

Preamble to the Constitution

Meaning of Preamble

A Preamble, in general, is an introductory statement that explains the purpose of a document and its underlying philosophy. If the document is a law, the preamble states the reasons behind enacting the law and its intent. In other words, preamble helps us understand why a particular law was enacted by the legislature and what the law seeks to achieve.

The preamble to a constitution, similar to the preamble to a law reflects the intention of the makers of the constitution. As the Constitution is the fundamental law of the land, the preamble to a constitution is much broader in its scope. For instance, the Preamble to a constitution reflects the core values of a nation. It also specifies the kind of future that the constitution makers wanted to create for the people of their country.

Position of the Preamble

So far we have understood the meaning of Preamble. Now, let us understand where the Preamble is mentioned in our constitution. At present, our constitution consists of a Preamble, 25 Parts and 12 Schedules. In the beginning of the constitution, there is a preamble. Preamble is followed by the Parts of the Constitution, which in turn are followed by the Schedules. Thus, Preamble is mentioned at the start of the constitution.

Source of preamble

The preamble to the Indian Constitution is inspired chiefly from two sources: One source is external to our country and the other source is internal. The preamble to the Indian Constitution is inspired from the preamble to the constitution of the United States and is also influenced by the Objectives Resolution introduced by Jawaharlal Nehru in the Constituent Assembly. Similar to the United States Constitution, the preamble to the Indian constitution begins with the phrase “we, the people”. The use of the phrase “we, the people” declares the intent of the constituent assembly to consider the people of the country as the ultimate authority behind the making of the constitution.

Objectives Resolution

The objectives resolution outlined the objectives or aims to be achieved by the Constituent assembly while drafting the Constitution of India. In other words, the resolution mentioned the ideals to be incorporated into the Constitution of India. The resolution, hence gave a direction to the Constituent Assembly. In the words of Nehru, it “defines our (constituent assembly’s) aims, describes an outline of the plan and points the way which we are going to tread”.

Infact, Nehru called it as something more than a resolution. It is a declaration, a firm resolve, a pledge and undertaking by the members of the assembly to create the future India based on the principles outlined in the resolution.

The Objectives resolution was introduced by Jawaharlal Nehru in the Constituent assembly on 13 December 1946. The resolution was adopted by the constituent assembly on January 22, 1947. The drafting committee made some changes in the text of the objectives resolution to draft the preamble of the constitution. Though the objectives resolution was adopted in 1947, the Preamble witnessed many debates and discussions. It was finally adopted by the Constituent Assembly after the framing of the constitution on 17th October 1949.

Text of the Objectives resolution

- (1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a constitution;
- (2) WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and
- (3) WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and
- (4) WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and
- (5) WHEREIN shall be guaranteed and secured to all the people of India - social, economic and political justice; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and
- (6) WHEREIN adequate safeguards shall be provided for minorities, backward and tribal

areas, and depressed and other backward classes; and

(7) WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to Justice and the law of civilised nations, and

(8) This ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

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 opportunity and to promote among them all;
- FRATERNITY assuring the dignity of an individual and the unity and integrity of the nation.

In our Constituent Assembly, this 26th day of November 1949, do hereby adopt, enact and give to ourselves this Constitution.

The Preamble of our constitution is replete with difficult terms. It is important to understand the meaning of these terms. Let us understand the meaning of these terms. To understand the contents of the Preamble, we can divide the contents into four parts:

1. 'We, the people of India' and 'Solemnly resolved'

The first part contains two phrases 'We, the people of India' and 'Solemnly resolved' Let us understand the meaning of these two phrases.

We, the people of India

The Preamble starts with the words "We, the people" similar to the Preamble of the US Constitution. The words "we, the people of India" are incorporated into the Preamble to signify that the Constitution derives its power from the people themselves. In other words, it indicates the source from which the constitution derives its authority is 'The People of India'.

Though the constitution including preamble has been made by the Constituent assembly, it is deemed that the Constitution was made by the Constituent assembly on behalf of the people of India.

Solemnly resolved

The phrase 'Solemnly resolved' is made up of two words- 'Solemnly' and 'Resolved'. Solemnly means

with deep sincerity and Resolved means firmly determined to do something. Thus, 'Solemnly Resolved' is used to convey sincere determination to do something. Here, the phrase has been used to depict conviction of the members of the Constituent Assembly.

The Constituent Assembly also had the option to use the phrase 'In the name of God' or 'In the name of Goddess' in place of 'Solemnly resolved'. The Constituent assembly debated at length whether the word "God" can be incorporated into the Preamble. Based on the majority vote, it was decided that the words 'Solemnly resolved' will be included instead of "In the name of God". This was done to ensure the liberty of faith, as envisaged in the Constitution. Liberty of faith means that the people have the freedom to follow a religion of their choice or not follow any religion at all. In other words, the Constitution recognises that people have the liberty to be atheists (those who do not believe in God).

2. Nature of the Indian State

The second part is related to the nature of Indian State. We can also say that the second part specifies the kind of India that our constitutional forefathers sought to make.

The Preamble states that the constituent assembly resolved to constitute India into a sovereign, socialist, secular, democratic and republic. Let us understand the meaning of each of these terms.

Sovereign

Sovereign refers to a nation which is independent and which has no external interference in management of its internal affairs. Though India gained its independence on August 15, 1947, it became a Sovereign state on January 26, 1950 with the adoption of the Constitution. Adoption of Constitution ultimately lead to sovereignty because it meant complete abolition of British interference in management of Indian Affairs.

Do you know? Even after independence till the adoption of Constitution, the Governor General of India was considered the representative of King of Britain, George VI.

The word 'Sovereign' was specifically mentioned in the preamble to declare that India is independent and is no more subject to British interference in its internal matters.

Dominion status

The word Dominion was used from 1907 to 1948 to refer to self-governing nations within the British Empire. As Dominions are self-governing, they have complete autonomy to manage their internal affairs. However, as they are within the British empire, they

are not completely independent particularly with respect to their external affairs. It is to be noted that the terms of dominion status may vary from nation to nation. Thus, a dominion may also have complete freedom to determine its external affairs as well.

"Dominion status" was formally accorded by Britishers to many erstwhile British colonies such as Canada, Australia, New Zealand, Newfoundland, South Africa, and the Irish Free State at the 1926 Imperial Conference. Dominion status was used for "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations". India, Pakistan, and Ceylon (now Sri Lanka) were also dominions for short periods of time.

India was dominion of England from August 15, 1947 to January 26, 1950. The Indian Independence Act 1947 conferred dominion status to India. Once the Constitution of India came into force in the year 1950, India became a republic from a dominion. During the dominion status, king of Britain, George VI, was also king of India and was represented by the Governor-General of India. Earlier, the Governor-General was also designated Viceroy. However, the office of Viceroy was abolished on independence. Two governor-generals held office from August 15, 1947 to January 26, 1950: Louis Mountbatten (1947–48) and Chakravarti Rajagopalachari (1948–50). Their position was more ceremonial. The real powers were in the hands of the Prime Minister of India. During this time period, Jawaharlal Nehru was the prime minister of India.

Membership of Commonwealth

The Commonwealth (or Commonwealth of nations) is an intergovernmental organization of 54 member states including India that are mostly former British colonies. Commonwealth countries span Africa, Asia, the Americas, Europe and the Pacific and are diverse—they are amongst the world's largest, smallest, richest and poorest countries. The headquarters of Commonwealth is located at London, the United Kingdom. The Commonwealth heads of government meeting is headed by British monarch. The Commonwealth dates back to the mid-20th century with the decolonization of the British Empire. It was formally constituted by the London Declaration in 1949, which established the member states as 'free and equal'.

When India joined the Commonwealth, then it was criticised that India is not completely sovereign as it

is joining an organisation which is headed by a British monarch.

This view was countered by the following justifications:

- The word British was dropped in 1949 from the association and it became the Commonwealth of Nations. It was clearly established that being a member of the Commonwealth does not necessarily mean that a country owes its allegiance to the British crown.

- Moreover, the charter of the commonwealth itself regards the member states as 'free and equal'. Also, India joined the commonwealth on its own will and can withdraw from the association anytime.

- Membership of Commonwealth is beneficial to India for many reasons. The membership has helped India to establish relations with other Commonwealth nations. The meeting of commonwealth nations acts as a platform to establish bilateral and multilateral relations with other nations.

- Also, during colonial rule, many workers were shifted from India to other British colonies. India has used the Commonwealth to secure the interests of people of Indian origin working in other Commonwealth countries.

Socialist

The term 'Socialist' was not there in the original Preamble adopted by the Constituent Assembly. It was added in the preamble by the 42nd Constitution Amendment Act passed in the year 1976.

The term Socialist is derived from another term, that is Socialism. A socialist state is one that believes in and follows the ideals of socialism. Socialism seeks to attain the best possible use of economic resources (or means of production) for the welfare of the maximum people of the country, rather than use of the resources for the welfare of few individuals. Socialism also seeks to eliminate wealth and income inequalities among people, and bring equality among them.

