



POLITY AND THE INDIAN CONSTITUTION

PREAMBLE



Constitution of India

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly
resolved to constitute India into a
¹[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 ²[unity and integrity of the Nation];

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

¹Subs. by the Constitution (Forty-second Amendment) Act, 1976, s. 2, for
"SOVEREIGN DEMOCRATIC REPUBLIC" (w.e.f. 3-1-1977).

²Subs. by s. 2, ibid. for "unity of the Nation" (w.e.f. 3-1-1977).

PREAMBLE

- ❖ THE TERM 'PREAMBLE' REFERS TO THE INTRODUCTION OR PREFACE TO THE CONSTITUTION. IT CONTAINS THE SUMMARY OR ESSENCE OF THE CONSTITUTION.
- ❖ N.A. PALKHIVALA CALLED THE PREAMBLE AS THE 'IDENTITY CARD OF THE CONSTITUTION.'
- ❖ THE PREAMBLE TO THE INDIAN CONSTITUTION IS BASED ON THE 'OBJECTIVES RESOLUTION', DRAFTED AND MOVED BY PANDIT NEHRU, AND ADOPTED BY THE CONSTITUENT ASSEMBLY.
- ❖ IT HAS BEEN AMENDED BY THE 42ND CONSTITUTIONAL AMENDMENT ACT (1976), WHICH ADDED 3 NEW WORDS—SOCIALIST, SECULAR AND INTEGRITY.

PREAMBLE

❖ THE PREAMBLE REVEALS FOUR INGREDIENTS OR COMPONENTS:

❖ SOURCE OF AUTHORITY OF THE CONSTITUTION: THE PREAMBLE STATES THAT THE CONSTITUTION DERIVES ITS AUTHORITY FROM THE PEOPLE OF INDIA.

❖ NATURE OF INDIAN STATE: IT DECLARES INDIA TO BE OF A SOVEREIGN, SOCIALIST, SECULAR DEMOCRATIC AND REPUBLICAN POLITY.

❖ OBJECTIVES OF THE CONSTITUTION: IT SPECIFIES JUSTICE, LIBERTY, EQUALITY AND FRATERNITY AS THE OBJECTIVES.

❖ DATE OF ADOPTION OF THE CONSTITUTION: IT STIPULATES NOVEMBER 26, 1949, AS THE DATE.

SOVEREIGN

- ❖ IMPLIES THAT INDIA IS NEITHER A DEPENDENCY NOR A DOMINION OF ANY OTHER NATION, BUT AN INDEPENDENT STATE.
- ❖ THERE IS NO AUTHORITY ABOVE IT, AND IT IS FREE TO CONDUCT ITS OWN AFFAIRS (BOTH INTERNAL AND EXTERNAL).
- ❖ BEING A SOVEREIGN STATE, INDIA CAN EITHER ACQUIRE A FOREIGN TERRITORY OR CEDE A PART OF ITS TERRITORY IN FAVOUR OF A FOREIGN STATE.

SOCIALIST

- ❖ **ADDED BY 42ND CAA, 1976.**
- ❖ **THE INDIAN BRAND OF SOCIALISM IS A 'DEMOCRATIC SOCIALISM' AND NOT A 'COMMUNISTIC SOCIALISM' (ALSO KNOWN AS 'STATE SOCIALISM').**
- ❖ **COMMUNISTIC SOCIALISM INVOLVES THE NATIONALISATION OF ALL MEANS OF PRODUCTION AND DISTRIBUTION AND THE ABOLITION OF PRIVATE PROPERTY.**
- ❖ **DEMOCRATIC SOCIALISM, ON THE OTHER HAND, HOLDS FAITH IN A 'MIXED ECONOMY' WHERE BOTH PUBLIC AND PRIVATE SECTORS CO-EXIST SIDE BY SIDE.**
- ❖ **SUPREME COURT SAYS, 'DEMOCRATIC SOCIALISM AIMS TO END POVERTY, IGNORANCE, DISEASE AND INEQUALITY OF OPPORTUNITY.'**

SECULAR

- ❖ ADDED BY 42ND CAA, 1976.
- ❖ CONSTITUTION MAKERS INTENDED TO ESTABLISH A SECULAR STATE AND ACCORDINGLY ARTICLES 25 TO 28 (GUARANTEEING THE FUNDAMENTAL RIGHT TO FREEDOM OF RELIGION) HAVE BEEN INCLUDED IN THE CONSTITUTION.
- ❖ THE INDIAN CONSTITUTION EMBODIES THE POSITIVE CONCEPT OF SECULARISM I.E, ALL RELIGIONS IN OUR COUNTRY (IRRESPECTIVE OF THEIR STRENGTH) HAVE THE SAME STATUS AND SUPPORT FROM THE STATE.

