UNIT 2: THE PREAMBLE OF THE INDIAN CONSTITUTION

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2.1. LEARNING OBJECTIVES

This unit, divided into the following sections, aims to introduce the Preamble of the Constitution of India. Hence, it reflects the basic structure and ideals of the Indian Constitution. It helps the readers to know the basic features of the Constitution.

The learning objectives can be summed up in the following points.

- To introduce the Preamble, the 'soul' of the Indian Constitution
- To know the basic Ideals of the Preamble of the Indian Constitution

- To acquire knowledge about the basic Philosophy of the Indian Constitution
- To understand the nature of the State of India
- To understand the significance of the Ideals enshrined in the Preamble of the Indian Constitution.

2.2. INTRODUCTION

The Preamble of the Indian Constitution acts as the preface of the Constitution of India. The Preamble of the Indian Constitution summarizes the objectives and aims and lays down the fundamental values and ideals of the Constitution. Significance of the Preamble of the Indian Constitution rests in the fact that it identifies the nature of society and government which the fathers of the Constitution aimed to establish in India.

2.3. THE PREAMBLE OF THE INDIAN CONSTITUTION: INTRODUCING ITS IDEALS

The Preamble of the Indian Constitution is considered as one of the most important parts of the Constitution. The Preamble not only reflects the basic structure of the Constitution but also highlights the ideals. The Preamble of the Indian Constitution came into effect in 1950 along with the Constitution.

The Preamble of the Indian Constitution demonstrates the ideals in the following:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

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

EQUALITY of status and of opportunity;

and to promote among them all;

FRATERNITY assuring the dignity of the individual and the UNITY and INTEGRITY of the Nation;

IN OUR CONSTITUTENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."

The expression 'We the people of India', with which the Preamble of the Indian Constitution begins, is significant to identify the source of authority in Indian political system. The quoted expression recognizes the 'People of India' as the ultimate source of sovereignty.

2.3.1. Nature (features) of the Indian State

The Preamble of the Indian Constitution also reflects the nature of the State. India, as enshrined in the Preamble of the Indian Constitution, is a sovereign, socialist, secular and democratic republic. These features are briefly discussed in the following ways.

a) **Sovereign:**As stated in the Preamble of the Indian Constitution, India is a sovereign state in the sense that it can take decisions without any external intervention. The Preamble declares the people of India as the ultimate sovereignty. With the newly drafted and adopted Constitution of India, India became an independent state. India, like any other sovereign country, enjoys the power to legislate on any subject without any external influence.

b) **Socialist:**The 42nd Constitution Amendment Act of 1976 incorporated the term 'Socialist' in the Preamble of the Indian Constitution and thus India became a socialist state. However, Indian socialism differs from rigid form of socialism (such as socialism in the USSR) where State involves in nationalization of all means of production and abolition of private property rights of the citizens. Indian socialism is related to democratic socialism where the State engages in removal of inequality and eradication of poverty through some progressive economic measures.

c) **Secular:** India is a secular state, which means that the State does not itself hold any religion as the 'State religion' and protects all religions equally.The term 'Secular' was inserted in the Preamble

by the 42nd Constitution Amendment Act of 1976. The 45th Constitutional Amendment Bill defines the term 'Secular Republic' as a 'Republic in which there is equal respect for all religions'. So, the State of India has no official religion; rather it treats every religion equally. India does not discriminate its citizens on the basis of their religion.

d) **Democratic:** The Preamble of the Indian Constitution envisages India as a 'democratic' State. India has not only a democratic form of government but also a democratic society. As a democratic State, India adopts a representative democracy, where people exercise their political power through the representatives elected by them. The system of universal adult suffrage allows people the scope of political participation.

e) **Republic:** On 26th January, 1950, the Constitution of India came into force and India became a 'Republic State'. India is a 'Republic State', where the supreme power of governance rests with the people of the country. The Preamble of the Indian Constitution declares that people of India are the source of all authority. India has an elected President who acts as the head of the State. He is elected by the members of the Parliament and State Legislative Assemblies for a fixed term of five years. The Commonwealth membership of India does not hinder India as a 'Republic State'.



CHECK YOUR PROGRESS – 1:

Q.1. Write any two features of the State of India as enshrined in the Preamble of the Indian Constitution.