To attain these objectives, Socialism provides for state ownership over all the economic resources and complete absence of private ownership. State ownership over economic resources straightaway eliminates wealth and income inequalities because there are no available economic resources for ownership of individuals. State ownership of economic resources also ensures that economic resources are used for the welfare of the maximum people. For instance, the State makes investments in those opportunities which are expected to yield the welfare of maximum people, even at times at the cost of profit.

Former Soviet Union is the best example of Socialist country. In the former Soviet Union, there was complete State ownership over economic resources. Private ownership of property and businesses was not allowed. Socialism, however, also has certain weaknesses. As socialism attempts towards equality, individual hard work and initiative is not rewarded. Also, prohibition from the State to own business and property curbs economic freedom of individuals. Thus, socialism trifles individual initiative and freedom.

Capitalism is a rival ideology to socialism. Capitalism believes welfare of people can be best attained by promoting private businesses and ownership of economic resources. Capitalism involves economic freedom to individuals and rewards individuals for their hardwork and innovation. However, Capitalism leads to inequalities in society. Critics of capitalism argue that it makes the rich richer and the poor poorer, even increasing the existing inequalities in the society.

Moreover, unlike socialism, the prices of goods and services are not regulated by the government, but are determined by markets or demand and supply forces. Thus, in the capitalist economies, even the prices of even essential items may be high, making them unaffordable for a large section of the population.

Post-independence, the founding fathers of the constitution were to decide the type of the economic system to be followed in India. A system was required which incorporated the advantages of both the socialist and the capitalist systems while minimising their disadvantages. Though a dominant section among the founding fathers leaned towards the ideology of socialism, incorporation of socialism in its extreme form was not desirable in India. The complete abolition of private ownership, which would mean lack of economic freedom, was not possible in a democracy like India. On the other hand, the poor and disadvantaged section of society were to be protected by means of regulated prices and by ensuring the availability of essential goods. Hence, India adopted a mixed economy model where both the State and private entities own the means of production.

Indian definition of socialism

Indian socialism seeks to attain the welfare of people (social welfare) and to minimise the inequalities. It recognises the role of both the public sector (state ownership of means of production) and the private sector (private ownership of means of production) in achieving these objectives. Thus, Indian Socialism adopted the model of mixed economy where both the public and private sector co-exist in the economy. Nehru called the Indian brand of socialism as democratic socialism. The democratic socialism emphasizes that individual freedom should be respected

along with centralised planning and control for growth of the economy.

In the initial decades of independence, India leaned towards the socialist side with the government playing a major role in the establishment of industries. Though private industries were allowed, they were regulated to a larger extent by the state. The government owned and controlled the majority of the industries. The private industries were regulated by the government, which decided on what should be produced, in how much quantity and who should produce. Private entities were required to acquire licenses to start any business. The prices were also determined by the government.

The scenario changed completely after the LPG (Liberalisation Privatisation and Globalisation) reforms of the 1991. Post 1991, India opened its economy as part of the LPG reforms. Most of the sectors were opened to private industries (privatisation) and the government control was significantly reduced (liberalisation). Foreign companies were also allowed to invest in India (globalisation). Hence, it can be argued that the Indian economy has leaned more towards the capitalist side from the 1990s. The government however, carries out welfare measures and makes policies to minimise the inequalities. The taxes collected from the private businesses form part of the Government revenue, which in turn is used to eradicate poverty, reduce inequalities and ensure access to basic services such as healthcare and education for all.

Secular

Like Socialist, the term 'Secular' was not there in the original Preamble adopted by the Constituent Assembly. It was added in the preamble by the 42nd Constitution Amendment Act passed in the year 1976.

Secularism in a general sense refers to complete separation of State from religion. In other words, the separation of religion and state is the foundation of secularism. It ensures that the State does not interfere in matters of religion and at the same time, it also ensures that the religious groups do not interfere in the state institutions.

The opposite to a secular state is a religious state. A religious state is a state which has adopted any particular religion as the State or Official religion. In other words, a religious state favours people belonging to one particular religion.

So far we have understood the general definition of a secular state. Let us now understand the implications of adopting Secularism on the State as well as the people:

1. Influence on State institutions: In a secular state, the religious groups do not interfere in the state

institutions. Thus, the religious do not influence the structure and functioning of the State institutions.

In a religious state, on the other hand, the structure and functioning of the State institutions is deeply influenced by the religion. For instance, many Islamic nations give representation to religious leaders in the government of their countries.

2. Freedom to practice one's faith: Secular State does not interfere in religious matters. Religion is considered the private matter of people. Thus, people have freedom to follow the religion of their choice. People can even change their religion according to their will.

3. Equality: In a secular state, people are free to follow the religion of their choice. People are even free to be atheists (those who do not believe in any religion). A secular state treats believers of all the religions and even theirs alike. In other words, religious beliefs or lack of them doesn't put people to any advantage or disadvantage.

On the other hand, religious states confer certain extra advantages to followers of one particular religion. Such states may discriminate against or even punish believers of other faiths or non-believers.

We can also say that a secular state does not favour people who belong to one particular religion. In other words, a secular state is neutral towards people belonging to all the religions.

Different definitions of Secularism

In today's world, the majority of the nation states have adopted secularism. However, approximately 80 nation states (2021 data) still have a State religion. Secularism is interpreted in different ways in different nations. In other words, different nations have adopted different forms of secularism. So far, we have understood secularism in terms of neutrality of state towards different religions. Now let us understand the popular forms of secularism:

1. Anti-Religious State: An anti-religious state is against all the religions. In other words, an anti-religious state does not allow people to indulge in religious practices. Such a state usually bans all religious practices and religious institutions. The erstwhile USSR is an example of an anti-religious state. The erstwhile USSR adopted communism as its ideology. Communism stands for equality among masses. Communists argue that religious doctrines are used to justify inequality among common people. Thus, the erstwhile USSR adopted an anti-religious approach. An anti-religious state is also a secular state as the state is neutral towards all the religions or treats all the religions in the same manner. Also, an anti-religious

state adopts a negative form of secularism, which means that the state is not just neutral towards all the religions, but it also suppresses them.

2. Irreligious State: Like all secular states, an irreligious state is also neutral towards all the religions. Also, the State also has no involvement in either promotion or suppression of any particular religion or all the religions.

In an irreligious State, the State has no involvement in religious affairs and at the same time, people are free to practice any religion of their own choice. The USA is an example of an irreligious state. The government of the USA does not have any official state religion. There is no involvement of the State in either promotion or suppression of religious affairs and at the same time, there is complete freedom for people to follow the religion of their choice.

France is another example of an irreligious state, but there is a slight difference in the state's approach to religious matters. Like the USA, France does not have an official religion. Also, the State is not involved in either promotion or suppression of religious affairs. However, France considers religion as a private matter of people and the adherence to religious practices and symbols should be confined to the personal life of the people only. In other words, France restricts the practice of religion in public spheres. Accordingly, public display of religious symbols is restricted in France. For instance, France prohibits wearing overt religious symbols including the Islamic veil, the Jewish kippah and large Christian crosses in all public institutions such as schools, libraries and government buildings.

3. Non-religious state: Like other secular states, a non-religious state does not have any official religion and is neutral towards all the religions. However, the state is involved in the promotion of all religions.

Thus, a non-religious state adopts a positive form of secularism. The State is not only neutral towards all the religions, but at the same time, it is engaged in promotion of all the religions equally. India is the best example of non-religion state. Apart from being neutral towards all religions, the Indian state takes various steps for the promotion of all the religions such as allocation of subsidised land for setting up religious places, subsidised travel to pilgrimages, tax exemption to religious bodies and so on.

Nature of Indian Secularism

Let us further understand the nature of Indian Secularism. We have learnt that the Indian form of secularism is different from the idea of secularism practised in the western countries. In India, we have a positive form of secularism, i.e. the state is neutral to all

religions and it also engages in promotion of all the religions equally. Further, unlike France, there are no restrictions to practise one's religion in public life as long as it does not impede the rights of others. The Indian form of secularism can be understood as follows:

1. Separation of the State from religion: Unlike western secularism, India does not follow strict separation of religion and the State. Instead, the state maintains an equal distance from all religions, but at the same time is engaged in the promotion of all the religions equally.

The Indian state is engaged in the promotion of all religions because religion holds a very important place in the life of the people of India. The people of India hold strong sentiments towards their religion. Also, spiritual and religious fulfillment is an important aspect to improve the quality of lives of the people of India.

2. Non-interference: The State does not enforce any particular religion nor take away the religious freedom of individuals. It guarantees the freedom to individuals to practise a religion of their choice or not practise any religion at all.

3. Protection of minorities: The State seeks to ensure that one religious community does not dominate another. It also makes efforts to ensure religious freedom to minority communities. For instance, minorities have been granted the fundamental right to protect their language, script and culture. The government may even implement specific schemes for the welfare of minorities.

In this sense, Indian secularism not only guarantees freedom of religion, but it also promotes all the religions equally and even protects the religious rights of various communities.

It aims to achieve equality within and between religions and promotes freedom within religions. It seeks to avoid intra religious or inter religious domination in a society.

