

All you need to know about 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 26th day of November 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION".

What is the Preamble?

A preamble of a bill is an introductory part of the document which explains the purpose, rules, regulations, and philosophy of the document. A preamble gives a brief introduction of documents by highlighting the principles and fundamental values of the document. It shows the source of the authority of the document.

The preamble of the Constitution of India is an introduction of the Constitution which includes the sets of rules and regulations to guide the people of the

country. The inspiration and the motto of the citizens are explained in it. The preamble can be considered as the beginning of the Constitution which highlights the base of the Constitution.

Historical Background of Indian Constitution

Before 1947, India was divided into two main parts – 11 provinces that were ruled by the Britishers and Princely states ruled by Indian princes under the command of Britishers. Combining these two units formed the Union of India. The preamble is based on the principles written by the Constituent Assembly.

It provides a way of life, which includes fraternity, liberty, and equality as the notion of a happy life and which can not be taken from each other. Liberty, equality, and fraternity are connected with each other and they can not be separated, which means without equality, liberty would produce the supremacy of the minority over the majority. Equality without liberty would kill individual perception. And fraternity helps liberty and equality in their course of action.

Who wrote the Preamble of India and Date of its Adoption

The Preamble of the Indian Constitution is primarily based on the 'Objective Resolution' written by Jawaharlal Nehru. He introduced his objective resolution on December 13, 1946, later it was accepted by the Constituent Assembly on 22 January 1947.

The drafting committee observed that the preamble must be limited in defining the important features of the new state and its socio-political objectives and other important matters should be refined further in the Constitution. The committee changed the motto from 'Sovereign Independent Republic' to

'Sovereign Democratic Republic' as it was mentioned in the 'Objective Resolution'.

The preamble can also be called the soul of the constitution as it has everything about the constitution. It was adopted on 26th November 1949 and it was started from 26th January 1950 also known as the Republic Day.

Components of Preamble of the Indian Constitution

The components of the preamble are:

1. The preamble shows that the people of India are the source of authority. It means power lies with the citizens to elect their representatives and they also have the right to criticize their representatives.
2. It comprises the date of its adoption which is November 26th, 1949.
3. It states the objectives of the Constitution of India, which are justice, liberty, equality, and fraternity to maintain the integrity and unity of the nation as well as the citizens.
4. It also justifies the nature of the Indian State, which is Sovereign, Socialist, Republic, Secular, and Democratic.

P.A. Inamdar v. the State of Maharashtra

In this [case](#), the Supreme Court delivered a unanimous judgment declaring that the state can not impose any reservation policy on minority and non-minority unaided private colleges, including professional colleges.

This judgment was an attempt to clear the previous judgments of the Supreme Court on the case of [T.M.A. Pai Foundation v. the State of Karnataka](#) and [Islamic Academy of Education v. the State of Karnataka](#).

The Supreme Court discussed some topics in this judgment related to minority and non-minority unaided higher education institutions:

- **Reservation Policy**

The Supreme Court stated that neither the policy of reservation nor any quota or percentage of admission can be enforced by the State in any minority or non-minority unaided educational institutions.

The institutions are free to admit students of their own choice including students of other communities and also the students of the same communities from different states in any manner the institution wants.

The State can not impose policies on reservation for giving admission on marks less than the criteria set by the Private Educational Institutions who do not ask for help from the state. Even if the state is providing minimum resources to the private educational institutions, that is no ground a state can implement its policies to force the institute on granting admissions to students with fewer marks than the given criteria.

- **Admission Policy**

The Supreme Court stated that the minority unaided educational institutions can enjoy total freedom until their undergraduate education. But there would be different provisions to apply for graduate and postgraduate level of education and also for technical and professional educational institutions.

In the minority educational institutions, transparency, and merit of the institute must be assured. The state is allowed to conduct common entrance tests to provide fair and merit-based admissions and removing the wrong administration.

The same candidate is allowed to appear in several tests. For every test, a merit list is created to identify the selected candidates who cleared the test and different institutions are allotted to the students depending on their marks and the admission is based on the score of the test and the options of the student filled in the admission form.

- **Fee Structure**

The Supreme Court stated that a reasonable fee structure is a very important component in the administration of the institution. It means that every institution is free to make its own fee structure but they can not abuse profits from the students and they can not charge capitation fees in any form.

The fees structure depends on certain factors which determine the reasonability of the fees:

1. The infrastructure and facilities available.
2. The investments made.
3. Salaries of the teachers and staff.
4. Future plans for expansion.