Q.2. Why is the expression 'We the people of India' appeared in the Preamble of the Indian Constitution significant?

Q.3. Mention the kinds of Justice as enshrined in the Preamble of the Indian Constitution.

2.4. THE PREAMBLE OF THE INDIAN CONSTITUTION: JUSTICE – SOCIAL, ECONOMIC AND POLITICAL

There are various kinds of 'Ideals' enshrined in the Preamble of the Indian Constitution. 'Justice' is one of the Ideals. Justice, as enshrined in the Preamble of the Indian Constitution, consists of three kinds – social justice, economic justice and political justice.

2.4.1. Social Justice: Social justice aims to equalize all the people of India by removing all social barriers on the basis of caste, class, creed, race, sex, religion etc. Thus, social justice prohibits discrimination on the above mentioned grounds. In order to ensure social justice for all the Indian citizens, the Government of India has taken some measures such as legislations, reservations for backward classes. By amending and renaming the Untouchability (Offences) Act, 1955, the Parliament of India made the Protection of Civil Rights Act, 1955 to remove social barriers. To prevent atrocities against the backward classes such as *Dalits*, the Government of India enacted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. As a part of the scheme of welfare State in India, the Constitution provides for reservation for Scheduled Castes, Scheduled Tribes, women and other backward sections of society.

2.4.2. Economic Justice: Based on the principle of 'equal pay for equal work to all', economic justice aims to abolish discrimination in economic sphere. The Constitution of India provides for equal opportunity to all its citizens of being recruited to public services. The Government of India, being directed by ideals enshrined in the Preamble of the Indian Constitution, worked to end monopoly control over means of production and distribution and ensure equitable distribution of wealth.

2.4.3. Political Justice: The Preamble of the Indian Constitution also provides for political justice. It refers to the opportunity for free and

fair political participation of all the citizens of India. This is secured through universal adult suffrage under Article 326 of the Constitution. In order to ensure political rights, Article 326 lays down that no Indian citizen can be discriminated on the basis of caste, class, sex, sect, religion, language and so on.

2.5. THE PREAMBLE OF THE INDIAN CONSTITUTION : LIBERTY OF THOUGHT, EXPRESSION, BELIEF, FAITH AND WORSHIP

The Preamble of the Indian Constitution enshrines 'Liberty' as one of the Ideals. The Constitution of India guarantees to all the liberty of thought, expression, belief, faith and worship. In India, people enjoy liberty in the form of Fundamental Rights guaranteed in Part III of the Constitution. People are given liberty of expression, meaning that they can express their ideas or views without jeopardizing national interest of India. People have freedom of worship. The State of India has no religion of its own; it treats all religions equally.

2.6. THE PREAMBLE OF THE INDIAN CONSTITUTION: EQUALITY OF STATUS AND OF OPPORTUNITY

Equality is one of the Ideals enshrined in the Preamble of the Indian Constitution. The Fathers of the Indian Constitution realized that liberty without equality is meaningless. So, they incorporated some Articles in Part III in the Constitution to guarantee equality of 'Status and Opportunity' among all the citizens of India. Articles 14-18 provides for equality in the eyes of law and equality before law. They also guarantee that no distinction can be made among the citizens of India on the basis of caste, class, religion, sex, race and color. For instance, Article 17 of the Indian Constitution prohibits the practice of untouchability. Likewise, all the people have been given equal opportunity for getting employment if deserve. Through the mechanism of reservation, Scheduled Castes, Scheduled Tribes, women and other backward classes have been provided special protection. In order to make

a sense of equality, honors and titles, other than academic and military, are abolished so that they cannot distinguish a person from the others.

2.7. THE PREAMBLE OF THE INDIAN CONSTITUTION : FRATERNITY AND UNITY

India is a country which is characterized with its diverse cultures, religions, castes, languages, communities and so on. The Preamble of the Indian Constitution, therefore, aims to establish and secure fraternity and unity across the country among all the citizens.

2.7.1. Fraternity: Assuring the Dignity of the Individual

The Preamble of the Indian Constitution provides that ensuring dignity of the individuals is important to foster the spirit of fraternity. Eminent Political Scientist Durga Das Basu observed: “A fraternity cannot, however, be installed unless the dignity of each of its members is maintained. The Preamble, therefore, says that the State, in India, will assure the dignity of the individual. The Constitution seeks to achieve this object by guaranteeing equal fundamental rights to each individual, so that he can enforce his minimal rights, if invaded by anybody, in a court of law.”

