



The Preamble to the Constitution of India

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ABSTRACT

One of the tasks undertaken by Independent India was the framing of a new constitution. The Constitution of India is a unique document. The Preamble enshrines the whole philosophy of the Indian Constitution. The constitutional edifice is built on the pillars of preambular promises. The Preamble is based on the Objectives Resolution moved by Pandit Jawaharlal Nehru. It begins with the words, "We, the people of India.....", Preamble resolved constitute India into a "sovereign, socialist, secular, democratic republic". It secured to all its citizens social, economic & political justice. Liberty of thought, expression, belief, faith & worship has been guaranteed to the people of India. Equality of status & opportunity has been provided to the Indians. Fraternity has been promoted to assure the dignity of the individual. Indian democracy is based on the commitment of maintaining the unity & integrity of the nation. The framers of the Indian Constitution attempted to epitomize & reflect in the Preamble, the entire philosophy & goal of the people underlying the constitution.

Keywords : We, the people of India, sovereign, socialistic, secular, democratic, republic, justice, liberty, equality, fraternity and unity and integrity

Introduction

The twenty-sixth January 1950 marked a great event in the long and chequered history of India. For, on that day, was brought into force the present Constitution of India, which announced to the world the birth of a new republic. It was infact the rebirth of an ancient country. The struggle for national independence was over by August 15, 1947. The attainment of independence was not an end in itself. It was only the beginning of a new struggle, the struggle to live as an independent nation and, at the same time, to establish democracy based upon the ideals of justice, liberty, equality and fraternity. Therefore, one of the tasks undertaken by independent India was the framing of a new constitution. The present Constitution of India is its result. The Constitution of India is a unique document. It is a socio-economic instrument with a revolutionary thrust. Like other constitutions, the Indian Constitution also commences with a preamble, which reflects the ideals, aspirations and expectations of the people of India. The preamble contains the aims and objectives of the Indian Republic and enshrines the whole philosophy of the Indian Constitution in a nutshell. It sets out the main objectives which the legislation is intended to achieve. It is a sort of value-laden introduction to the statute. It expresses, "what we had thought or dreamt, for so long". The Constitution of India is the fundamental law of the land. The signature tune of the Constitution of India is the socio-economic justice. It is the cornerstone of people's edifice of their destiny and hope. Without any shadow of doubt, the constitutional edifice is built on the pillars of these preambular promises. It is a roadmap the people draws up on its own, with the Preamble indicating the direction of the proposed journey in the future of vision, hope and destiny. The Preamble of the Republic of India had been enriched by the Irish, British and American counterparts in considerable proportions.

The preamble is based on the Objectives Resolution drafted and moved by Jawaharlal Nehru on December 13th, 1946. The Objectives Resolution reads as follows:

"The Constituent Assembly declares its firm and solemn re-

solve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a constitution".

The Objectives Resolution was described by the founding fathers as, 'something that breathes life in human minds', 'a pledge which is enshrined in the heart of every man', 'an expression of the surging aspirations of the people', 'a sort of spiritual Preamble which will pervade every section, every clause and every schedule' (of the Constitution). By making Preamble, the new Nation engraved 'hope' in marble – made of paper. Consensus, flexibility & accommodation is the hall mark of the architects of the Preamble of the Constitution of India.

Definition of the term Preamble

The word Preamble means preliminary statement of introduction, the introductory part of a statute or deed, etc. Etymologically, the word 'Preamble' traces its origin to the French word 'preamble' and medieval Latin 'praeambulus' from Late Latin 'praeambulus' (going before).

Oxford Advanced Learner's Dictionary defines preamble, "as an opening statement explaining the purpose of the book, document, lecture, etc. that follows".

The Text of the Preamble

The Constitution of India opens with a Preamble. The Preamble to the Constitution of India as amended in the year 1976 reads as follows:

"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 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”.

Implications

We, the People of India

The Preamble begins with the words, “We, the people of India...” . It suggest that the sovereignty resides with the people and the fact that all powers of government flow from the people. Indians are the authors of the Constitution. ‘We, the people of India’, means in other words, ‘we, the citizens of India’, whether voters or non-voters. It should be noted here that the front ranking leaders of the Indian national freedom movement had represented the ‘spirit of freedom’ of the people of India. Therefore, it had a moral legitimacy to use the word, ‘we the people’ in the Preamble to the Constitution of India.

Sovereign

The word Sovereign is a reflection of the spirit of independence attained after centuries of subordination to foreign rule. Sovereignty means the supreme power which is absolute and uncontrolled within its own sphere. A State is sovereign when there resides within itself a supreme and absolute power acknowledging no superior. In a nutshell, sovereignty means the independent authority of a State. It has two aspects – external (in international affairs), and internal (in national affairs). All these aspects have been secured fully by the detailed provisions of the Indian Constitution. Sardar Vallabhbhai Patel made it clear that - “India’s status of Sovereign Independent Republic is, by no means, affected, because there is no question of allegiance to His Majesty the King who will merely remain a symbol of our association as he would of other members”.

Socialistic

The Preamble of the Constitution of India depicts India as a socialistic country. The implication of the word ‘socialistic’ introduced by the 42nd Amendment Act, 1976 is clearly to set up a ‘vibrant throbbing socialist welfare society in place of a feudal exploited society’. It is beacon to guide & inspire that is enshrined in the Constitution. The word Socialistic signifies that the ownership & control of the material resources of the community are distributed as best to subserve the common good & decentralization of material resources of wealth (Article 39 b & c). This makes India a welfare state where the state adopts the role of a guardian to the illiterate poor so that they are not exploited due their ignorance. Indian Constitution balances the collective & individual interest to ensure the welfare of the masses without unreasonably treading on the individual interest. The socialism envisaged in India does not mean abolition of private property or nationalization of all means of production. The socialistic concept of society is laid down in part III & IV of the constitution of India.