The Court held that the institutions must make a reasonable surplus which should not increase 15% for their future plans and betterment of the institution.

- **Regulation and Control by the State**

The judgment of the case established some rights to administer an institution:

- To admit students.
- To set up a reasonable fee structure.
- To constitute a governing body.
- To appoint staff (both teaching and non-teaching).
- To take action against problems.

It is an option for the minority educational institute to choose if they want to take help from the state or not. No institute can conduct any activity which violates the law in any way. So, the state can make provisions on the quality of the teachers and the minimum qualification of their course, but they can not interfere in their day-to-day administration. The main purpose of the management is to regulate the admission of students, recruiting staff and calculation of fee-structure which can not be controlled by the state.

• Role of Committees dealing with admissions and fees

The Supreme Court stated that non-minority unaided educational institutions must have certain restrictions that are in favor of the students. Professional education must be available to all eligible students on merit basis and nothing else.

So, committees must be established to regulate the admission procedure and to monitor the fee structure. Committees must look over the administration to avoid all the mal-practices which can be created by the administration. If any committee misuses their power in any individual institute, the decision can be questioned by the administration as the committee is quasi-judicial in nature.

Objectives of the Indian Constitution

The main objective of the Indian Constitution is to promote harmony throughout the nation. As we know, the Constitution is the supreme law and it helps to maintain integrity in the society and to promote unity among the citizens to build a great nation. The factors which help in achieving this objective are:

Justice

The term 'Justice' comprises of three elements that complete the definition, which is social, economic, and political. Justice among the citizens is necessary to maintain order in society. Justice is promised through various provisions of Fundamental Rights and Directive Principles of State Policy provided by the Constitution of India.

- Social Justice – Social justice means that the Constitution wants to create a society without discrimination on any grounds like caste, creed, gender, religion, etc. Where people have equal social status by helping the less privileged people. The Constitution tries to eliminate all the exploitations which harm equality in the society.
- Economic Justice – Economic Justice means no discrimination can be caused by people on the basis of their wealth, income, and economic status. It means wealth must be distributed on the basis of their work, not with any other reason. Every person must be paid equally for an equal position and all people must get opportunities to earn for their living.
- Political Justice – Political Justice means all the people have an equal, free and fair right without any discrimination to participate in political opportunities. It means everyone has equal rights to access political offices and have equal participation in the processes of the government.

Equality

The term 'Equality' means no section of society has any special privileges and all the people have given equal opportunities for everything without any discriminations. It means removing all types of discriminations from society to build a healthy environment for the people to live in. Everyone is equal before the law.

Liberty

The term 'Liberty' means freedom for the people to choose their way of life, have political views and behavior in society. It means no unreasonable restrictions can be imposed on the citizens in terms of their thoughts, feelings, and views. But liberty does not mean freedom to do anything, a person can do anything but in the limit set by the law. Anything which can create public disorder can not come under liberty. These limits are set by the Constitution to avoid injuries in the name of liberty.

Fraternity

The term 'Fraternity' means a feeling of brotherhood and an emotional attachment with the country and all the people. It refers to a feeling which helps to believe everyone is the children of the same soil and are connected with each other. Brotherhood is above social norms or regulations, it is the relationship above caste, age, or gender. Fraternity helps to promote dignity and unity in the nation.

The preamble of the Indian Constitution does not grant any power or superiority to anyone while it gives direction and purpose to the Constitution. It only gives the fundamentals of the Constitution. It promotes equality by providing equal opportunities to the people without any discrimination. It helps in protecting all

the people and maintaining the economic, social, and political justice among the citizens. Also, the preamble helps in explaining the facts which are needed to be explained.

Is Preamble a part of the Constitution?

This is a very controversial topic as there have been many discussions about the preamble being part of the Constitution. This question can only be answered by reading two cases.

Berubari Case

[Berubari Case](#) was used as a reference under [Article 143\(1\)](#) of the Constitution which was on the implementation of the Indo-Pakistan Agreement related to Berubari Union and in exchanging the enclaves which were decided for consideration by the bench consisting of eight judges.

Through this case, the Court stated that 'Preamble is the key to open the mind of the makers' but it can not be considered as the part of the Constitution.

