

THE PREAMBLE

Every constitution has a preamble with which it begins and which embodies its objectives. The Preamble states the basic objectives which the constitution seeks to establish and promotes and also aids the legal interpretation of the constitution, where the language is found to be ambiguous. The Preamble act as a “window ,through which we can peep into the constitution”. This serves three purpose

- (1) the sources of the constitution
- (2) its objectives
- (3) The date of its adoption.

The aim and aspiration embodied in the Preamble of our constitution, which says----. “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 twenty sixth day of November, 1946, do HEREBY ADOPT, ENACT AND TO GIVE OURSELVES THIS CONSTITUTION.”

1. The opening word of the Preamble “We the People of India” declares unequivocally, the ultimate society of the people of India and the constitution exerts on their authority. India declares her sovereignty to manage her own affairs is no unmistakable terms. With the inauguration of present constitution, India became a “Sovereign Republic” like USA and Switzerland.

2. The word Socialism has been included in the Preamble by the 42nd Amendment Act of 1976. The goal of the Indian polity is 'Socialism' which has been ensured by the constitution. It is to be noted that the socialism envisaged by the Indian constitution is not the usual scheme of state Socialism which involves the nationalization of all means of production and distribution and the abolition of private property. Our former Prime Minister Mrs. Indira Gandhi rightly observed that "We have our own brand of socialism. We will nationalize the sectors where there are full necessities just nationalization is not our type of socialism".

3. The Secular nature of the Indian political system has been ensured by inserting the word 'secular' in the Preamble by the 42nd Amendment Act of 1976. A secular state is primarily devoted to political order and freedom and pursues policies in promoting economic stability and welfare of the people. It is not to be guided in the performing of its functions and discharge of duties by the teachings of any religious faith. It does not allow its resources and prestige to be utilized for the propagation of any particular religion. It allows freedom of religion to all, provided, such freedom is exercised subject to law and morality.

4. The term Democratic is comprehensive. In a narrow political sense, it refers only to the form of government. As a form of government, the democracy which is envisaged is a representative democracy and there is no agency of direct control by the people. In its broader sense, it embraces in addition to political democracy, also social and economic democracy. The term democratic is used in this sense in the Preamble.

5. The term Republic implies an elected head of the state. Under a Republican form, the Head of the state is elected for a prescribed period. In India, the President-the Head of the State-is elected indirectly by the people for a specific period or at regular intervals. The Preamble provides to define the objectives of the Indian Republic. They are 'Justice, Liberty, Equality and Fraternity'.

Justice implies “harmonizing reconciliation of individual conduct within the general welfare of the society “. The essence of the justice is the attainment of the common good. It embraces as the Preamble proclaims the entire, social, economic and political spheres of human activity.

The term liberty is used in the Preamble not merely in negative but also in positive sense. It signifies not only the absence of any arbitrary restraints on the freedom of the individual actions, but also the creation of conditions which provide the essential ingredients necessary for the fullest development of individual personality. Liberty shall be provided To each and every citizen, in thought, expression, belief, faith and worship.

Guaranteeing of certain right would be meaningless if only all inequalities are banished from the soil and each individual is assured of equality of status and opportunity for the development of the best in him. This object is secured in the body of the constitution by making illegal all discrimination by the state between citizen, simply on the ground of religion, race, caste, sex or place of birth in addition to this constitution ensures political equality by providing Universal Adult Franchise.

The Preamble emphasise the objectives of ‘Fraternity’ to generate a spirit of brotherhood among all sections of the people which is essential in a country like India composed of so many races, religions, languages and culture. In its declaration of Human Rights, the UN proclaims: “All human beings are born free and equal in dignity and rights. They are embodied with reason and conscience and should act towards one another in a spirit of brotherhood”. It is this spirit of brotherhood that is reflected here.

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