Democratic

'Demo' means people and 'cracy' means rule. Democracy literally means 'rule of people'. In other words, democracy is a form of government which is ruled by the people of the country, not the hereditary kings or few elite sections of society.

The rule of the people is made possible because the laws and policies of the government are decided by the people of the country either directly or indirectly. On the other hand, in an undemocratic country, the laws and policies are decided by either a small section of the population or even by a single person.

The 16th American President Abraham Lincoln has defined democracy as 'the government of the people, for the people and by the people'.

Forms of democracy

We have just said that laws and policies in a democracy are decided by the people of the country, either directly or indirectly. Accordingly, there are two forms of democracy: Direct and Indirect Democracy. In a direct democracy, people themselves decide the laws and policies of the government. On the other hand, in an indirect democracy, the representatives of the people decide the laws and policies of the government. Consequently, indirect democracy is also called representative democracy. Let us understand both the forms of democracy, how these forms work and their examples.

Direct Democracy

A direct democracy is the form of democracy in which people themselves decide on the laws and policies of the government, without any intermediaries. Direct democracy is exercised by means of various instruments such as referendum, popular initiative and revocation of mandate or recall. Let us understand various instruments one by one.

1. Referendum: A referendum is an instrument used in direct democracy to seek approval (or rejection) of the common public on proposed policy or law. In a referendum, the whole population of the nation or a particular region where the proposed policy or law will be implemented is required to vote.

If the majority of the population votes in favour of the proposed policy or law, then the policy or law is adopted. Otherwise, the policy or law is rejected. It is to be noted that a referendum may require a higher or lower majority to pass. Referendum is known by various other synonyms such as plebiscite, votation, ballot question, ballot measure, or proposition.

However, some political scientists suggest that there is a difference between the meaning of 'plebiscite' and 'referendum'. Plebiscite is a type of referendum which is held to change the constitution or government of a country. The word 'referendum' is a broad term. It includes public vote on any proposed policy or law.

2. Initiative: An initiative (also known as a popular or citizens' initiative) is an instrument of direct democracy by which a petition signed by a certain minimum number of people can force a government to either enact a law or adopt a policy. The initiative may also demand a public or popular vote on a matter. Such an initiative is called a Popular initiated Referendum or citizen-initiated referendum.

3. Recall: Recall or Revocation of mandate is an instrument of direct democracy by means of which the people can cut short the term of office bearers such as elected members of legislature and executive. In other words, Recall grants the power to the public to remove the office bearers if their performance is not satisfactory. Usually, office bearers are chosen for a fixed term. However, Recall grants the authority to common people to remove office bearers even before the completion of their term.

It is not feasible in terms of time, money and efforts for any nation to seek the opinion of the public on every law and policy. Thus, Direct democracy is rarely followed in totality in any country of the world. However, instruments of direct democracy are often used to elicit the opinion of the public on most important issues. For instance, the United Kingdom held a public referendum to elicit public opinion on whether they want to remain in European Union or not in the year 2016. Similarly, referendum was conducted in Sylhet district (now in Bangladesh) at the time of the partition of India to determine the will of the local people as to whether they wanted to join India or East Pakistan (now Bangladesh).

Direct democracy is possible on a few issues in countries with large resources and small populations. Switzerland is a rare example of a country which has adopted instruments of direct democracy quite extensively than any other country of the world.

Representative Democracy

In contrast to direct democracy, a representative or an indirect democracy is the form of democracy in which the representatives of the people decide on the laws and policies of the government. In other words, in an indirect democracy, people choose their representatives through elections. These representatives make laws and policies on behalf of the people.

India is an example of representative democracy. People of India choose their representatives to Central and State Legislatures by means of elections. These representatives make laws and policies on behalf of the people. It is to be noted all the adults who are 18 years of age and above are eligible to vote in these elections.

Social and Economic Democracy

So far we have discussed the role of the people in the functioning of the government or the Political system of the country. Thus, our discussion was centred around Political democracy. However, the use of the term democracy in the preamble also has social and economic connotations. In other words, the term 'democracy' in the preamble not only refers to political democracy but also to social and economic democracy.

Social democracy deals with the application of the concept of democracy to society. Social democracy or a democratic society is a society in which there is equality among people and everyone is treated with dignity and respect. Social democracy aims to eliminate inequalities based on caste, class, race, sex or religion. In case social inequalities persist, then social democracy even supports the active intervention of the government to reduce the inequalities in the society.

Economic democracy deals with the application of the concept of democracy to the economic conditions of people. Economic democracy seeks to end economic exploitation, poverty and eliminate wealth and income inequalities in the country. It seeks to generate as well as redistribute the wealth within the society. The concept of economic democracy also supports active intervention of the government. Infact, the concept of economic democracy is integrated with the concept of 'Welfare State'. A Welfare State is a state which provides public services such as health care, education, social security and the like especially to the poor and vulnerable sections.

Our constitution makers considered social and economic democracy as equally important as political democracy. Jawaharlal Nehru noted that "Democracy has been spoken of chiefly in the past, as political democracy, roughly represented by every person having a vote. But a vote by itself does not represent very much to a person who is down and out, to a person, let us say, who is starving and hungry. Political democracy, by itself, is not enough except that it may be used to obtain a gradually increasing measure of economic democracy, equality and the spread of good things of life to others and removal of gross inequalities."

Further, Dr B R Ambedkar observed that Political democracy cannot last unless there lies at the base of it, social democracy. This means that democracy doesn't just mean universal adult franchise (every person has a vote). It also means reducing the inequalities and achieving the ideals of liberty, equality and fraternity in the society.

Republic

Republic is a form of government where the person who holds the highest office of the country (head of the State) is elected by the people of the country. In other words, the head of the State should not be nominated by any other authority located within or outside India. Also, the head of the State shall not be a hereditary monarch.

The concept of Republic is also intertwined with the concept of democracy. In a democracy, it is the peoples' representatives who make laws and policies. The head of state has the most important role in making laws and

policies. Thus, democracy requires that the head of the state should be representative of the people. A person can be representative of people only if it is chosen by them by way of elections.

India is an example of a republic. In India, the head of the State, i.e. the President of India is indirectly elected by the people of the country. It is to be noted that though the president of India is the head of the state, he is only the nominal head of the country. The actual powers in India are with the Prime Minister of India. Thus, the Prime Minister of India is the real head of the country. The Prime Minister is elected directly by the people of the country. Thus, both the real head, i.e., the Prime Minister, and nominal head, i.e. the President are elected in India. Therefore, India is a republic.

Monarchy is contrary to the republic. Under monarchy, the head of the state is chosen on the basis of heredity or a ruler himself determines his successor. For example, the head of the state of Saudi Arabia is Sheikh. The next head of the state is determined on the basis of heredity from within the royal family of Saudi Arabia.

While moving the objectives resolution, Nehru noted that a free India can be nothing but a republic. He observed that if India aspired to be an independent and a sovereign nation, it must inevitably be a 'Republic'.

3. Aspirations for the Citizens

The third part of the Preamble is related to the aspirations for the citizens. In other words, this part declares what we want to attain for the citizens of our country. This part declares that all citizens of India should have justice, liberty, equality and fraternity.

We have learnt that the second part specifies the nature of Indian State to be sovereign, socialist, secular, democratic and republic. The purpose behind forming such an Indian State is to ultimately attain the aspirations of justice, liberty, equality and fraternity for the citizens of the country. Thus, the nature of Indian state as formed by the constitution is a means to attain the aspirations for the citizens.

We can also say that the nature of Indian state has already been formed with the adoption of the constitution. However, we are still working in the direction of attaining aspirations for the citizens. Thus, the nature of Indian state (as listed in the preamble) has been attained in the past and the aspirations for the citizens (as listed in the preamble) are being attained gradually.

Let us understand the aspirations for the citizens namely justice, liberty, equality and fraternity in detail.

Justice

The word 'Justice' comes from the Latin word 'Jus' which means 'right' or 'law'. Justice incorporates the concept of fairness and moral righteousness. In other words, an act is considered just only if it is perceived as fair and morally appropriate.

A just person or society seeks to 'give everyone his or her due'. As justice involves giving each individual his or her due, Justice aims at the wellbeing of individuals in a society. This also means that the understanding of justice is closely linked to what is considered as due to a person in a society.

Different philosophies put forward a different idea of 'what is considered just' in a society. Justice is understood by some as something that achieves the maximum good for maximum people. Others view a just society as one where an individual is entitled to enjoy the output of one's labour. This means that what is due to a person depends on the work done by the person. The egalitarian ideology emphasizes that a just society should achieve equality. A just society, in this case, is one where the inequalities are minimised and everyone has equal opportunities. Justice, as envisaged in the Preamble, is a reflection of egalitarian ideology.

Further, Justice does not advocate that sacrifices should be imposed on few, even if the advantages are enjoyed by many. John Rawls, an American philosopher, observes that injustice is tolerable only when it is necessary to avoid an even greater injustice. In other words, one cannot argue that few can be subjected to injustice, if it results in advantages for many. T.R. Sharma, in his work on Rawlsian Justice observed that the Preamble of Indian Constitution, which reflects the general spirit of the Constitution, fully corresponds to the Rawl's idea of justice.