Kesavananda Bharati Case

This [case](#) created history as for the first time, a bench of 13 judges was assembled to hear a writ petition. The Court held that:

1. The Preamble of the Constitution will now be considered as part of the Constitution.
2. The Preamble is not the supreme power or source of any restriction or prohibition but it plays an important role in the interpretation of statutes and provisions of the Constitution.

So, it can be concluded that preamble is part of the introductory part of the Constitution.

Amendment of the Preamble

After the judgment of the Kesavanand Bharati case, it was accepted that the preamble is part of the Constitution. So, as a part of the Constitution, it can be amended under [Article 368](#) of the Constitution, but the basic structure of the preamble can not be amended. Because the structure of the Constitution is based on the basic elements of the Preamble. As of now, the preamble is only amended once through the 42nd Amendment Act, 1976.

42nd Amendment Act, 1976

The 42nd Amendment Act, 1976 was the first act ever to amend the preamble of the Constitution. On December 18th, 1976, 'Socialist', 'Secular', and 'Integrity' were added to the preamble to protect economic justice and eliminate discrimination whatsoever. Through this amendment, 'socialist' and 'secular' were added between 'sovereign' and 'democratic', and 'Unity of the Nation' was changed to 'Unity and Integrity of the Nation'.

Interpretation by the Supreme Court

The preamble was added to the Constitution after the enactment of the Constitution. In the *Berubari Union Case*, the Supreme Court held that the preamble is not a part of the Constitution rather it was considered as the guiding principle for the provisions of the Constitution.

In the *Kesavananda Bharati case*, the Supreme Court changed its previous decision and accepted preamble as part of the Constitution which means it can be amended under Article 368 of the Constitution.

In the [*LIC of India case*](#), the Supreme Court continued with its judgment on declaring preamble as part of the Constitution.

So, in the end, the preamble of the Constitution is considered a beautiful preface to the document as it contains all the basic information like the objective and philosophy of the Constitution.

Key Words in the Preamble

Sovereign

The preamble of the Constitution states that India is a Sovereign State. The term 'Sovereign' means the independent authority of the state. It means the state has control over every subject and no other authority or external power has control over it. So, the legislature of our country has the powers to make laws in the country with restrictions keeping in mind imposed by the Constitution.

Sovereignty, in general, has two types: External and internal. External sovereignty means the sovereignty in International Law which means the independence of the state against other states while internal sovereignty talks about the relationship between the state and the people living in it.

In the case of [*Synthetic & Chemicals Ltd. v. the State of Uttar Pradesh*](#), the Supreme Court decided that the word 'sovereign' means that the state has the authority everything within the restrictions given by the Constitution. Sovereign

means supreme or independence. This case helped in differentiating between external and internal sovereign. This case proposed that 'No country can have its own constitution unless it is not sovereign'.

Socialist

The term 'Socialist' was added after the 42nd Amendment, 1976, during the emergency. The term socialist denotes democratic socialism. It means a political-economic system that provides social, economic, and political justice.

Mrs. Indira Gandhi explained socialist as 'equality of opportunity' or 'better life for the people'. She said socialism is like democracy, everyone has their own set of interpretations but in India socialism is a way for the better life of the people.

- In the case of [*Excel wear v. Union of India*](#), the Supreme Court found that with the addition of the word socialist, a portal is opened to lean the judgments in favor of nationalization and state ownership of the industry. But the principle of socialism and social justice can not ignore the interest of a different section of the society majorly the private owners.
- In the case of [*D.S. Nakara v. Union of India*](#), the Court held that 'the basic purpose of socialism is to provide a decent standard of life to the people living in the country and to protect them from the day they are born till the day they die'.

Secular

The term 'Secular' was also added by the **42nd Amendment Act, 1976**, during the emergency. The Constitution states India as a secular state as the state has no official religion. The citizens have their own view of life and can

choose their religion as they like. The state provides full freedom to the people to practice any religion of their choice. The state treats all religions equally, with equal respect and can not discriminate between them. The state has no right interfering with the people with their choice of religion, faith or idol of worship.

Important Components of Secularism are:

1. The right to equality is guaranteed by [Article 14](#) of the Constitution.
2. Discrimination on any grounds such as religion, caste, etc is prohibited by [Article 15](#) and [16](#) of the Constitution.
3. [Article 19](#) and [21](#) of the Constitution discuss all the freedoms of the citizens, including freedom of speech and expression.
4. [Article 24 to Article 28](#) covers the rights related to practice religion.
5. [Article 44](#) of the Constitution abandoned the fundamental duty of the state to enact uniform civil laws treating all citizens as equal.

