

CLASS XII  
SUBJECT POLITICAL SCIENCE  
TOPIC THE PREAMBLE AND  
SALIENT FEATURES OF THE  
CONSTITUTION



# CHAPTER 9

## INDIAN CONSTITUTION

# THE PREAMBLE AND SALIENT FEATURES OF THE INDIAN CONSTITUTION

### I. PREAMBLE OF THE INDIAN CONSTITUTION

The Constitution of India begins with a Preamble which specifies the nature of the Indian State and the objectives it is committed to secure. K.M. Munshi describes the Preamble as the political horoscope of the constitution which lists the basic features of the Constitution, its basic philosophy and the nature of Indian state. In the words of Pt. Thakur Dass Bhargawa :

“The Preamble is the most precious part of the constitution, it is the soul of the constitution, it is the key to the constitution. It is the key to open the mind of the makers of the constitution. It is a jewel set in the constitution. It is a superb prose poem, nay, it is perfection in itself. It is a proper yard-stick with which one can measure the worth of the constitution.”

Preamble is the key to the letter and spirit of the constitution.

The Preamble begins with the words “We the people” and ends by recording that it is a “self-made adopted and enacted constitution of India.”

Let us read 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, 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 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.

*The words 'Socialist' 'Secular' and 'Integrity' were initially not there in the Preamble and were added to it by the 42nd Amendment (1976) to the Constitution.*

## IA. PREAMBLE: SALIENT FEATURES & MEANING OF IMPORTANT WORDS

The Preamble lays down the nature of Indian state and states the objectives which are to be achieved for all the citizens. It also upholds the sovereignty of the people of India and records the date on which the Constitution was finally adopted by the Constituent Assembly. In fact each word of the Preamble conveys a set of ideas.

The Preamble is an integral part of the basic structure of the constitution of India.

### 1. The Source of all Authority—Popular Sovereignty (Sovereignty of the People)

The Preamble categorically accepts the principle of Popular Sovereignty. It begins by the words 'We the people of India'. These testify to the fact that the people are the ultimate source of all authority. The Government derives its power from the people. The constitution has its roots and derives its sovereignty from the people. In this respect, the Preamble of the Constitution of India is similar to the Preamble of the US Constitution and the Preamble of the Charter of the United Nations.

In the Constituent Assembly, two members objected to the use of the term "We the people". **H.V. Kamath** wanted that the Preamble should begin with the words "In the name of God" and this view was also supported by some other members. However, when after a debate it was put to vote, the amendment got defeated with 41 votes in favour and 68 against. Another member, **Mollana Hazrat Mohani** objected to the use of these words on the ground that since the Constituent Assembly was elected by a small electorate and that too on the basis of communal electorates, it was not fully representative and hence not competent to use these words. However, this view was also rejected by the Constituent Assembly. As such, the Preamble adopted by it, begins by the words : 'We the People of India' and these signify the fact of sovereignty of the people of India.

### 2. Nature of Indian State

The Preamble refers to the five cardinal features of India as a state. **It declares India to be a Sovereign, Socialist, Secular, Democratic, Republic.**

(1) **India is a Sovereign State.** The Preamble proclaims that India is a sovereign state. Such a proclamation was essential to denote the end of British rule over India. It testifies to the fact that India is no longer a dependency or colony or possession of British Crown. It also affirms the end of the dominion status that India technically got after the end of British Rule on 15th August, 1947. With the adoption of the constitution by the Constituent Assembly, this status ended and India emerged as a fully sovereign independent state. It proclaimed the result of the freedom struggle and affirmed that India was free internally and externally to take her own decisions and implement these for her people and territories.