Forms of justice declared in preamble

The Preamble recognises three forms of Justice for the citizens- Social Justice, Economic Justice and Political Justice. In other words, the word 'Justice' in the Preamble embraces following three distinct forms. Let us understand the meaning of these three types of Justice:

1. Social Justice: Social Justice strives for the absence of discrimination on the basis of caste, religion, class, sex or any other basis. It also seeks to attain equal status for everyone in the society.

2. Economic Justice: It refers to equal opportunity for everyone to make a living and to improve one's standard of living. It does not mean equal distribution of wealth and income. Thus, economic justice only seeks to provide equal opportunity. By providing equal opportunity to everyone, economic justice focuses on

ensuring decent employment opportunities for all, including the disadvantaged groups of the society.

However, it depends upon the skills, effort and circumstances of each individual to utilise the opportunity to make a living and to improve one's standard of living. Thus, the Indian State also seeks to provide a decent standard of living to those people who do not have skills, physical or mental abilities to utilise the opportunity by providing suitable employment depending upon the capacity of an individual or by arranging social security.

3. Political Justice: It refers to equal opportunity to everyone to contest elections and to vote in elections. Political Justice also seeks to ensure that all groups of society, particularly the vulnerable groups, are represented in government institutions. For instance, Reservations in local bodies for SC/STs and Women is an effort to attain political justice.

Relation among Social Justice, Economic Justice and Political Justice

Social Justice, Economic Justice and Political Justice are mentioned in the particular order in the preamble. One can observe that social justice takes precedence over economic justice followed by political justice. Justice R C Lahoti, former Chief Justice of India further noted that "justice has three facets; social, economic and political, again in that order of significance. Without social justice, the Constitution would not be able to secure economic justice to the people. It is only such citizenry which has been able to secure social justice and economic justice for all its citizens that would deserve, claim and assert political justice for all its citizens. Only a voter who is socially and economically strengthened can hope to earn political justice".

Relation among Justice, Liberty, Equality and Fraternity

The ideal of Justice, is closely interrelated to the other ideals enshrined in Preamble- Liberty, Equality and fraternity. The order of these words is in such a way that Justice takes precedence over liberty, liberty comes first before equality, followed by fraternity. The relationship among these ideals is articulated by Justice R C Lahoti as follows: "Unless there is justice, liberty is meaningless, nor would liberty survive without justice. Justice and liberty would secure equality. Also justice and liberty in their interplay would express themselves into 'equality'. 'Fraternity' would be merely a nightmare or only wishful thinking but for justice, liberty and equality. The four words placed in that order is a philosophical travel how the Constitution shall work. Of all the four concepts the most significant is justice."

Liberty

Liberty refers to the freedoms available to an individual in a society. It can also be thought of as lack of restrictions or constraints on an individual. Accordingly, there are two aspects of Liberty: Negative liberty and Positive liberty.

Negative Liberty can be defined as absence of constraints or restrictions on an individual. Constraints or restraints are associated with negative liberty because their presence has a detrimental impact on life. The presence of these constraints or restraints curtails the liberty of an individual and the absence of these constraints or restraints enhances the liberty of an individual. For instance, the constraint in the life of a person from so called low caste can be caste-based discrimination.

Positive liberty refers to the freedoms in which a person can develop one's capabilities and achieve one's potential. The presence of certain freedoms in our life has a desirable impact on us and thus, they add to positive liberty in our life. For instance, knowledge of healthy food helps us in attaining physical fitness and thus, adds to liberty in our life.

Sir Isaiah Berlin, British social and political theorist, was the first one to recognize two types of liberty. Berlin quoted two statements to explain the concept of positive and negative liberty. He quoted the first statement "I am slave to no man" as an example of negative liberty. The statement implies freedom from another individual. He quoted the second statement as "I am my own master" as an example of positive liberty. This statement implies the freedom to choose one's own pursuits in life.

However, if we consider Liberty in a holistic sense, then it is a positive concept which means not just absence of restraints, but also an opportunity for the members of a society to develop their potential.

Liberty is not absolute

Liberty does not mean unrestricted freedom to do what one likes. Limited restrictions are required on individual liberties in the larger interest of the society. John Stuart Mill, a British philosopher, argued that one needs to identify whether an individual action has consequences only for the individual or for the society as a whole. If an action only affects the individual, it is considered a 'self-regarding' action. If an action has consequences on others, it is considered a 'other-regarding action'. For self-regarding actions, there is no necessity to impose any external constraints. On the other hand, if an action has consequences for others, the State or other external agency needs to place suitable restrictions on the action. Infact, most of the time the liberties that an individual enjoys, do have repercussions on the overall society.

If individuals are conferred liberties without any restrictions, then such liberties will transgress into the rights of others. For instance, an individual has the right to follow the religion of our own choice. However, if while exercising this liberty, an individual promotes human sacrifice, then such exercise of liberty is violative of the rights of other people or detrimental to the interest of the society.

Thus, Liberty is not absolute in nature. It is relative in nature. In other words, there are restrictions which are to be followed while exercising liberties.

Laws and Liberty

Individual's liberty can be encroached upon by the State or other individuals. Thus, it becomes important to protect liberty. In modern democracies, liberty is protected by means of laws. For instance, Constitutions protect the liberties of the citizens of their country by placing limitations on the powers of the State. The Indian constitution also guarantees fundamental rights to its citizens, which the State cannot arbitrarily take away. Further, constraints are also put on individuals to ensure that one person does not encroach the liberty of another. For instance, though liberty of faith is guaranteed by the Constitution, a religious group cannot coerce other groups to follow its faith. This means that laws are enacted in democratic states to protect liberty of the individuals. These laws guarantee the citizens that their liberty is protected and they can even approach the courts in case of its violation.

Dimensions of Liberty

The Preamble seeks Liberty of thought, expression, belief, faith and worship for the citizens of the country. Let us understand the meaning of each of these liberties.

Liberty of thought

Liberty of thought refers to the freedom of an individual to hold a viewpoint or an idea, independent of others' ideas or viewpoints. This also means that one is entitled to hold a viewpoint or an idea that may not be dominant and popular in a society. Further, an individual cannot be punished for holding a particular viewpoint or believing a particular idea. For instance, Copernicus was punished to death because he held the viewpoint that the Sun is at the centre of the Universe, which was against the popular viewpoint of that time which was that the earth is the centre of the Universe. Liberty of thought ensures that these kinds of atrocities do not take place in a society.

Liberty of thought is also considered as a precursor to other liberties such as liberty of expression, belief, faith and worship.

Liberty of expression

Liberty of expression ensures that an individual is entitled to speak his mind. Liberty of thought gives the inner freedom to an individual to hold a viewpoint or an idea. Liberty of expression is the outward manifestation of this inner freedom. Thus, liberty of expression gives freedom to an individual to share his or her viewpoint or idea.

Liberty of expression is not just limited to individuals. It has been extended to institutions as well. For instance, Freedom of press is an example of liberty of expression granted to an institution, i.e. press.

John Stuart Mill and Liberty of thought and expression

J S Mill suggests that liberty of thought and expression is important because of the following reasons:

No idea can be considered as completely false. By banning ideas in an outright manner, humanity may lose the opportunity to explore different ideas.

For the truth to emerge, debates between opposing and different ideas are essential.

For the truth to retain its sanctity, it needs to be subjected to opposing views and examined thoroughly.

What is considered as truth today may not be truth or it may be incomplete. A society that suppresses unacceptable ideas restricts its knowledge base.

Liberty of belief

Belief is an extension of thought. Beliefs are formed when thoughts are kept in mind for a long period of time. Moreover, a particular belief is cultivated out of multiple thoughts of a person. Beliefs can be political, religious, cultural or related to any other field. One example is belief in the ideology of communism. The preamble respects the freedom of individuals to hold contracting beliefs and thus, confers the liberty of belief to people.

Liberty of faith

While belief can be political or related to any other field, faith is particularly associated with religion. Thus, liberty of faith recognises the freedom of an individual to have belief in religion of one's choice. It also recognises the freedom of an individual to not have belief in any religion.

We can also say that Liberty of belief is general in nature, whereas Liberty of faith is specific to religion. Our constitutional forefathers have included liberty of

faith even after including liberty of belief because religion has a lot of importance in the life of people of our country. Thus, explicit mention of liberty of faith only assures the people that they have freedom to believe in a religion of their choice.

Liberty of worship

Faith is related to the inner conscience of an individual whereas worship is the outward manifestation of that conscience. The relation of Faith and Worship is same as that of Thought and Expression- One is related to inner self and the other is the external manifestation of the inner self. Liberty of Worship includes carrying religious practices such as offering prayers in temples and holding religious symbols such as wearing cross in the neck.

Liberty of faith and worship also highlight the secular nature of the Constitution and Indian State right from the time of independence. Though the word 'Secular' was added explicitly by the 42nd Amendment Act passed in the year 1976, the idea of secularism was inherent and implicit in the Indian Constitution from its very beginning.