The Preamble ensures that all individuals in the State of India shall have dignity. Individuals are not classified as rich or poor, forward or backward, low or high and so on. All are equally treated as dignified human being. This is to bolster the deeper sense of fraternity among all. And, the sense of brotherhood or fraternity is essential to secure national unity and fulfill national interests.

2.7.2. Unity and Integrity of the Nation

Another promise made in the Preamble of the Indian Constitution is ‘Unity and Integrity of the Nation’. The 42nd Constitutional Amendment Act, 1976added the term ‘Integrity’ in the Preamble of the Indian Constitution. Dr. S. Dayal says: “The insertion of the word ‘integrity’ cannot rationally be questioned for it is impossible to argue that unity can be safe without integrity

of nation. Integrity is vital to encounter fissiparous tendencies." Unity and integrity of the Nation work as prerequisites for advancement and progress of all the individuals and the State. In order to develop and maintain, unity and integrity of the Nation in India, certain mechanisms, such as single judiciary, single citizenship, one Constitution, one set of Fundamental Rights, and a system of All India Services, have been made. Provision for more powerful Centre in Indian federal setting reinforces the sense of unity and integrity.



CHECK YOUR PROGRESS – 2:

Q.1. Which Article of the Indian Constitution prohibits untouchability?

Q.2. Why was social justice institutionalized in the Indian Constitution?

Q.3. Who is the speaker of these lines: "A fraternity cannot, however, be installed unless the dignity of each of its members is maintained. The Preamble, therefore, says that the State, in India, will assure the dignity of the individual."?

2.8. SIGNIFICANCE AND CRITICAL EVALUATION OF THE PREAMBLE OF THE INDIAN CONSTITUTION

Some scholars consider the Preamble as the soul of the Constitution of India. The Preamble of the Indian Constitution represents the basic structure of the Constitution. Former Chief Justice of India Hidayatullah observes: "The Preamble resembles the Declaration of Independence of the United States of America, but is more than a declaration. It is the soul of our Constitution which lays down the pattern of our political society which, it states, is Sovereign Democratic Republic. It contains a solemn resolve which nothing but a revolution can alter."

Some scholars argue that the Preamble of the Indian Constitution comprises the basic philosophy of the Constitution. Former Chief Justice of India, P. B. Gajendragadkar said: "It would, I think, be fairly accurate to

say that the basic philosophy of the Constitution of India is to be found, in essence, in the Preamble itself. India is one country, and there is only *one* citizenship in India. India is committed to the ideal of the welfare State and must establish socio-economic justice. India is committed to democracy and respects individual liberty and India wants to give to all its citizens equality of status and opportunity, thereby attempting to create a mighty brotherhood of Indian citizens which would assist the Sovereign Democratic Republic of India in reaching its proclaimed objectives. That, in substance, is the message of the Preamble."

Explaining the significance of the Preamble of the Indian Constitution, Peu Ghosh observed: "Therefore, undoubtedly the Preamble is the cornerstone of the Indian Constitution. Though it is not binding upon the Government of India, but it is not possible either to ignore or to violate the pledges that have been enshrined in the Preamble. It embodies the spirit of the Indian polity which is to ensure justice, liberty, equality and fraternity and unity and integration of the nation, while it also upholds the nature of Indian polity which is Sovereign, Socialist, Secular, and Democratic Republic."



2.9. LET US SUM UP

The chapter can be summed up in the following points.

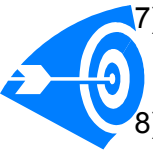
- The Preamble of the Indian Constitution acts as the preface of the Constitution of India.
- The Preamble is the soul of the Constitution of India.
- The Preamble of the Indian Constitution represents the basic structure of the Constitution.
- India, as enshrined in the Preamble of the Indian Constitution, is a sovereign, socialist, and democratic republic.
- The expression 'We the people of India', with which the Preamble of the Indian Constitution begins, is significant to identify the source of authority in Indian political system.