DEMOCRATIC

- ❖ Based on the doctrine of popular sovereignty, that is, possession of supreme power by the people.
- ❖ Democracy is of two types—direct and indirect.
- ❖ In direct democracy, the people exercise their supreme power directly as is the case in Switzerland. There are four devices of direct democracy, namely, referendum, initiative, recall and plebiscite.
- ❖ In indirect democracy, on the other hand, the representatives elected by the people exercise the supreme power and thus carry on the government and make the laws. This type of democracy, also known as representative democracy, is of two kinds—parliamentary and presidential.

DEMOCRATIC

- ❖ THE INDIAN CONSTITUTION PROVIDES FOR REPRESENTATIVE PARLIAMENTARY DEMOCRACY UNDER WHICH THE EXECUTIVE IS RESPONSIBLE TO THE LEGISLATURE FOR ALL ITS POLICIES AND ACTIONS.
- ❖ UNIVERSAL ADULT FRANCHISE, PERIODIC ELECTIONS, RULE OF LAW, INDEPENDENCE OF JUDICIARY, AND ABSENCE OF DISCRIMINATION ON CERTAIN GROUNDS ARE THE MANIFESTATIONS OF THE DEMOCRATIC CHARACTER OF THE INDIAN POLITY.
- ❖ THE TERM 'DEMOCRATIC' IS USED IN THE PREAMBLE IN THE BROADER SENSE EMBRACING NOT ONLY POLITICAL DEMOCRACY BUT ALSO SOCIAL AND ECONOMIC DEMOCRACY.

REPUBLIC

- ❖ THE TERM 'REPUBLIC' IN OUR PREAMBLE INDICATES THAT INDIA HAS AN ELECTED HEAD CALLED THE PRESIDENT. HE IS ELECTED INDIRECTLY FOR A FIXED PERIOD OF FIVE YEARS.
- ❖ A REPUBLIC ALSO MEANS TWO MORE THINGS: ONE, VESTING OF POLITICAL SOVEREIGNTY IN THE PEOPLE AND NOT IN A SINGLE INDIVIDUAL LIKE A KING; SECOND, THE ABSENCE OF ANY PRIVILEGED CLASS AND HENCE ALL PUBLIC OFFICES BEING OPENED TO EVERY CITIZEN WITHOUT ANY DISCRIMINATION.

JUSTICE

- ❖ THE TERM 'JUSTICE' IN THE PREAMBLE EMBRACES THREE DISTINCT FORMS— SOCIAL, ECONOMIC AND POLITICAL, SECURED THROUGH VARIOUS PROVISIONS OF FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES.
- ❖ THE IDEAL OF JUSTICE—SOCIAL, ECONOMIC AND POLITICAL—HAS BEEN TAKEN FROM THE RUSSIAN REVOLUTION (1917).
- ❖ SOCIAL JUSTICE DENOTES THE EQUAL TREATMENT OF ALL CITIZENS WITHOUT ANY SOCIAL DISTINCTION BASED ON CASTE, COLOUR, RACE, RELIGION, SEX AND SO ON.
- ❖ IT MEANS ABSENCE OF PRIVILEGES BEING EXTENDED TO ANY PARTICULAR SECTION OF THE SOCIETY, AND IMPROVEMENT IN THE CONDITIONS OF BACKWARD CLASSES (SCS, STS AND OBCS) AND WOMEN.

JUSTICE

- ❖ **ECONOMIC JUSTICE DENOTES THE NON-DISCRIMINATION BETWEEN PEOPLE ON THE BASIS OF ECONOMIC FACTORS. IT INVOLVES THE ELIMINATION OF GLARING INEQUALITIES IN WEALTH, INCOME AND PROPERTY.**
- ❖ **A COMBINATION OF SOCIAL JUSTICE AND ECONOMIC JUSTICE DENOTES WHAT IS KNOWN AS 'DISTRIBUTIVE JUSTICE'.**
- ❖ **POLITICAL JUSTICE IMPLIES THAT ALL CITIZENS SHOULD HAVE EQUAL POLITICAL RIGHTS, EQUAL ACCESS TO ALL POLITICAL OFFICES AND EQUAL VOICE IN THE GOVERNMENT.**

EQUALITY

- ❖ THE TERM 'EQUALITY' MEANS THE ABSENCE OF SPECIAL PRIVILEGES TO ANY SECTION OF THE SOCIETY, AND THE PROVISION OF ADEQUATE OPPORTUNITIES FOR ALL INDIVIDUALS WITHOUT ANY DISCRIMINATION.
- ❖ THE PREAMBLE SECURES TO ALL CITIZENS OF INDIA EQUALITY OF STATUS AND OPPORTUNITY. THIS PROVISION EMBRACES THREE DIMENSIONS OF EQUALITY—CIVIC, POLITICAL AND ECONOMIC.