Equality

Equality refers to the idea that all human beings are equal irrespective of their race, sex, religion, caste, place of birth and so on. Like liberty, there are two approaches to define equality: Positive approach and Negative approach. As part of the positive approach, Equality seeks to confer equal benefits and equal opportunities to pursue goals to all the individuals in a society.

Equality can also be understood through the negative approach. Equality can be understood as the absence of privileges to an individual based on race, sex, religion, caste, place of birth and so on. It is to be noted that privileges based on various other factors such as hard work, innovation and so on does not undermine equality in the society. Such privileges are attained by utilising the opportunity available to an individual.

Thus, we can define 'Equality' as provision of adequate benefits and opportunities for all the individuals of a society without any discrimination and the absence of special privileges to any particular section of society.

The Preamble seeks to confer two kinds of equality to the citizens of India: Equality of status and Equality of opportunity. Let us understand the meaning of these two types of equality.

Equality of status

Equality of status refers that all the individuals enjoy similar stature in the society irrespective of their race, sex, religion, caste, place of birth and so on. In other

words, there is no discrimination against any individual on the basis of the above-mentioned factors.

However, one needs to understand that equality does not mean complete absence of differences. For instance, the President of the country is accorded the special rank or status. This special rank is not against the equality of status. Based on the work of an individual, there could be differences in rewards and recognition. In this case, the special treatment is the result of one's work, and not due to other factors. In other words, equality of status ensures that the treatment one gets in a society is not pre-determined by birth, such as on account of race, sex, religion, caste or any other factor in which a person is born into.

Equality of opportunity

Equality of opportunity means that every individual in the society should have the same level of opportunities to achieve their potential. In other words, all the individuals should have access to facilities and services to improve their skills and pursue their ambitions. This also means that the factors which facilitate one's ability to achieve their goals, should be available for all. Some of these factors include access to education, healthcare, employment opportunities and a decent standard of living.

Promote among them all

The preamble seeks to provide the Citizens of India not just the Equality of Status and Opportunity, but it also seeks to promote among them all. The expression 'Promote among them all' refers that attainment of equality of status and opportunity is not enough; the preamble also seeks to enhance the status and opportunity available to the individuals. Thus, the goal of equality is a never ending one. Even when equality of status and opportunity will be attained, there will be infinite scope in promotion of status and opportunity to the citizens.

Fraternity

Fraternity refers to the sense of brotherhood. The Preamble to the Constitution seeks to attain a sense of common or universal brotherhood among all the Indians. It implies that all Indians feel a sense of belonging to each other and perceive themselves as Indians first; irrespective of their region, language, caste, class, religion, sex and so on.

Dr Ambedkar underscored the importance of fraternity as follows: "Without fraternity, equality and liberty will be no deeper than coats of paint." He also said that "Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them."

The word 'Fraternity' was not there in the initial objectives resolution. It was added later to the Preamble by the drafting committee in 1948. A need was felt to counter the post-partition violence and to ensure it does not repeat in the future. Dr B R Ambedkar mentioned that the clause of fraternity was added because "the need for fraternal concord and goodwill in India was never greater than now."

Fraternity and Dignity

The Preamble views fraternity as a source of ensuring the dignity of an individual, and the unity and integrity of the nation. Dignity of an individual means that all persons are respected irrespective of differences on the basis of caste, class, race etc. Sense of brotherhood creates a feeling of oneness and thus, leads to the dignity of all individuals.

Fraternity and Unity

Fraternity also leads to Unity and integrity in the country. Let us first understand how fraternity leads to Unity. Fraternity ensures that the citizens have a sense of mutual belonging even in a diverse country like India. The constitution also promotes this feeling of fraternity by the system of single citizenship.

Fraternity and Integrity

Now, let us understand how fraternity leads to integrity in the country. Integrity in the context of a nation refers to the state of being united or undivided. Fraternity by creating the feeling of oneness prevents the division of nation into parts. It is to be noted that the word 'integrity' was added to the original preamble by 42nd amendment act.

Fraternity and Bandhuta

Harsh Mander, a writer and social activist further elaborates the concept of fraternity through another word called 'bandhuta'. Fraternity, by its focus on brotherhood, seems to exclude women. The Hindi version of Preamble uses the word bandhuta in place of fraternity. Harsh Mander calls this as a better version of understanding the idea of fraternity included in the Preamble. The word 'bandhuta' means the idea of being bound to and with each other. Thus, there are bonds which hold the people together. These bonds are not just of brotherhood but also of sisterhood which keep the individuals together.

Liberty, Equality and Fraternity as trinity

The ideals of liberty, equality and fraternity are closely related to each other. For instance, Dr B R Ambedkar, in his concluding speech in the Constituent Assembly, observed that democracy means a way of life which recognises liberty, equality and fraternity. These three are not separate items but form a union of trinity. He further noted that to divorce these ideals from one another is to defeat the very purpose of democracy.

Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity.

4. Adoption of the Constitution

The fourth and the final part of the preamble declares the date of adoption of the Constitution. The Constitution was adopted on 26th November 1949, which means that it was finalised by the Constituent assembly on that day. However, the Constitution came into force two months after its adoption, i.e. on 26th January, 1950. In other words, the Constitution became operative on 26th January, 1950. 26th January, 1950 is regarded as the date of the commencement of the constitution. However, some of the provisions of the Constitution relating to Citizenship, Elections, Provisional Parliament, and temporary and transitional provisions came into force on 26th November 1949 itself.

26th January was deliberately chosen as the date of the commencement of the Constitution to commemorate the celebration of Poorna Swaraj (or complete independence) day in the year 1930. The Poorna swaraj day was organised on 26th January, 1930. This day was organised after Congress started to demand for complete independence from the british rule.

After the adoption of the Constitution, 26th November is celebrated as the 'Constitution Day' or 'Samvidhan Divas' every year. Also, India became a republic when the constitution came into force, so 26th January is also celebrated as Republic day in India.

Is Preamble a part of the Constitution?

Years after the constitution came into force, a question arose whether the preamble was a part of the Constitution. Two major views emerged. One view considered the preamble as an integral part of the constitution, just like parts and schedules of the constitution. The other view considered that the preamble is merely an introduction of the constitution and it is not an integral part of the constitution.

The judgements of the Supreme Court in two cases need to be studied to answer this question:

1. Re Berubari case
2. Kesavananda Bharati Case

Re Berubari case (1960):

Under Article 143 of the Constitution, the President of India can seek the advice of the Supreme Court on a question of law or fact. The cases in which the President sought the advice of the Supreme Court are denoted by the prefix 'Re', meaning 'reference'. The Berubari case was one of such cases referred to the Supreme Court on the implementation of Info-Pak agreement with reference to the territory of Berubari union and

exchange of enclaves between the two countries. A half of berubari union was to be transferred to Pakistan as part of the agreement. Further some enclaves of Cooch-behar (an erstwhile princely state merged with West Bengal) were to be exchanged between the two countries. A question arose whether a law needed to be passed by the Parliament or a constitutional amendment was required to implement the agreement.

The Attorney General, on behalf of the government, argued that no law is required to implement the agreement. The agreement can be implemented by executive action alone. On the other hand, the other lawyer argued that the Preamble declares India as a sovereign democratic republic and any territory cannot be seceded to a foreign country. When a territory is ceded to another country, it means that the sovereignty over that territory is transferred. The lawyer argued that the very first sentence in the preamble which declares that "We, the people of India, having solemnly resolved to constitute India into a sovereign democratic Republic", irrevocably postulates that India geographically and territorially must always continue to be democratic and republican. As secession involves transfer of sovereignty and the preamble declares India as a sovereign, it meant that changes cannot be made in the territory of India. The lawyer argued that the preamble to the Constitution clearly postulates the entire territory of India is beyond the reach of Parliament and cannot be affected either by ordinary legislation or even by constitutional amendment. In other words, the executive or the Parliament even by way of constitutional amendment has no right to cede any territory.

The Court as a response to this argument held that though the preamble is a key to open the mind of the makers of the constitution, it is not a part of the constitution. Further, the preamble cannot be considered as a source of power conferred on the government or a source of limitation. Preamble can be referred to if there is any ambiguity in any term used in the constitution and clarity is required. As India is a sovereign nation, it has the power to secede territories. The court held that one of the attributes of sovereignty is the power to cede parts of national territory if necessary. However, a constitutional amendment was to be made under Article 368 to cede the territory.

With reference to preamble, the Court made the following observations:

1. Preamble is not a part of the Constitution.
2. Preamble "serves as a key to open the minds of the makers, and show the general purpose for which they made several provisions in the Constitution".
3. Preamble is not a source of power that is conferred on the government.

4. Preamble is neither a source of limitation on the powers of the government.

5. Preamble can be referred to achieve clarity if the meaning of terms used in any article of the constitution is not clear.

Note: Kindly refer to Chapter 5 of this book for other aspects of the Re Berubari case judgement in relation to Part I of the constitution.