Some critics, however, point out that the membership of 'Commonwealth of Nations' limits the sovereign status of India in so far as this membership accepts the British King/Queen as the head of the Commonwealth. However, this view is not correct. The Commonwealth is no longer the British Commonwealth. It is now, after 1949, an association of sovereign equal friends who because of their historical links have preferred to join hands in the Commonwealth for the promotion of their national interests through cooperative efforts. India's membership of the Commonwealth is a voluntary act and a courtesy arrangement. British King/Queen as head of the Commonwealth has no place in the Indian Constitution. India owes no allegiance to him/her. "British King is a symbolic head of the Free Association of Commonwealth." (Nehru) Prof. Ramaswamy has rightly observed:

"Indian membership of Commonwealth is a courtesy arrangement devoid of any constitutional significance."

Thus, Preamble proclaims the sovereign independent status of India. The word sovereign denotes both internal and external sovereignty of India. It means that the government is independent in internal and external matters and is no more under the control of a foreign power.

**(2) India is a Socialist State.** In 1976, the Preamble was amended to include the term 'Socialism'. It is now regarded as a prime feature of the State in India. It reflects the fact that India is committed to secure Justice—social, economic and political, to all its people by ending all forms of exploitation and by securing equitable distribution of income, resources and wealth. This has to be secured by peaceful, constitutional and democratic means.

The term 'India is a Socialist state' really means India is a democratic socialist state. It signifies the commitment to socio-economic justice which is to be secured by the state through the democratic process and organised planning. India stands for democratic liberalisation both in spheres of politics and economy for securing the goals of socialism.

Even after adopting liberalisation, privatisation and competitive economic system, the Indian state remains committed to secure socialistic goals—Socio-economic equality and an egalitarian society. Securing of socialist objectives of development through democratic and liberal means continues to be a basic objective of India.

**(3) India is a Secular State.** By the 42nd Amendment, the term 'Secular' was incorporated in the Preamble. Its inclusion simply made the secular nature of the Indian Constitution more explicit. As a state India gives special status to no religion. There is no such thing as a state religion of India. This makes it different from theocratic polities like the Islamic Republic of Pakistan and other Islamic countries. Positively, India adopts secularism by guaranteeing equal freedom to all religions. It stands for the right of freedom of all citizens. Explaining the meaning of secularism as adopted by India, Alexandrowics writes,

"India as a secular state guarantees constitutionally, freedom of religion to all persons and does not assign a special position to any particular religion." "There is no state or official religion of India."

Secularism is a cardinal part of the basic structure of the Indian Constitution.

**(4) India is a Democratic State.** The Preamble declares India to be a Democratic State. The Constitution of India provides for a democratic system. The authority of the government rests upon



the sovereignty of the people. The people enjoy equal political rights : Universal Adult Franchise, Right to contest elections, Right to hold public offices, Right to form associations and the Right to criticise and oppose the policies of the government. Freedom of expression and speech, freedom of press and freedom to assemble peaceably, have been guaranteed to all citizens. Right of information forms a part of the freedom of speech and expression. It is on the basis of these rights, that the people participate in the process of politics. They elect their government. For all its acts, the government is responsible before the people. The people can change their government through elections. The government enjoys limited powers. It always acts under the Constitution which represents the supreme will of the people. The representative and responsible character of the government symbolises the self-rule of the people. They are sovereign and they enjoy fundamental rights and freedoms which are granted and guaranteed by their constitution. The Supreme Court of India acts as the guardian protector of both the constitution as well as of the fundamental rights enshrined in the constitution. Elections are held regularly and these are free, fair and impartial. With a view to secure a better protection of human rights, the Protection of Human Rights Act 1993 was passed by the Union Parliament and a National Human Rights Commission was established for this purpose.

For organising the Government of India as well as the Government of each state of India, the Constitution lays down the system of Parliamentary Democracy. It stands based on the British model of Parliamentary Government. Under it there is a close relationship between the legislature (Parliament) and the executive (Council of Ministers) and for all its acts the latter is responsible to the former. The legislature can remove the executive by passing a vote of no confidence.

Thus, India is a democratic state with a Parliamentary form of government.

India has been and continues to be a Democratic Republic.