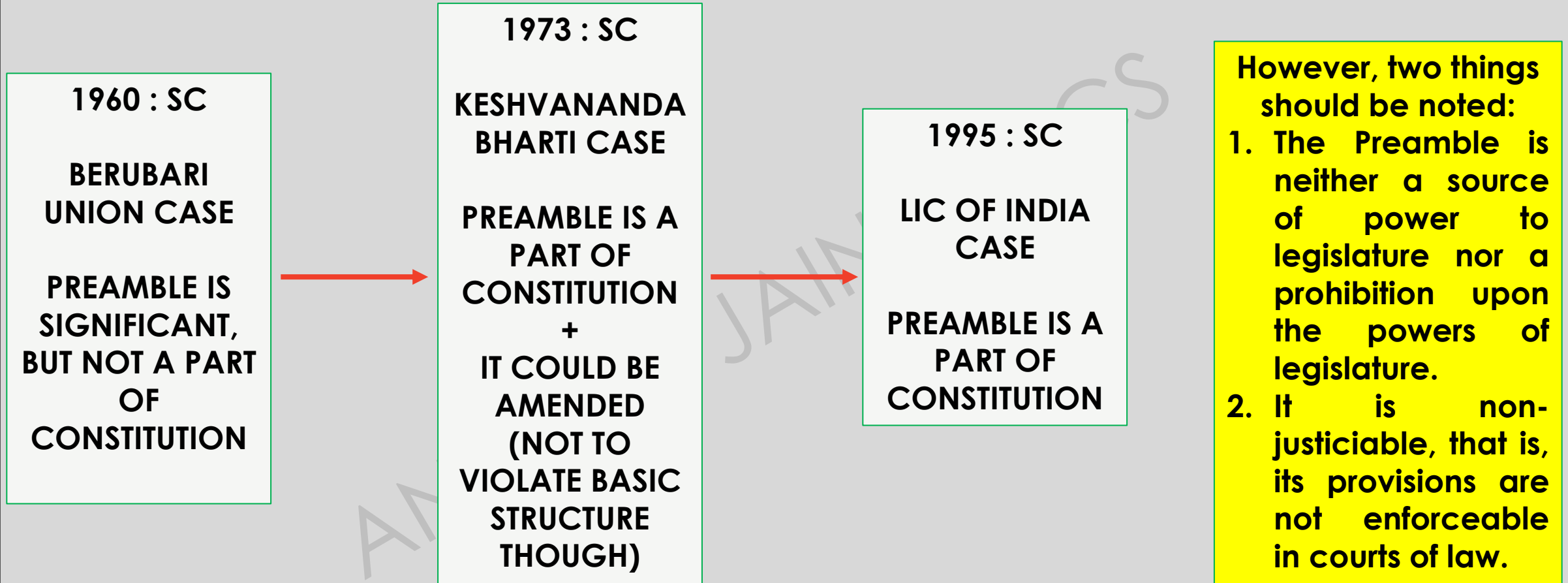
FRATERNITY

- ❖ FRATERNITY MEANS A SENSE OF BROTHERHOOD. THE CONSTITUTION PROMOTES THIS FEELING OF FRATERNITY BY THE SYSTEM OF SINGLE CITIZENSHIP.
- ❖ ALSO, THE FUNDAMENTAL DUTIES (ARTICLE 51-A) SAY THAT IT SHALL BE THE DUTY OF EVERY CITIZEN OF INDIA TO PROMOTE HARMONY AND THE SPIRIT OF COMMON BROTHERHOOD AMONGST ALL THE PEOPLE OF INDIA TRANSCENDING RELIGIOUS, LINGUISTIC, REGIONAL OR SECTIONAL DIVERSITIES.
- ❖ THE PREAMBLE DECLARES THAT FRATERNITY HAS TO ASSURE TWO THINGS– THE DIGNITY OF THE INDIVIDUAL AND THE UNITY AND INTEGRITY OF THE NATION.
- ❖ THE WORD 'INTEGRITY' HAS BEEN ADDED TO THE PREAMBLE BY THE 42ND CONSTITUTIONAL AMENDMENT (1976).

SIGNIFICANCE OF PREAMBLE

- ❖ Contains the basic philosophy and values of the constitution.
- ❖ Contains the grand and noble vision of the constituent assembly.
- ❖ Reflects the dreams and aspirations of the founding fathers of the constitution.
- ❖ 'The preamble to our constitution expresses what we had thought or dreamt so long'. –Sir Alladi Krishnaswami Iyer
- ❖ 'The preamble is the 'horoscope of our sovereign democratic republic'. –KM Munshi
- ❖ The preamble is the most precious part of the constitution. It is the soul of the constitution. It is a key to the constitution. It is a jewel set in the constitution. It is a proper yardstick with which one can measure the worth of the constitution'.-Pandit Thakur Das Bhargava

PREAMBLE – A PART OF CONSTITUTION OR NOT?



MAINS QUESTIONS

❖ PREAMBLE IS THE PHILOSOPHICAL KEY TO THE CONSTITUTION. EXAMINE.

(10 MARKS, 150 WORDS)

❖ DISCUSS THE BASIC VALUES ENshrINED IN THE PREAMBLE.

(10 MARKS, 150 WORDS)

❖ EVALUATE THE SIGNIFICANCE OF PREAMBLE TO THE CONSTITUTION OF INDIA. IS IT A PART OF CONSTITUTION? SUBSTANTIATE.

(15 MARKS, 250 WORDS)