Jawaharlal Nehru, the architect of Indian planning, borrowed the concept of Socialism from the Russians. Preamble was expressly brought in the Constitution to establish an egalitarian social order through rule of law as its basic structure. It is the flood - light illuminating the path to be pursued by the state, now expresses the high ideals of socialism. The principal aim of socialist state to eliminate inequality, income & status & standards of life.

Secular

The Preamble to the constitution of India proclaims that India is a secular state. Secularism is given pride of place in the Constitution. India remains India because of secularism, even after partition. The word secular signified the right of freedom of conscience & free profession, practice & propagation of religion (Article 25); & freedom to manage religious affairs (Ar-

ticle 26). It also provide freedom as to attendance at religious instruction. Apart from above, Article 29 & 30 provide certain Cultural & Educational Rights to Minorities & Minority Institutions. The Constitution of India establishes no state religion; creates no category of preferred citizens; throws citizenship open to all; equality of status & of opportunity; & promises to promote the dignity of the individual equally. The soul of secularism is a scientific attitude towards co-existence of multi-cultural multi-racial & multi-faith life in Indian civil society.

Pandit Laxmi Kanta Maitra explained clearly the scope & nature of Indian secularism – “By secular state, as I understand, it is meant that the state is not going to make any discrimination whatsoever on the ground of religion or community against any person professing any particular form of religious faith... In other words, in the affairs of the state, the preferring of any particular religion will not be taken into consideration at all”.

Democratic Republic.

The word Democratic has been best defined as the Government of the people, by the people and for the people. There is a rule by ballot & not by bullet. Now a days Electronic Voting Machines (EVMs) are used to conduct election free & fairly. This ideal of democracy has been fully enshrined in the Constitution of India. The term democratic is comprehensive. It not only a form of government but also embraces, in addition to political democracy, social & economic democracy.

The term Republic implies an elected head of the state. Republic in the Preamble signifies that we have a republican form of Government where over Head of State, the President of India is elected by an electoral college consisting of the elected members of the Legislative Assemblies of the States. The process & manner of election as incorporated in Article 55 is commonly known as proportionate representation by a single transferrable vote.

Justice

The preamble ensures justice for all its citizens. Justice means equality. All are equal in the eyes of law. Justice may be classified into three categories. They are:

(a). Social

Social justice leads to the list of ideals. Discrimination on any ground such as caste, race, religion, sex, rich or poor is illegal.

(b) Economic

Economic justice provides equal opportunities in employment to one and all. Efforts are made to bridge the gap between rich and poor. Steps are taken to provide equal wages for equal work and sex of the workers does not differentiate in deciding the wages.

Regarding economic justice, Pandit Jawaharlal Nehru said that, “The first task of this assembly is to free India through a constitution, to feed the starving people, to clothe the naked masses and to give every Indian the fullest opportunity to his capacity”.

(c) Political

Political justice has been provided to the people by adopting democracy as a way of life and form of government. It ensures free and fair participation of all citizens in the political process of the country, without any distinction of caste, race, religion, sex, place of birth, rich or poor etc. through the exercise of political rights like right to vote, right to contest elections, right to hold public office etc.

Liberty

Liberty as promised in the preamble has been given to the people in the form of fundamental rights. Liberty is essential for the development of individual personality. It is a positive right to liberty of thought, expression, belief, faith and worship.

Equality

Liberty without equality is like an empty vessel without water. Equality does not mean all human beings are equal mentally and physically. It means equality of status and opportunity. Any type of discrimination is prohibited.

Fraternity

The word fraternity ensures the dignity of the individual, and unity and integrity of the nation. It means, common feeling of brotherhood. The intention of the founding fathers of our constitution was to inculcate the feeling in the heart of every Indian that, "he/she is the child of the soil of his or her motherland". National unity can be built through the spirit of fraternity.

Unity and Integrity of the Nation

'Unity in diversity' has been the hall mark of Indian nationalism. Indian democracy is based on the commitment of maintaining the unity and integrity of the nation. It is intended to put an end to separatist tendencies or disruptive forces and make people feel that every part of India is their home.

Conclusion

The preamble of the constitution of India is one of the best of its kind ever drafted. It embodies the spirit of the constitution, the determination of the Indian people to unite themselves in common adventure of building up a new and independent nation which will ensure the triumph of justice, liberty, equality and fraternity. Pandit Thakurdas Bhargava described the preamble, "as the most gracious part of the constitution, soul of the constitution, key to the constitution and as superb prose poem".

Gravenille Austin says that, "the Indian Constitution is a social document". It aims at establishing a better society on the basis of justice, liberty, equality, and fraternity – and the preamble commits the Constitution to a social revolution. The whole of Indian Constitution is an elaboration of the preamble. The Preamble has sought to establish what Mahatma Gandhi described as, "India of my dreams". The real value of Constitution depend on the extent to which the stated objectives of the Preamble have been achieved. It commits to wash out the dirty linean in Indian history. In the conclusion, it has been stated that the framers of the Constitution of India attempted to epitomize & reflect in the Preamble, the entire philosophy & goal of the people underlying the Constitution.

Summary

- The Indian Constitution was inaugurated in 1950.
- It has a Preamble which sets out guidelines for the administration & embodies the philosophy & ideals of the Constitution.
- The people are the ultimate source of constitutional authority in India.
- The Preamble proclaims that India is a sovereign, socialist, secular, democratic & republican state.
- It presents the aims and goals to be achieved by independent India.
- Justice, liberty, equality &fraternity are the four prominent ideal objectives of the Indian Constitution.
- The Preamble ensure the unity & integrity of India.

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