BLOGS

Preamble to Constitution of India

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The Preamble of the Indian Constitution

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.

Objective of the Preamble of the Constitution

The purpose of the preamble is to signify the origin of the constitution, which is derived from the people of India. The Preamble includes the enacting clause that serves to implement the Constitution on the 26th day of November, 1949. It proclaims the fundamental rights and liberties that the populace of India aimed to safeguard for every individual, along with the fundamental structure of the government and political system that was to be instituted.

The 42nd Constitutional Amendment

The **42nd Amendment Act** introduced the terms **socialist, secular, and integrity** within the Preamble. The aforementioned terminology was initially enshrined in our constitution; however, it was subsequently explicated in a more distinct manner within the Preamble.

1. The term **"sovereign"** underscores India's independence from external authorities. This implies that India possesses sovereignty both within its borders and in its external affairs.

2. The term **"socialist"** was incorporated into the Preamble of the Indian Constitution through **the 42nd Amendment Act of 1976**. Indian socialism refers to the ideology of democratic socialism as opposed to communist socialism.

In the case of **Excel Wear v. Union of India**, the Supreme Court ruled that the inclusion of the term "socialist" could potentially bias the court towards supporting nationalization and state ownership of an industry.

The Supreme Court ruled in the case of **DS Nakara v. Union of India** that the fundamental tenet of socialism is to ensure a satisfactory standard of living for the labour force, with a particular emphasis on providing comprehensive security throughout their lives.

3. Secularism refers to the principle of a state not having an official religion. It provides equal treatment to all religions.

4. The term **"democratic"** denotes that the constitution has instituted a system of governance that derives its legitimacy from the consent of the governed. The rulers are subject to the influence of the populace and are accountable to them.

5. The term **"republic"** denotes a form of government in which a head of state is elected and serves as the chief executive. In contrast to the British monarchy, the President of India is not a hereditary monarch but rather a democratically elected individual who serves a finite term.

Is the Preamble a Part of the Constitution?

The preamble is an introductory statement or a preface that serves as the opening to the Constitution. It outlines the fundamental principles, values, and objectives that the Constitution seeks to uphold. The preamble provides a concise summary of the guiding philosophy and aspirations of the Constitution.

The preamble serves as a crucial tool in unlocking the thought processes of legislators. The Supreme Court, in the case of **Re Berubari Union and Exchange of Enclaves (AIR 1960)**, established that the Preamble of the Constitution cannot be considered a component of the Constitution and, as a result, cannot be deemed a basis for any significant powers.

In the **1973 case of Keshavanand Bharti**, the Supreme Court dismissed the aforementioned perspective and established that the Preamble is an integral component of the Constitution and pertains to its fundamental characteristics.

Is it possible to amend the preamble under Article 368?

The Indian Constitution's preamble is considered an essential part of the Constitution and is included in its basic structure. Article 368 of the Indian Constitution deals with the procedure for amending the Constitution. Although Article 368 does not explicitly mention the amendment of the preamble, the Supreme Court of India has held that the preamble can be amended.

The matter in question was initially brought before the Supreme Court in the case of **Kesavananda Bharati v. State of Kerala, as reported in AIR 1973 SC**. The judiciary determined that the Preamble, being an integral component of the Constitution, is amenable to modification in the same manner as other provisions of the Constitution under Article 368, albeit with limitations, as it constitutes a fundamental characteristic of the Constitution.

Any amendment to the preamble must not violate the basic structure of the Constitution, as established by the "basic structure doctrine" developed by the Supreme Court. The basic structure doctrine holds that certain fundamental features of the Constitution, such as democracy, secularism, federalism, and separation of powers, are beyond the amending power of the Parliament. Therefore, any amendment, including those related to the preamble, must not violate these basic features to be valid.

Conclusion

The Preamble of the Indian Constitution is an introductory statement that outlines the fundamental principles and objectives of the Constitution. It serves as a guiding light for the interpretation and implementation of the Constitution.

While not enforceable in a court of law independently, the Preamble's principles have been upheld and applied by the judiciary in interpreting constitutional provisions. Any amendment to the Constitution must not violate the basic principles and objectives enshrined in the Preamble. The Preamble's principles have been interpreted and expanded upon through judicial pronouncements, shaping the course of constitutional development in India.

Also Read Notes on:

1. Article 14 of the Indian Constitution
2. Article 15 of the Indian Constitution
3. Article 25 of the Indian Constitution
4. Article 32 of the Indian Constitution