**(5) India is a Republic.** The Preamble declares India to be a Republic. Negatively, this means that India is not ruled by a monarch or a nominated head of state. Positively, it means that India has an elected head of state who wields power for a fixed term. Defining a Republic, **Madison** has observed,

“It is a government which derives its powers directly or indirectly from the great body of the people, and is administered by persons holding their office during the pleasure of the people, for limited period or during good behaviour.”

India meets this standard and hence is a Republic.

The Republican status of India is in no way in conflict with the Indian membership of the Commonwealth. The question raised by a former Australian P.M. *Sir Robert Menzies*, “How a state can be a Republic and still be a member of the Commonwealth which accepts the British King/Queen as its head?”, has little substance. India is a sovereign republic. Membership of the Commonwealth is a voluntary act. It is a courtesy arrangement whereby India has decided to maintain her traditional friendship and links with other members of the Commonwealth who were in the past colonies of British empire but who were now sovereign independent states. The Commonwealth is a friendly association like the United Nations and the headship of British King/Queen has only a symbolic significance. The British King has no place in the Indian Constitution. President of India is the



sovereign head of the state who is indirectly elected by the people for a fixed term of 5 years. Hence India is a Republic.

### 3. Basic Four Objectives of the State: Justice, Liberty, Equality and Fraternity

The Preamble lists four cardinal objectives which are to be "secured for all its citizens".

**(1) Justice.** Indian Constitution seeks to secure justice—social, economic and political, for all the citizens. One of the key ideals of the National liberation movement was to secure a new social order based on socio-economic-political justice. End of foreign rule was to serve as the means to secure justice through self-rule.

In its social dimension justice means the absence of socially privileged classes in the society and no discrimination against any citizen on grounds of caste, creed, colour, religion, sex or place of birth. India accepts the securing of social justice as a goal. It stands for eliminating social exploitation in the name of caste or creed. For this purpose the Constitution grants the Right to Equality to all the citizens, makes untouchability a crime, and grants special protection to the weaker sections of society for securing their equality with others.

Economic Justice means no discrimination between man and man on the basis of income, wealth and economic values. It involves the concept of equitable distribution of wealth, *i.e.*, economic equality, end of monopolistic control over means of production and distribution, decentralisation of economic resources, and securing of adequate opportunities to all for earning their livelihoods and a welfare state.

In its political dimension, justice means equal, free and fair opportunities to the people for participation in the political process. It stands for the grant of equal political rights to all the people without any discrimination on the basis of caste, colour, creed, religion, sex or place of birth. The Constitution of India provides a liberal democratic political system in which all the people have the right to elect their representatives and the right to hold public offices.

Thus Justice—social, economic and political, is a key objective of the Indian State.

**(2) Liberty.** The Preamble declares liberty to be the second cardinal objective to be secured by the Indian State. It lists liberty of thought, expression, belief, faith and worship as the objective to be secured to all the people. The grant of Fundamental Rights (Part III) including the right to freedom is designed to secure this objective. Liberty is the vital necessity for the fullest development of mind of the individual. It is the condition of worth living. Liberty of faith and worship is designed to strengthen the spirit of secularism. Liberty, as such, is another cardinal objective of the constitution. Right to religious freedom is a fundamental right. The Constitution grants and guarantees the liberty of thought, expression, belief, faith and worship.

**(3) Equality.** Realising fully the importance of equality and the inter-relationship between liberty and equality, the Preamble makes equality the third major objective of the Constitution. It has been described in terms of its two variables : (i) Equality of status *i.e.* natural equality of all persons as equal and free citizens of India enjoying equality before law. (ii) Equality of opportunity *i.e.* adequate opportunities for all to develop. For securing the equality of status what is needed is equality before



law and end of discrimination or restrictions based on grounds of religion, race, sex, colour, creed, caste, residence etc. The Indian Constitution grants and guarantees the fundamental Right of Equality to all.