Kesavananda Bharati case (1973): Sri Kesavananda Bharati was the head of Edneer Mutt, a religious sect in Kerala. The state government of Kerala as part of the land reforms moved to acquire some of the lands under the control of the Mutt. A petition was moved by Sri Kesavananda Bharati under Article 32 for the enforcement of his fundamental rights under Article 25 and 26, 19 (1)(f) and 31 (Please refer to Fundamental Rights for more details).

The state government argued that to give effect to the vision of socio-economic justice mentioned in the preamble, there should be no limits on the power of the legislature. In other words, the legislature should be able to make laws such as the land reforms laws to acquire the privately held lands and redistribute it among the poor.

However, the acquisition of land by the government was against the fundamental rights of property included in Articles 19(1)(f) and 31. (These articles were later removed from the constitution). The 25th Amendment Act inserted Article 31C in the constitution. Article 31C provides that if a law is made to give effect to Directive Principles of the State Policy (DPSPs) in Article 39(b) and Article 39(c) and in the process, the law violates Article 14, Article 19 or Article 31, then the law should not be declared as unconstitutional and void merely on this ground. The validity of the amendment was also considered in the Kesavananda Bharati case.

The question arose whether parliament can amend the constitution in such a way to give primacy to directive principles of state policy (which directed the state to minimise economic inequalities) over the fundamental rights. The argument that the parliament should not be restricted in its powers to make laws to achieve the vision of social and economic justice in the preamble was considered in detail by the Supreme Court.

The Court held that Legislature has the power to amend any provision in the constitution as long as it does not alter the basic structure. Basic structure means that some provisions of the constitution are so important that if they are changed, it changes the very nature of the constitution. Hence the Supreme Court put a limitation on the amending power of the parliament only to the extent that it does not affect the basic structure of the

constitution. As the question of preamble came in the arguments, the Court also clarified the role of preamble. It overturned the judgement of the Berubari case with reference to preamble and held that the preamble is a part of the constitution.

The court argued that Preamble was voted as such by the Constituent assembly like any other part of the constitution and hence, it forms a part of the constitution. The following points were made in the judgement with reference to the Preamble:

1. The Supreme Court held that the Preamble is a part of the Constitution and thus, overruled the judgement passed in the Re Berubari Union case with reference to the preamble.
2. It further noted that the Preamble is neither a source of power nor a source of limitations for the government.
3. The Preamble has a significant role to play in the interpretation of provisions of the Constitution and also in the interpretation of various statutes. This means when there is ambiguity in any provision of the Constitution or statutes, Preamble can be used to clarify the provision. It also implies that when there is no ambiguity and the language is plain, Preamble cannot be used as an aid to interpret the provisions.
4. Preamble can be amended under the provisions of Article 368 of the Constitution. However, the basic structure contained in the Preamble cannot be amended. The nature of Indian state specified in the preamble such as a republican and democratic form of government were considered a part of the basic structure. The basic structure was expanded in the later judgements of the supreme court to include many other provisions.

Note: Kindly refer to Fundamental Rights for other aspects of the Kesavananda Bharati case judgement in relation to Part III of the constitution.

Role of the Preamble

The Preamble is a reflection of the values of the constitution. The preamble by itself does not grant substantive rights to the people. Moreover, it is not justiciable, that is, preamble is not enforceable in the courts. This means that the government cannot be mandated by courts to implement the ideas in the Preamble. In other words, people cannot claim complete enforcement of the ideals mentioned in the Preamble and they cannot hold the governments accountable for the same in the courts.

However, the preamble has been treated as a guiding light in the interpretation of the Constitution by the courts while interpreting a number of provisions of the constitutions. The preamble broadly serves the following functions:

Soul of the constitution: The preamble reflects the vision of the constitution. It is considered as the most

precious part of the constitution. Pandit Thakur Das Bhargava, a member of the Constituent Assembly observed that "the Preamble is the most precious part of the Constitution. It is the soul of the Constitution. It is a key to the Constitution. It is a jewel set in the Constitution."

Reflection of ideals of freedom struggle: The preamble is a reflection of the long-standing aspirations of the people of India for which the struggle of freedom was fought. Sir Alladi Krishnaswami Ayyar, member of the Constituent assembly noted that the preamble expresses "what we had thought or dreamt for so long". In the Kesavananda Bharati judgement, the Supreme court noted that the preamble embodies in a solemn form all the ideas and aspirations for which the country had struggled during the British Regime.

Identity card: The preamble serves as an introduction to the constitution of India. It summarises the goals that we seek to achieve through the provisions that are detailed in the 395 articles of the constitution, distributed in 22 parts. In other words, as N Palkhivala, an Indian constitutional expert noted, Preamble is the identity card of the Constitution.

Empowers the people: The preamble states that the Constitution derives its authority from 'the people of India'. It is deemed that the constitution was made by the Constituent Assembly on behalf of the people of India. In other words, the preamble recognises the will of the people as the authority that created the Indian constitution.

Guides the nature of polity: Preamble guides the nature of polity and the Indian state. It describes the nature of Indian state to be sovereign, socialist, secular, democratic and republic. It also states aspirations of the Constitution for the people of India, i.e., justice, liberty, equality, and fraternity.

Used in Interpretation of constitution: Preamble is used to make appropriate interpretations of provisions of the constitution and other laws. As discussed earlier, the Supreme Court held in the judgements of Re Berubari case and Kesavananda Bharati case, that preamble helps in interpretation of provisions of constitution whenever there is an ambiguity.

Philosophy of the Constitution

A constitution along with defining the political system of a country, reflects the values and principles that form the core of the political system. These values and principles are known as the philosophy of the constitution. These values serve as a guide to the government and the citizens of the country. The philosophy of a Constitution is not an isolated creation. It is a result of the Country's history behind

the making of the Constitution. It further declares the kind of future that a country aims to create for its people. Ivor Jennings, an expert on constitutional law noted that "All the Constitutions are the heirs of the past as well as the testators of the future". This means that a constitution is a reflection of the country's past as well as its vision for the future. Hence, a constitution is not just a document of rules but a reflection of values as well.

On similar lines, Indian constitution also reflects the country's values and aspirations. It aspires to create a society that is liberal, egalitarian, secular, sensitive to the needs of minorities, and which protects the vulnerable sections of the population. It aims to build a common national identity. These values and principles are reflected in the Preamble to the Constitution of India.

AMENDMENT OF PREAMBLE

The Preamble has been amended only once by 42nd Amendment Act, 1976. By this amendment, three words have been added into the preamble- 'Socialist', 'Secular' and 'Integrity'. Let us understand why each of these three terms were not added into the original constitution, why these terms were added by 42nd amendment act and what has been the long-term implication of adding these terms.

Reasons for not adding these terms to the original preamble

Socialist- Mentioning the term 'socialist' in the preamble was viewed by Dr Ambedkar as dictating the type of society that Indians were to live in. He argued that it is against the nature of democracy to decide in the Constitution what kind of society the people of India should live in. The organization of society, whether in socialist or capitalist form, should be left to the future people. In his words, "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".

Secular- Jawaharlal Nehru and Dr Ambedkar felt that there was no need to include the term 'secular' explicitly in the preamble. The entire constitution embodied the concept of a secular state. The constitution had several provisions to ensure non-discrimination on grounds of religion, equal rights to all citizens irrespective of their religion and freedom of religion. Hence, it was felt that the term secular need not be mentioned again in the preamble. Moreover, the

Indian ideal of secularism, as we have discussed in this chapter, is different from the western form of secularism, from where the term originated. However, there was a common agreement in the assembly that though the term is not mentioned, the future Indian state should ensure protection of religious minorities and all religions were to be treated equally.

Integrity- As the word 'Integrity' does not have wide connotations, it was not debated at the time of drafting of the constitution.

Reasons for adding these three terms by 42nd amendment act

The words 'socialist', 'secular' and 'integrity' were added to the preamble by the 42nd amendment passed during the period of emergency. In 1975, the then President Fakhruddin Ali Ahmed proclaimed the national emergency on grounds of "internal disturbance" at the advice of Prime Minister Indira Gandhi. The emergency proclamation, in her words, "was a necessary response to the deep and widespread conspiracy which has been brewing ever since I began to introduce certain progressive measures of benefit to the common man and woman of India." In other words, she justified that emergency measures were necessary to curb the rebellion against the socialistic measures taken by her such as promotion of state ownership and removal of poverty.

The emergency period was one of the most controversial periods of the post-independence history of India. Elections were suspended and civil liberties were curtailed. Activists who opposed the emergency were arrested. This period was also characterised by anti-poverty programs. The government also carried out the forced sterilisation campaign to control the population of India. It was felt that high population is one of the major reasons for poverty. The 42nd amendment made several changes to the constitution and added the words 'socialist', 'secular' and 'integrity' to the preamble. The word socialist was added to emphasise that the government stood for the poor.

Also, the forced birth control programmes were not welcomed by the people. People belonging to muslim religious community particularly opposed the program as it was felt that the birth control programmes were especially targeted towards muslims. To reassure the muslim community that the country is secular and aims to protect all religions, the word 'secular' was inserted in the preamble.

