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## Competitive Exams: Political Science Study Material Preamble

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### The Preamble

- The Preamble to the Constitution sets out the main objectives which the Constituent Assembly intended to achieve.
- The 'Objective Resolution' proposed by Pandit Nehru and passed by the Constituent Assembly, ultimately became the Preamble to the Constitution of India.
- As the Supreme Court has observed, the Preamble is a key to unravel the minds of the makers of the Constitution.
- It also embodies the ideals and aspirations of the people of India.
- The Constitution ( 42<sup>nd</sup> Amendment) Act, 1976 amended the Preamble and added the words Socialist, Secular and Integrity to the Preamble.
- The Preamble is non-justiciable in nature, like the Directive Principles of State Policy, and cannot be enforced in a court of law.
- It can neither provide substantive power (definite and real power) to the three organs of the State, nor limit their powers under the provisions of the Constitution.
- The Preamble cannot override the specific provisions of the Constitution.
- In case of any conflict between the two, the latter shall prevail.
- So, it has a very limited role to play.
- As observed by the Supreme Court, the Preamble plays a vital role in removing the ambiguity surrounding the provisions of the Constitution.

### Purpose of the Preamble

- The Preamble declares that it is the people of India who had enacted, adopted and given the Constitution to themselves.
- Thus, sovereignty lies ultimately with the people.
- It also declares the ideals and aspirations of the people that need to be achieved.

- Ideals are different from aspirations. While the former have been achieved with the Constitution proclaiming India as Sovereign

Socialist, Secular, Democratic Republic, the latter include justice, liberty, equality and fraternity, which are yet to be achieved.

The ideals are the means to achieve aspirations.

## 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 of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation.

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

### **Sovereign**

The word 'Sovereign' emphasizes that there is no authority outside India on which the country is in any way dependent.

### **Socialist**

By the word 'Socialist' the Constitution means the achievement of socialistic pattern of society through democratic means.

### **Secular**

- That India is a 'Secular state' does not mean that India is non-religious or irreligious, or anti-religious, but simply that the State in itself is not religious and follows the ancient Indian principle of Sarva Dharma Samabhava.
- It also means that the State shall not discriminate against the citizens in any way on the basis of religion.
- The State regards religion to be the private affair of a person including the right to believe or not to believe in a religion.
- However, India is not secular in the sense the Western countries are, due to its distinctive socio-cultural environment.

### **Is It a Part of Constitution?**

- The Supreme Court in the Kesavananda Bharati vs. State of Kerala (1971) case overruled its earlier decision (Berubari case) of 1960 and made it clear that it is a part of the Constitution and is subject to the amending power of the Parliament as any other provisions of the Constitution, provided the basic structure of the Constitution as found in the Preamble is not destroyed. However, it is not an essential part of the Constitution.
- In the latest S. R. Bommai case, 1993 regarding the dismissal of three BJP Governments in MP, Rajasthan and Himachal Pradesh, Justice Ramaswamy said, the Preamble of the Constitution is an integral part of the Constitution. Democratic form of government, federal structure, unity and integrity of the nation, secularism, socialism, social justice and judicial review are basic features of the Constitution.
- The question arises as to why Preamble was amended when it is a basic feature. By the 42<sup>nd</sup> amendment, the Preamble was amended to include 'socialist' 'secular' and 'integrity' as it was assumed that these amendments are clarifying and qualifying in nature. They are already implicit in the Preamble

### **Democratic**

- The term 'Democratic' means that the rulers elected by the people only, have the authority to run the government.
- India follows a system of 'Representative Democracy' where the MPs and MLAs are elected directly by the people.
- Efforts are being made to take democracy to the grassroots through Panchayats and Municipalities ( 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts, 1992) .
- However, the Preamble envisages not only political democracy but also social and economic democracies.

### **Republic**

The word 'Republic' means that there exists no hereditary ruler in India and all the Authorities of the State are directly or indirectly elected by the people.

The Preamble states that the objectives to be secured to every citizen are:

### **Justice: Social, Economic and Political**

- Regarding justice, one thing is clear that the Indian Constitution expects political justice to be the means to achieve social and economic justice, by making the State more and more welfare oriented in nature.
- Political justice in India is guaranteed by universal adult suffrage without any sort of qualification.
- While social justice is ensured by abolishing jmy Jitle of honour (Art. 18) and untouchability (Art. 17) , economic justice is guaranteed primarily through the

Directive Principles.

### **Liberty: Of Thought, Expression, Belief, Faith and Worship**

- Liberty is an essential attribute of a free society that helps in the fullest development of intellectual, mental, and spiritual faculties of an individual.
- The Indian Constitution guarantees six democratic freedoms to individuals under Art. 19 and Right to freedom of religion under Arts. 25 – 28.

### **Equality: Of Status, Opportunity**

- The fruits of liberty cannot be fully realized until there is an equality of status and opportunity.
- Our Constitution makes it illegal, any discrimination by the State only on the basis of religion, caste, sex, or place of birth (Art. 15) by throwing open public places to all, by abolishing untouchability (Art. 17) and by abolishing titles of honour (Art.18) .
- However, to bring the hitherto neglected sections of the society into the national mainstream, the Parliament has passed certain laws for the SCs, STs, OBCs (Protective Discrimination) .

### **Fraternity**

Fraternity as enshrined in the Constitution means a sense of brotherhood prevailing amongst all the sections of the people. This is sought to be achieved by making the State secular, guaranteeing fundamental and other rights equally to people of all sections, and protecting their interests. However, fraternity is an evolving process and by the 42<sup>nd</sup> amendment, the word ‘integrity’ was added, thus giving it a broader meaning.

KM Munshi termed it as ‘the Political Horoscope’ Earnest Barker calls it the ‘key to the Constitution’ Thakurdas Bhargava recognized it as the ‘Soul of the Constitution’

The term ‘Socialistic pattern of society’ was adopted as a goal of the Indian State by the Congress in 1955 in Avadi Session.

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