**(4) Fraternity.** The Preamble clearly states that another major objective is to promote among all the people—Fraternity a feeling of spiritual and psychological unity. It is designed to secure dignity of the individual and unity and integrity of the nation. Human dignity was held to be a supreme value in our National Liberation Movement. Freedom struggle was governed by the objective of ending second rate treatment given to the people of India by the British rulers. For this, unity of the Nation was considered essential for fighting the inhuman British rule. The founding fathers of the constitution, therefore, specified in the Preamble that free India should promote Fraternity assuring human dignity as well as unity and integrity of the nation.

The Universal Declaration of Human Rights (1948) declares:

“All human beings are born free and equal in dignity and rights.” The Indian Constitution, in its Preamble accepts this as a major objective of state in India.

Thus Justice, Liberty, Equality and Fraternity are the Four Cardinal Objectives of the Indian Constitution.

#### **4. Date of Adoption and Enactment of the Constitution.**

In its final paragraph the Preamble specifies the important historical fact that the Constitution was adopted on 26 November, 1949. It was on this day that the Constitution received the signatures of the President of the Constituent Assembly and it was declared passed. Each year 26 November is celebrated as the day on which the Constitution of India was adopted and enacted by the Constituent Assembly acting as the representative of the sovereign people of India.

#### **5. Self-made Constitution**

The Constitution of India is an adopted, enacted and self-made constitution. It was adopted and enacted by the Constituent Assembly as the elected representative body acting on behalf of the people of India.

#### **Evaluation of Preamble :**

Some critics argue that the Indian Constitution is not an adopted and self-made constitution because it was never put to a referendum. This logic of the critics is, however, rejected by most of the constitutional experts on the ground that the Constituent Assembly was fully representative of Indian public opinion and adoption and enactment of the constitution by it meant its adoption by the people. Adoption in a referendum is not an essential condition of constitution-making. Even the American constitution was not submitted to a popular referendum. As such the Constitution of India fully qualifies to be accepted as a self-made, adopted and enacted constitution of the people of India.

Summing up the features of the Preamble, a former Chief Justice of India, **P.B. Gajendragadkar** has observed:



“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 (Plus Socialist and Secular) of India in reaching its proclaimed objectives. That, in substance, is the message of the Preamble.”

The Preamble states the philosophical foundations of the Constitution of India and enumerates its objectives.

“Preamble resembles the Declaration of Independence of the United States of America, but is really more than a declaration. It is the soul of our constitution and 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.”

—C.J. Hidayatullah

The Preamble is, in fact, a key to the interpretation of the Constitution. It is a part of the Basic Structure of the Constitution in so far as it states the philosophy, the features and the objectives of the Constitution. It is through its Preamble that the Constitution of India commits itself to a social revolution. The Preamble states the values which the constitution is committed to secure.

### **The Preamble is a part of the Constitution**

The Supreme Court while giving its opinion on the Presidential reference on the transfer of the Berubari Union and exchange of Enclaves, accepted that “Preamble is a key to open the mind of the makers.....nevertheless the Preamble is not a part of the Constitution.” However later on, it reversed its judgment in Kesvananda Bharati Case and held that Preamble is a part of the Constitution. Though it is not enforceable yet it forms a part of the Constitution.

The fact is that the Preamble forms one basic part of the Basic structure of the Constitution. The Parliament also accepted it to be a part of the constitution when it passed the 42nd Amendment which involved the amendment of the Preamble and it was done in accordance with the provisions of Article 368. As such, the Preamble is now regarded as a part, a sacred and a basic part of the Indian Constitution. It defines the basic structure of the Constitution of India and is itself a part of the basic structure.



1. Name the two members of the Constituent Assembly who ~~opposed the words~~ objected to the use of the term 'We the people', and what was their suggestion?
2. Discuss the nature of the Indian State.
3. State the four objectives of the state and explain each objective.
4. Evaluate the nature of the Preamble.