The word 'integrity' was added to widen the scope of 'Fraternity'. It sought to declare that the sense of brotherhood among the citizens of India needed to be cultivated in a way to ensure unity and integrity of the nation. It was felt that several forces were trying to

disrupt the integrity of India and provisions were to be made to deal with anti-national activities. Hence, a need was felt to expressly state 'integrity' in the preamble. For instance, the statement of objects and reasons for the 42nd amendment noted that "the democratic institutions provided in the Constitution have been subjected to considerable stresses and strains and that vested interests have been trying to promote their selfish ends to the great detriment of public good".

Long term implications of adding these terms

Though the words 'socialist' and 'secular' were added much later, the ideology and principles of socialism and secularism were inherent in the Indian Constitution. For instance, social and economic justice were included in the original preamble itself. Further, fundamental rights such as right to equality and directive principle of state policy that mandate state to reduce the inequalities among the people were always a part of the Indian Constitution. The constitution had provisions against non-discrimination on the grounds of religion. It further included freedom of religion as part of the fundamental rights.

Further, as mentioned above, the use of the term 'integrity' in the preamble does not have wide connotations. Thus, the explicit introduction of these three terms in the preamble did not have any major impact on the functioning of Indian polity.

Practice Questions

1. Which one of the following words was not contained in the original preamble to the Indian constitution?

- (a) Sovereign
- (b) Secular
- (c) Democratic
- (d) Republic

2. Consider the following statements relating to amendment of the preamble:

1. So far only one constitutional amendment has been carried out in the Preamble.

2. The amendment was carried out by Janta Party government through 42nd Amendment Act.

3. The preamble to the constitution can be amended by unanimous consent of all the members of the house.

Select the correct answer using the code given below:

- (a) 1 only
- (b) 1 and 3 only
- (c) 2 and 3 only
- (d) 1, 2, and 3

3. Consider the following statements relating to Indian Secularism. Which of the following statements is incorrect?

(a) Indian State does not recognise any religion as official religion of the state.

(b) Indian State is neutral towards all the religions.

(c) Indian State engages in promotion of all the religions.

(d) Indian State does not recognise religion and considers religion only a private matter of people.

4. Consider the following statements relating to Indian Socialism, which of the following statements is correct?

(a) India has adopted a definite economic structure to attain objectives of socialism.

(b) India seeks to attain objectives of socialism without adopting a definite economic structure for it.

(c) Indian socialism adopts the economic structure of socialist countries without adopting goals of socialism.

(d) None of the above.

5. Consider the following statements regarding 'economic justice' as enshrined in the preamble to the constitution of India?

(a) It refers to absence of unemployment in India.

(b) It refers to equal wealth with everyone in India.

(c) It refers to possession of all forms of wealth under Public sector.

(d) It refers to equal opportunity to everyone to raise one's standard of living.

6. The Preamble to the Indian Constitution serves which of the following purpose?

1. It indicates that authority of the Government is derived from the people.

2. It lays down the objectives which the Constitution seeks to accomplish.

3. It helps Judiciary to interpret provisions of the Constitution.

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2 and 3 only
- (d) 1, 2, and 3

7. With reference to the Preamble as enshrined in the Indian Constitution, consider the following statements:

1. 'Equality' means removing all the differences among the citizens of India.

2. 'Secular' means government will not interfere at all in the matters of religion.

3. 'Republic' means the Head of the State is a nominated person.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3 only
- (c) 1, 2, and 3
- (d) None

8. With reference to the Preamble as enshrined in the Indian Constitution, consider the following statements:

1. The Preamble was the first part of the Constitution to be drafted.

2. The 42nd Constitutional Amendment added three new words—Socialist, Secular and Integrity—into the Preamble.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Note: The Preamble to the constitution was drafted in the end.

9. Which of the following statements regarding the Preamble to the Constitution is/are incorrect?

- 1. Preamble cannot be abridged by any Constitutional Amendment.
- 2. Values in the Preamble cannot be enforced in the Courts.
- 3. Preamble ensures sovereignty of Parliament.

Select the correct answer using the codes given here:

- (a) 1 only
- (b) 1 and 2
- (c) 2 only
- (d) 1 and 3

10. Consider the following statements relating to Preamble:

- 1. Preamble was adopted from Government of India Act, 1935.
- 2. Preamble states the aspiration of constitution for the people of India.
- 3. Preamble was approved by people of India through referendum.

Select the correct answer using the codes given below:

- (a) 2 only
- (b) 1 and 2 only
- (c) 1 and 3 only
- (d) 1, 2, and 3

11. The Preamble to a Constitution serves which of the following purposes:

- 1. It serves as an introduction to Constitution
- 2. It sets out the vision of the Constitution
- 3. It reflects the intentions of the Constitution makers

Which of the statements given above is/are correct?

- (a) 3 only
- (b) 1 and 2 only
- (c) 1 and 3 only
- (d) 1, 2, and 3

12. Consider the following statements about Objectives Resolution in Constituent Assembly of India:

- 1. The Objectives Resolution was introduced in the Constituent assembly by Jawaharlal Nehru.
- 2. The vote on Objectives Resolution failed, and thus it was dropped and replaced by Preamble.
- 3. The Objectives Resolution proposed to proclaim India as an Independent Sovereign Republic.

Which of the statements given above is/are correct?

- (a) 3 only
- (b) 1 and 2 only
- (c) 1 and 3 only
- (d) 1, 2, and 3

13. Which one of the following statements best explains the 'Dominion Status'?

- (a) Dominions are nations which are completely independent.
- (b) Dominions are dependent upon other nations to manage their external relations.
- (c) India secured the status of British dominion with the announcement of Cabinet Plan in 1946.
- (d) The dominion status of India ended with its independence on August 15, 1947.

14. Which of the following statements is correct about Indian form of Socialism?

- 1. It recognises freedom of individuals.
- 2. It recognises role of government in the economy.
- 3. It ignores the role of private entrepreneurship in economic development.

Select the correct answer using the code given below:

- (a) 3 only
- (b) 1 and 2 only
- (c) 1 and 3 only
- (d) 1, 2, and 3

15. Which of the following statements is correct regarding Indian Secularism?

- 1. The State never involves in the religion of the people and the religious institutions.
- 2. The State does not enforce any particular religion nor take away the religious freedom of individuals.
- 3. The State seeks to ensure that one religious community does not dominate another.

Select the correct answer using the code given below:

- (a) 3 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2, and 3

16. Which of the following is the inappropriate depiction of Just Society?

- (a) A just society seeks to 'give everyone his or her due'.
- (b) A just society is one where the inequalities are minimised and everyone has equal opportunities.
- (c) A just society can impose sacrifices on few, when the advantages are enjoyed by many.
- (d) A just society is an equal society.

17. Which of the following are the implications of Liberty on the people of the country?

- 1. Lack of Constraints
- 2. Freedom to attain one's potential
- 3. Unrestricted freedom to do what one likes

Select the correct answer using the code given below:

- (a) 2 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2, and 3

18. Which of the following statements is correct in the context of Liberty of belief and Liberty of faith?

1. While faith can be related to any other field, belief is particularly associated with religion.
2. Belief is a broader term than Faith.
3. The Preamble mentions Liberty of belief, but not Liberty of faith.

Select the correct answer using the code given below:

- (a) 2 only
- (b) 1 and 3 only
- (c) 2 and 3 only
- (d) 1, 2, and 3

19. Which of the following is the suitable implication of Equality of Status?

1. Absence of discrimination on basis of one's educational qualification
 2. Equality of Status without regard to professional competence
 3. No special privilege on the basis of place of birth
- Select the correct answer using the code given below:

- (a) 2 only
- (b) 3 only
- (c) 2 and 3
- (d) 1 and 2

20. Which of the following is correct regarding the word 'Fraternity' incorporated into the Preamble?

1. The word 'Fraternity' was not there in the initial Objectives resolution.
2. The word 'Fraternity' was incorporated into the Preamble by 42nd amendment act.
3. Fraternity leads to Dignity of all individuals, Unity in society and Integrity of the country.

Select the correct answer using the code given below:

- (a) 3 only
- (b) 1 and 2 only
- (c) 1 and 3 only
- (d) 1, 2, and 3

Perfecting Past Prelims

1. Which one of the following objectives is not embodied in the Preamble to the Constitution of India? (2017)

- (a) Liberty of thought
- (b) Economic liberty
- (c) Liberty of expression
- (d) Liberty of belief

2. Democracy's superior virtue lies in the fact that it calls into activity (2017)

- (a) The intelligence and character of ordinary men and women.
- (b) The methods for strengthening executive leadership.
- (c) A superior individual with dynamism and vision
- (d) A band of dedicated party workers.

