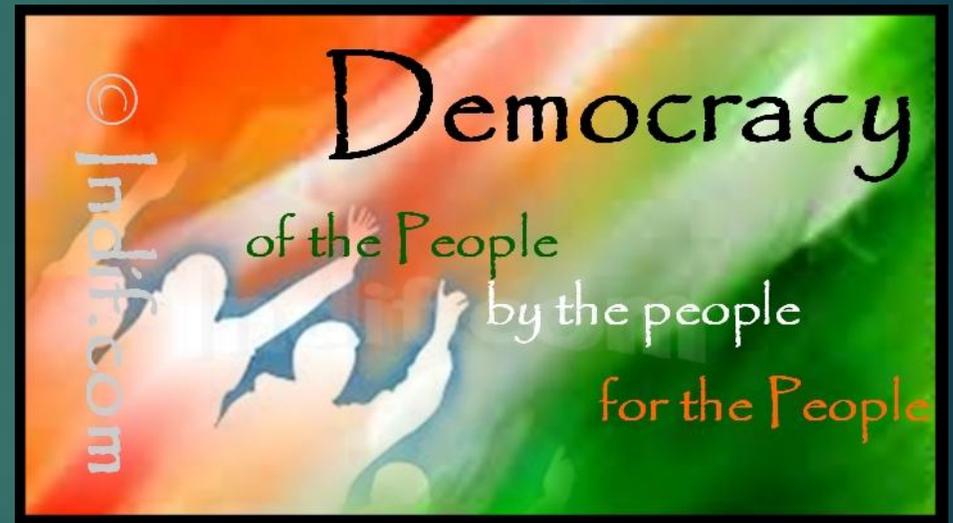
Nature of the State - Secular

- ▶ By the 42nd Amendment, the term 'Secular' was incorporated in the Preamble. Its inclusion simply made the secular nature of the Indian Constitution more explicit. As a state India gives special status to no religion. There is no such thing as a state religion of India. India guarantees equal freedom to all religions. All religions enjoy equality of status and respect.



Nature of the State - Democratic

- ▶ The Preamble declares India to be a Democratic State. The Constitution of India provides for a democratic system. The authority of the government rests upon the sovereignty of the people. The people enjoy equal political rights. The people freely participate in the democratic process of self rule.
- ▶ They elect their government. For all its acts, the government is responsible before the people. The people can change their government through elections. The government enjoys limited powers. It always acts under the Constitution which represents the supreme will of the people.



Nature of the State - Republic

- ▶ The Preamble declares India to be a Republic.
- ▶ This means that India is not ruled by a monarch or a nominated head of state.
- ▶ It also means that India has an elected head of state who holds office for a fixed term.
- ▶ President of India is the elected sovereign head of the state.
- ▶ He holds a tenure of 5 years.



Objectives of the Constitution

- ▶ The Preamble lists four cardinal objectives which are to be “secured by the state for all its citizens”.
 1. Justice
 - ▶ India seeks to secure social, economic and political justice for its people.
 2. Liberty
 - ▶ It includes liberty of thought, expression, belief, faith and worship.
 3. Equality
 - ▶ The preamble declares equality of status and opportunity.
 4. Fraternity
 - ▶ Promotion of Fraternity among the people is the fourth objective is to promote Fraternity among all the people.
 - ▶ Fraternity means the inculcation of a strong feeling of spiritual and psychological unity among the people.

Date of adoption of Constitution

- ▶ In its last paragraph, the Preamble specifies an important historical fact that the Constitution was adopted on 26 November, 1949.
- ▶ It was on this day that the Constitution received the signatures of the President of the Constituent Assembly and was declared passed.

Importance of the Preamble

- ▶ The Constitution of India is an adopted, enacted and self-made constitution.
- ▶ It was adopted and enacted by the Constituent Assembly acting as the elected representative body of the people of India.
- ▶ The Preamble states the philosophical foundations of the Constitution India and enumerates its objectives.
- ▶ It constitutes a Key for the interpretation of the Constitution. It is a part of the Basic Structure of the Constitution.
- ▶ Through, it's Preamble, the Constitution a commits itself to Democracy, Republicanism, Socialism, Secularism, Liberalism and Welfare State.
- ▶ The Preamble states the objectives which the Constitution is committed to secure for all the people of India.

Criticism of the Preamble

- ▶ The words socialist and secular were part of the amendment that virtually rewrote the Constitution, tearing its original fabric.
- ▶ The preamble, as the dictionary meaning of the word suggests, is only an introduction to the Constitution. No substantive rights, powers or duties flow from it. In one of the earliest interpretations of the preamble, the Supreme Court held it not to be a part of the Constitution.
- ▶ The economy today is dominated by the private sector. The dismantling of socialism began in 1980, four years after the word socialist was added to the preamble, when Indira Gandhi began liberalizing the economy. From this perspective, hankering for the word 'socialism' in the preamble is pedantic.

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Thank You