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Preamble of the Constitution



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Preamble of the Constitution

What is a Preamble?

N.A. Palkhivala, an eminent jurist called the preamble as the “*Identity card of the constitution*”

A preamble is an introduction of a document which gives the basic idea and philosophy about that document.

Similarly, preamble of a constitution outlines the intention of its framers, history behind its creation, core values and principles of the nation and fundamentals on which the country is based. The preamble contains the summary and essence of the constitution.

The American constitution was the first to introduce preamble. From there, various countries have borrowed the idea of preamble.

The preamble to the Indian constitution was partially based on the “Objective Resolution” moved by JN Nehru.

Text of the Preamble

We, **THE PEOPLE OF INDIA**, having solemnly resolved to constitute India into a **SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC** and 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.

Key Words in the Preamble

“The people of India” – This signifies that the constitution has been adopted, enacted and given by the people of India for the people of India. It declares that the supreme powers are in hands of the people of India. The ultimate authority in the Nation is the people of India.

“Sovereign” – This signifies that India is an independent nation both internally and externally. All the internal and external issues of India are controlled by her. It recognizes no foreign authority as its master. The power of India is absolute and uncontrolled within its vicinity.

“Socialist” – This term was added in the preamble through the 42nd Amendment act 1976. The Indian version of socialism is democratic which is a blend of Marxism and Gandhian socialism. The Democratic socialism aims to end poverty, ignorance, disease and inequality. In this type of socialism, both public and private sectors co-exist side by side. In the Avadi session of 1955, congress adopted the resolution to establish a socialist society and took measures accordingly.

“Secular” – This term was also added by the 42nd constitutional amendment act 1976. It signifies that the state would not give any preference to a particular religion and that all the religion are treated as equal with equal respect. There would not be any state religion. Indian secularism is related to “Sarva Dharma Sambhava” which is different from the western secularism where there is a complete separation between the state and the religion.

“Democratic” – The word democracy is derived from Greek words ‘demos’ which means ‘the people’ and ‘Kratos’ which means ‘authority. So, it means government by the people. In India, we have indirect democracy where the country is governed by the representatives elected by the people. The constitution provided for a parliamentary form of government where executive is responsible to the legislature for all its policies and actions. In addition to the political democracy, the constitution makers had put emphasis on the social democracy which means a way of life which recognizes liberty, equality and fraternity.

“Republic” – The term ‘Republic’ is used in distinction to ‘Monarchy’. A republic means a form of government in which the head of the state is elected and not a

hereditary monarch. In India, the constitutional head, President is elected indirectly in contrast to the hereditary king or queen of Britain.

The term republic also signifies the absence of any privileged class and vesting of political sovereignty in the hands of people and not in a single individual like a king.

“Justice” – The constitution ensures Social, Economic and Political justice to the citizens of India.

- Social justice – This implies the equal treatment to all the citizens without any social discrimination based on caste, colour, sex, religion, creed etc.
- Economic justice – This implies equal remuneration for equal work irrespective of caste, creed, religion etc.
 - Social justice and Economic justice combine to form ‘Distributive Justice’
- Political justice – It implies the absence of any arbitrary distinction among people in political matters. The “Universal Adult Suffrage” ensures political justice in the country.

“Liberty” – Liberty is one of the indispensable aspects of living a dignified life. The constitution makers kept this in mind and provided the citizens the liberty of thought, expression, belief, faith and worship.

The term liberty signifies the absence of all undue interference with individual’ actions on the part of state.

“Equality” – The constitution of India ensures equality to all citizens which implies the absence of special privileges to any section of the society. The equality of status and of equal opportunity is given to the people by abolishing all the discrimination by the state.

“Fraternity” – The term ‘Fraternity’ signifies the sense of brotherhood among Indians. The constitution does not provide any absolute provision for promoting Fraternity but there are certain provisions which have the essence of fraternity. For ex – Common citizenship, right to move freely etc.

- Dignity – For promotion of Fraternity, dignity of an individual has to be promoted. For ensuring dignity of an individual, certain provisions are enshrined in the constitution viz; Fundamental rights, DPSPs etc.
- Unity and integrity – Article 1 of the constitution describes India as a “Union of States” where the states have no rights to secede from the union. The phrase also aims at overcoming hindrances to national integration.

Is Preamble a part of the constitution?

The question whether the preamble is a part of constitution or not had been persisted for a long time. In various landmark cases, the Supreme court gave its opinion on the same question.

- In **Berubari Union case**, Supreme Court despite recognizing the significance of Preamble opined that the Preamble is not a part of the constitution.
- In the landmark **Keshavananda Bharati case**, the Supreme court rejected the earlier opinion and held that Preamble is a part of the constitution and opined that the constitution should be read and interpreted in the light of the noble vision enshrined in the preamble.
- In **SR Bommai Case**, the SC held that the preamble is not only a part of the constitution but it is a most important part of the constitution.
- In the **LIC of India case**, Supreme court once again held that the Preamble is an integral part of the constitution

Is Preamble Amendable?

- In Berubari Union case, it was held that the preamble is not a part of the constitution. Hence it is not amendable.
- In Keshavananda Bharti case, the preamble was declared an integral part of the constitution. The SC opined that every part of the constitution including the preamble can be amended without disturbing the basic structure of the constitution.
- In 42nd amendment 1976, the preamble was amended and three words – Secular, Socialist and integrity were added in the preamble.
- In Minerva mills case, it was held that the amendment done in the preamble in 42nd amendment did not disturb the basic structure of the constitution and hence it is constitutional.
- Hence, the preamble is amendable without disturbing the basic structure of the constitution.

Is preamble enforceable or justiciable?

- The preamble is not justiciable or enforceable in the courts. It means that one cannot move to any court for violation of any provision mentioned in preamble.

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