In the case of [S.R. Bommai v. Union of India](#), the nine-judge bench of Apex Courts found the concept of secularism as the basic feature of the Constitution.

In the case of [Bal Patil v. Union of India](#), the Court held that all religions and religious groups must be treated equally and with equal respect. India is a secular state where people have the right to choose their religion. But the state will have no specific religion.

In the case of [M.P. Gopalkrishnan Nair v. the State of Kerala](#), the Court stated that the secular state is different than an atheist society, which means the state allows every religion and disrespect none.

Democratic

The term 'Democratic' is derived from the Greek words where 'demos' means 'people' and 'Kratos' means 'authority'. Which concludes that the government is

constructed by the people. India is a democratic state as the people elect their government at all levels, that means, union, state, and local or ground level. Everyone has the right to vote irrespective of their caste, creed or gender. So, in a democratic form of government, every person has a direct or indirect share in administration.

In the case of [*Mohan Lal v. District Magistrate of Rai Bareilly*](#), the Court stated that Democracy is a philosophical topic related to politics where the people elect their representatives to form a government, where the basic principle is to treat the minority the same way people treat the majority. Every citizen is equal before the law in the democratic form of government.

In the case of [*Union of India v. Association of Democratic Reforms*](#), the Court states that the basic requirement of a successful democracy is awareness of the people. A democratic form of Government can not survive without fair elections as fair elections are the soul of democracy. Democracy also improves the way of life by protecting human dignity, equality, and the rule of law.

Republic

India has a republic form of government as the head of state is elected and not a hereditary monarch like a king or queen. The term 'Republic' is obtained from 'res publica' that means public property or commonwealth. It means the power to elect the head of the state for a fixed term lies within the people. So, in conclusion, the word 'republic' shows a government where the head of state is elected by the people rather than any birthright.

15 Facts you didn't know about the Preamble

1. The original Constitution of India was written by Prem Bihari Narain Raizada in calligraphy with flowing italic style.
2. The original copies of the Indian Constitution written in both Hindi and English are present in special helium-filled cases, in the library of the Parliament of India.
3. The Indian Constitution consists of 25 parts with 448 articles and 12 schedules, which makes it the longest written constitution of any sovereign country in the world.
4. The Constituent Assembly took exactly 2 years, 11 months, and 18 days to complete the final draft of the Indian Constitution.
5. Around 2000 amendments were made before finalizing the Constitution.
6. The preamble of the Constitution of the United States of America also starts with 'We the people'.
7. The concept of fundamental rights came from the American Constitution as they had nine fundamental rights for the citizens.
8. The 44th amendment deleted the Right to Property as the fundamental right which was given under Article 31 of the Constitution as 'No person shall be deprived of his property save by authority of law'.
9. The Constitution of India is considered as the best Constitution as it tries to change the errors or mistakes in it. Because of this, the Constitution had more than 100 amendments in the past.
10. The page of the preamble along with all the other pages of the Constitution were designed and decorated by the renowned painter Beohar Rammanohar Sinha of Jabalpur.
11. The Constitution of India is a handwritten Constitution that was signed on 24th January 1950 by 284 members of the Constituent Assembly, where 15 of them were women came into force on 26th January, two days later from signing.
12. The final draft of the Constitution was completed on 26th November 1949 and it came into force after two months on 26th January 1950 known as Republic Day.

13. Many provisions are adopted from various Constitutions by our drafting committee while drafting the Constitution.
14. The concept of Directive Principles of State Policy (DPSP) is adopted from Ireland.
15. The concept of Liberty, Equality, and Fraternity in our Preamble was adopted from the French Motto of the French Revolution.

Conclusion

In conclusion, it will not be wrong to say that the preamble is an integral part of the Constitution because it contains the spirit and ideology of the Constitution. The preamble highlights the fundamental values and guiding principles of the Constitution. The preamble declares that the citizens of India accepted the Constitution on 26th November 1949, but the date of commencement of the Constitution was decided to be 26th January 1950.

Article 394 of the Constitution states that Articles 5, 6, 7, 8, 9, 60, 324, 367, 379 and 394 came into force since the adoption of the Constitution on 26th November 1949 and the rest of the provisions on 26th January 1950. The preamble of the Constitution of India is one of the best preambles ever drafted, not only in ideas but expressions as well. It contains the purpose of the constitution, to build an independent nation that protects justice, liberty, equality, and fraternity which are the objectives of the Constitution.