3. The mind of the makers of the Constitution of India is reflected in which of the following? (2017)

- (a) The Preamble
- (b) The Fundamental Rights
- (c) The Directive Principles of State Policy
- (d) The Fundamental Duties

4. Which of the following reflects the most appropriate relationship between law of the land and liberty? (2018)

- (a) If there are more laws, there is less liberty
- (b) If there is no law, there is no liberty
- (c) If there is liberty laws have to be made by the people
- (d) If laws are changed to often liberty is in danger

5. In the context of polity, which one of the following would you accept as the most appropriate definition of liberty? (2019)

- (a) Protection against the tyranny of political rulers
- (b) Absence of restraint
- (c) Opportunity to do whatever one likes
- (d) Opportunity to develop oneself fully.

6. The Preamble to the Constitution of India is (2020)

- (a) A part of the Constitution but has no legal effect
- (b) Not a part of the Constitution and has no legal effect either
- (c) A part of the Constitution and has the same legal effect as any other part
- (d) A part of the Constitution but has no legal effect independently of other parts

7. What was the exact constitutional status of India on 26th January, 1950?

(2021)

- (a) A democratic Republic
- (b) A Sovereign Democratic Republic
- (c) A Sovereign Secular Democratic Republic
- (d) A Sovereign Socialist Secular Democratic Republic

Answer Key

Practice Questions

1. (b)	2. (a)	3. (d)	4. (b)	5. (d)
6. (d)	7. (d)	8. (b)	9. (b)	10. (a)
11. (d)	12. (c)	13. (b)	14. (b)	15. (c)
16. (c)	17. (b)	18. (a)	19. (b)	20. (c)

Perfecting Past Prelims

1. (b)	2. (a)	3. (a)	4. (d)	5. (d)
6. (d)	7. (b)			

Solutions

Practice Questions

1. (b) The words secular, socialist, and integrity were added to the Constitution by the 42nd Amendment.

2. (a) Statement 2 is incorrect because 42nd Amendment Act was passed by Congress government and not Janta Party government.

Statement 3 is incorrect because an amendment to the preamble (like amendment to any other part of the Constitution) can be undertaken with a special majority and not unanimous consent of all the members of the house.

3. (d) Option (d) is incorrect. Indian State does recognise religion of people. Infact, it is engaged in promotion of all the religions.

4. (b) Option (b) is correct. India seeks to attain objectives of socialism without adopting a definite economic structure for it. As Indian Socialism does not adopt definite economic structure, Indian Socialism considers the role of both private and public sector in the economy.

5. (d) 'Economic justice' as enshrined in the Preamble to the Constitution of India refers to equal opportunity to everyone to raise one's standard of living.

6. (d) All the given statements are correct.

7. (d) Statement 1 is incorrect. 'Equality' means the absence of special privileges to any section of society and provision of adequate opportunities for all individuals without any discrimination.

Statement 2 is incorrect. 'Secular' means government will not discriminate against any religion. However, government can interfere in religious matters such as promotion of all the religions.

Statement 3 is incorrect. 'Republic' means that the head of a state is elected.

8. (b) Statement 1 is incorrect because Preamble was drafted after all the other provisions of Constitution were drafted.
Statement 2 is correct.

9. (b) Statement 1 is incorrect because Preamble can be abridged through constitutional amendment.

Statement 2 is incorrect because values mentioned in the Preamble can be enforced by courts. Even courts adhere to Preamble to interpret provisions of Constitution.

Statement 3 is correct because Preamble declares India to be sovereign. The main body in India is Parliament because it is a representative body of people. Thus, Preamble ensures the sovereignty of Parliament.

Contact 75979-00000

Thus, statements 1 and 2 are incorrect.

10. (a) Statement 1 is incorrect because Preamble was adopted on basis of objectives resolution introduced by Jawaharlal Nehru in the constituent assembly.

Statement 2 is correct.

Statement 3 is incorrect because it is deemed that the ultimate authority behind Constitution of India is 'the people of India'. This is also proved from the fact that Preamble starts with the expression 'We, the people of India'. There was no referendum held to approve Preamble.

Sol. 11 (d) The Preamble to Constitution serves the given three purposes- it serves as an introduction to Constitution; it sets out the vision of the Constitution and it also reflects the intentions of the Constitution makers.

Sol. 12 (c) Statement 2 is incorrect: The Objectives resolution was introduced by Jawaharlal Nehru in the Constituent assembly on 13 December 1946. The resolution was adopted by the constituent assembly on January 22, 1947.

Statements 1 and 3 are correct.

Sol. 13 (b) The word Dominion was used from 1907 to 1948 to refer to self-governing nations within the British Empire. As Dominions are self-governing, they have complete autonomy to manage their internal affairs. However, as they are within the British empire, they are not completely independent particularly with respect to their external affairs.

Sol. 14 (b) Statement 3 is incorrect: Indian form of Socialism recognises the role of Private sector (private entrepreneurship) in the economy.

Sol. 15 (c) Statement 1 is incorrect: Unlike western secularism, India does not follow strict separation of religion and the State. Instead, the state maintains an equal distance from all religions, but at the same time is engaged in the promotion of all the religions equally. Thus, Indian State does involve in the religion of the people and the religious institutions.

Sol. 16 (c) Justice does not advocate that sacrifices should be imposed on few, even if the advantages are enjoyed by many. Injustice is tolerable only when it is necessary to avoid an even greater injustice. In other words, one cannot argue that few can be subjected to injustice, if it results in advantages for many.

Sol. 17 (b) Statement 3 is incorrect: Liberty does not mean unrestricted freedom to do what one likes. Limited restrictions are required on individual liberties in the larger interest of the society.

Sol. 18 (a) Statement 1 is incorrect: While belief can be political or related to any other field, faith is particularly associated with religion.

Statement 3 is incorrect: The Preamble mentions both Liberty of belief and Liberty of faith.

Sol. 19 (b) Statements 1 and 2 are incorrect. One needs to understand that equality does not mean complete absence of differences. Based on the work of an individual, there could be differences in rewards and recognition. Thus, discrimination on the basis of educational qualification and professional competence of the person is possible.

Sol. 20 (c) Statement 2 is incorrect: The word 'Fraternity' was incorporated into the original Preamble. It was added later to the Preamble by the drafting committee in 1948.

Perfecting Past Prelims

Sol.1(b) Economic Liberty is not embodied in the Preamble to the Constitution of India.

Sol.2 (a) 'Demo' means people and 'cracy' means rule. Democracy literally means 'rule of people'. In direct democracy, people themselves take decisions on various issues. The quality of decisions directly depends upon the intelligence and character of people. In representative democracy, ordinary people choose representatives. The quality of representatives would depend upon intelligence (such as analysis) and character (such as consideration to morals) of people.

Option (b) is incorrect. Democracy aims at strengthening the functioning of government and not concentration of power in leadership.

Option (c) is incorrect. Democracy does not aim at promoting a single individual. Promotion of a single individual may kill democracy in the long run.

Option (d) is totally contrary to democracy. Democracy deals with all the sections and not just a single group of workers.

Sol. 3 (a) The preamble lists the objectives of the Constitution of India. Thus, it is appropriate to say that the Preamble reflects the mind of the makers of the Constitution.

Sol. 4 (d) Option (a) is incorrect. It does not necessarily mean that laws curtail liberty. Infact, some of the laws are passed to provide liberty. For instance, the Indian Constitution provides liberty to its citizens through Article 21 and various freedoms including speech and expression, movement, assembly, profession etc through Article 19.

Option (b) is incorrect: It is true that laws can be passed to provide liberty. In fact, option (b) was a statement by Political Thinker John Locke. However, it cannot be

said that if there are no laws, there is no liberty. This is wrong because it is an extreme statement.

Option (c) is also incorrect: It may happen that people pass laws to restrict their liberty, for instance caste system rules.

Option (d) is correct. If laws are changed too often, liberty is in danger because in such a case, laws can be amended to restrict liberty.

Sol. 5 (d) Opportunity to develop oneself fully

Option (a) is incorrect: It fails to express the complete idea of liberty. Protection against the tyranny of political rulers does not express complete idea of liberty. Liberty not only confers protection but it also grants multifaceted freedoms.

Option (b) is incorrect: If there is no restraint, then the actions of people may erode other's liberty. Thus, restraint is essential to enjoy liberty. For instance, even fundamental rights have restrictions. There are 8 limitations on freedom of speech and expression.

Option (c) is incorrect: It also attempts to grant freedom without any restraint. The explanation given for proving option (b) as incorrect, is also applicable for option (c).

Option (d) is correct: Liberty (with restraints) provide us with opportunity to develop fully in life. The development may be in different dimensions such as social, economic, intellectual, etc. Let us look at the other side. If there were severe restrictions by state on economic activity, then we may not be able to pursue our economic upliftment. It is to be noted that a developed individual has utmost respect for restraints because one's restraint enable other people to enjoy their own liberty.

Sol.6 (d) a part of the Constitution but has no legal effect independently of other parts

The Supreme Court has declared preamble as a part of the Constitution. The preamble cannot, in and of itself, impose additional rights to those explicitly stipulated in the Constitution. Nevertheless, the courts regularly resort to using the preamble when the text of the Constitution is vague.

Sol.7 (b) India was a Sovereign, Democratic, Republic on 26th January, 1950. It gained the status of Secular and Socialist with the 42nd Amendment Act, 1976.