- The Preamble of the Indian Constitution embodies some Ideals including: Justice, Liberty, Equality, Fraternity, and Unity and Integrity.
- Justice, as enshrined in the Preamble of the Indian Constitution, consists of three kinds – social justice, economic justice and political justice.
- The Constitution of India guarantees to all the liberty of thought, expression, belief, faith and worship.
- Equality is one of the Ideals enshrined in the Preamble of the Indian Constitution. The Fathers of the Indian Constitution incorporated some Articles in Part III in the Constitution to guarantee equality of 'Status and Opportunity' among all the citizens of India.
- The Preamble of the Indian Constitution provides that ensuring dignity of the individuals is important to foster the spirit of fraternity.
- Another promise made in the Preamble of the Indian Constitution is 'Unity and Integrity of the Nation'.
- Significance of the Preamble of the Indian Constitution rests in the fact that it identifies the nature of society and government which the fathers of the Constitution aimed to establish in India.
- The Preamble is the cornerstone of the Indian Constitution. Though it is not binding upon the Government of India, but it is not possible either to ignore or to violate the pledges that have been enshrined in the Preamble.
- The Preamble embodies the spirit of the Indian polity which is to ensure justice, liberty, equality and fraternity and unity and integration of the nation, while it also upholds the nature of Indian polity which is Sovereign, Socialist, Secular, and Democratic Republic.



2.10. FURTHER READINGS

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Republic: India is a 'Republic State', where the supreme power of governance rests with the people of the country.

2.11. ANSWERS TO CHECK YOUR PROGRESS

ANSWER KEY:: CHECK YOUR PROGRESS – 1:

Ans. to Q.1: Two features of the State of India as enshrined in the Preamble of the Indian Constitution include: a) ***Republic:*** India is a 'Republic State', where the supreme power of governance rests with the people of the country. The Preamble of the Indian Constitution declares that people of India are

the source of all authority. India has an elected President who acts as the head of the State.

b) **Secular:** India is a secular state, which means that the State does not itself hold any religion as the 'State religion' and protects all religions equally. The term 'Secular' was inserted in the Preamble by the 42nd Constitution Amendment Act of 1976. The State of India has no official religion; rather it treats every religion equally. India does not discriminate its citizens on the basis of their religion.

Ans. to Q.2: The Preamble of the Indian Constitution envisages India as a 'democratic republic' State. The expression 'We the people of India', with which the Preamble of the Indian Constitution begins, is significant to identify the source of authority in Indian political system. The quoted expression recognizes the 'People of India' as the ultimate source of sovereignty.

Ans. to Q.3: Justice, as enshrined in the Preamble of the Indian Constitution, consists of three kinds – social justice, economic justice and political justice.

ANSWER KEY:: CHECK YOUR PROGRESS – 2:

Ans. to Q.1: Article 17 of the Indian Constitution prohibits the practice of untouchability.

Ans. to Q.2: India is a country which is characterized with its diverse cultures, religions, castes, languages, communities and so on. The Preamble of the Indian Constitution, therefore, aims to establish and secure a society based upon equality and justice. Social justice aims to equalize all the people of India by removing all social barriers on the basis of caste, class, creed, race, sex, religion etc. So, social justice was advocated in the Constitution of India.

Ans. to Q.3: Eminent Political Scientist Durga Das Basu is the speaker of the quoted lines.



2.12. MODEL QUESTIONS

Q.1. Do you think that the Preamble embodies the philosophy of the Indian Constitution? Argue.

Q.2. Explain the Ideals of the Constitution of India as enshrined in the Preamble.

Q.3. Critically analyze the significance of the Preamble of the Indian Constitution.

Q.4. Discuss the features of the State of India as reflected in the Preamble of the Indian Constitution.

Q.5. Write a note on unity and integrity of the Nation in India.

Q.6. "The Preamble of the Indian Constitution provides that ensuring dignity of the individuals is important to foster the spirit of fraternity." – Do you agree to this statement? Explain.

Q.7. Do you consider the Preamble as the soul of the Constitution of India? Give arguments in support of your response.

Q.8. Elaborate the different kinds of justice enshrined in the Preamble of the Indian Constitution.

Q.9. Write a short note on Liberty as proclaimed in the Preamble of the Indian Constitution. Do you think that these liberties are essential for the citizens of India? Argue.

Q.10. Elaborate the concept of equality as enshrined in the Preamble of the Indian Constitution. And, mention some important mechanisms prescribed in the Constitution of India to ensure equality.

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