

CONTENTS OF THE PREAMBLE

The Preamble is part of our constitution. The contents of Preamble play an important role in the interpretation of our constitution. The Preamble declares:

“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.”

- **“We, the People of India”**

The preamble begins with the words “We the people of India...” thus clearly indicating the **source of all authority of** the constitution. At the dawn of independence, we were 350 million (approximately). This figure constituted 1/6th of humanity. The words “We, the people of India” declares in unambiguous terms that the Constitution has been adopted, enacted and given to themselves by the people of India. It emphasizes the sovereignty of the people and the fact that all powers of government flow from the people. It is the people of India on whose authority the Constitution rests. The preamble surmises that it is the people of India who are the authors of the constitution.

The words “we the people of India” echo in the opening words in the preamble to the constitutions of the United States and of Ireland. It is emphasized that the constitution is founded on the authority of the people, in whom is vested the ultimate sovereignty. The Supreme Court in *Union of India v. Madangopal* referred to these words.

- **Sovereign**

According to Preamble, the constitution of India has been pursuance of the solemn resolution of the people of India to constitute India into a ‘Sovereign Democratic Republic’, and to secure well-defined objects set forth in the preamble. Sovereignty denotes supreme and ultimate power. It may be real or normal, legal or political, individual or pluralistic. In monarchical orders, sovereignty was vested in the person of monarchs. But, in the republican form of governments, which mostly prevail in the contemporary world, sovereignty is shifted to the elected representatives of the people.

According to D.D Basu, the word ‘sovereign’ is taken from Article 5 of the constitution of Ireland. ‘Sovereign or supreme power is that which is absolute and uncontrolled within its own sphere’. In the words of Cooley, “*A state is sovereign when there resides within itself supreme and absolute power, acknowledging no superior*”.

- **Socialist**

The constitutional commitment to the goal of socio-economic justice, as envisaged by the original preamble by the constitution of India has been fortified by the **Constitution (42nd Amendment) Act, 1976**. The term ‘socialist’ literally means a political-economic system which advocates the state’s ownership of the means of production, distribution, and exchange.

The term ‘socialist’ has not been defined in the constitution. Professor M.P Jain observes that the term ‘does not, however, envisage doctrinaire socialism in the sense of insistence on state ownership as a matter of policy’. It does not mean total exclusion of private enterprise and complete state ownership of material resources of the nation. Swarn Singh, the chief architect of the 42nd Amendment Act, 1976 explained that by the word ‘socialism’ nothing more was meant

than what was explained at the Awadi session of Congress, which is short aimed at a ‘mixed economy’.

In *D.S Nakara v. Union of India* the court observed that “the basic framework of socialism is to provide a decent standard of life to the working people and especially provide security from cradle to grave.” The principal aim of the socialist State, the Supreme Court held, was to eliminate inequality in income and status and standard of life.

- **Secular**

In Webster’s Dictionary, the word ‘secular’ has been described as a ‘view of life’, or of any particular matter based on premise that religious considerations should be ignored or purposefully excluded or as a system of social ethics based upon doctrine that ethical standards and conduct be determined exclusively without reference to religion. It is the rational approach to life and it refuses to give a plea for religion.

Although the term secular was not included anywhere in the constitution, as it was originally adopted on November 26, 1949, the founding fathers of the constitution were clear in their mind as to what they meant by secularism. The word secular has no Indian origin. It traces its origin from West in the context of the Christian religion. It was however rooted in India’s own past history and culture. It is based on the desire of the founding fathers to be just and fair to all communities irrespective of their number.

In *S.R Bommai v. Union of India*[xxvii], a nine-judge bench of the apex court observed that the concept of “Secularism” was very much embedded in our constitutional philosophy. What was implicit earlier had been made explicit by the constitution (42nd amendment) in 1976.

- **Democratic**

The term Democracy is derived from the Greek words ‘*demos*’ which means ‘people’ and ‘*kratos*’ which means ‘authority’. It thus means government by the people. Democracy may properly be defined as that form of government in the administration of which the mass of the adult population has some direct or indirect share.