
PREAMBLE IN THE INDIAN CONSTITUTION: A FOUNDATION OF CONSTITUTIONAL RIGHTS

Mary Vini A, Assistant Professor, Bharata Mata School of Legal Studies, Aluva, Kerala

ABSTRACT

Preamble to the constitution is the core of Indian Constitution, embodying the ideals, aspirations and principles of its framers. It reflects their remarkable effort in drafting the world's longest written constitution. Serving as an introduction, the Preamble declares that the people of India are the ultimate source of authority, meaning sovereign power resides solely with the State and rejects any external influence. Often regarded as the spirit of the constitution, the essence is manifested through various provisions as rights, freedoms and duties in the constitution.

Keywords: Preamble, Ideals and Principles, Interrelation between Fundamental rights, Amendment.

INTRODUCTION

The Preamble: Essence of the Constitution

The essence of the Constitution is encapsulated in the Preamble which reflects the core values and vision of the nation. On 26th January 1950, a historic milestone was achieved when the Constitution of India came into force making the birth of India as a sovereign, democratic and republic. India had gained independence on 15th August 1947, but the struggle to become an independent nation was deeply rooted in the democratic principles such as justice, liberty, equality and fraternity. To shape the future of newly independent nation, the Constituent assembly was formed in December 1946, with Dr. B.R. Ambedkar serving as the chairman of the drafting committee. The framers of the constitution, meticulously drafted the document, which enshrines the entire philosophy of the nation's governance. The Preamble embodies the dreams, aspirations, and collective will of the people in India, while also drawing inspiration from global constitutional traditions, including those of Ireland, the United States, and Britain¹. It was a visionary journey reflecting the hopes and future aspirations of the citizens of India.

¹ Nagale Prema Nasaringa Rao., The Preamble to the Constitution of India, Vol.2(11) Indian Journal of Research, 256-258 (2013)

Notably, the Preamble was finalized only after the rest of the constitution was completed. Jawaharlal Nehru, India's first Prime Minister, played a pivotal role in drafting and presenting the Constitution which was subsequently adopted by the Constituent Assembly. An 'Objective Resolution' was presented by him on 13th December, 1946 laying down the principles of the Constitution and later it became the Preamble². Without any objections it was adopted on 22nd January, 1947. Preamble with 395 Articles, 22 Parts and 8 Schedules – The Indian Constitution was adopted on 26th November, 1949 by the assembly. The Preamble has been amended only once, through the 42nd Constitutional amendment which added the words, "Socialist, Secular, and Unity and Integrity of the nation to reinforce India's commitment to these ideals.

Preamble read as follows³:

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."**

Indian Constitution emanates the basic ideas enshrined in the Preamble and it is a sort of introduction to the statute, which aims to define the intention of the legislature.

IDEALS AND PRINCIPLES

The authority of Indian constitution is rooted in its Preamble. These ideals and principles are operationalized through constitutional provisions that define the rights and duties of citizens, ensuring the well-being of the country and the effective administration of the state. India is a country with the diversity nature – encompassing multiple religions, ethnicities, cultures, and languages- shaped the framer's decision to incorporate principles from the US Constitution. The Preamble's opening words, "We, the People of India, signify that the Constitution derives

² Karthick, G., The Preamble of Indian Constitution: An Amalgamation of Ideas and Philosophies. Indian Journal of Law and Legal Research Vol III Issue II, (2022)

³ Constitution of India, 1950 <http://legislative.gov.in>constitution-of-india>, visited at 09/06/2025

its authority from the people and was drafted with their collective vision in mind. This reflects Abraham Lincoln's democratic ideal – that governance must be “of the people, by the people, and for the people”. Dr. B. R Ambedkar and Jawaharlal Nehru contributed their thoughts and ideas in shaping the Constitution, embedding key terms like Sovereign, Democratic and Republic in the Preamble. Later, the 42nd Amendment Act, 1976 introduced the terms Socialist and Secular, a significant contribution by the then Prime minister Indira Gandhi. These terms define the fundamental nature of the Indian state.

Sovereign

India's sovereignty means it is free from external control, having gained complete independence from British rule. While the nation actively participates in international bodies like the UNO, WHO, and WTO, this does not compromise its sovereign power⁴. India retains full legislative authority, subject only to constitutional limits.

Democratic

The Preamble explicitly establishes India as a democratic country, mandating a parliamentary system where the government is accountable to the people. The three pillars of democracy- Legislature, Executive and Judiciary ensure checks and balances. Free and fair elections, rule of law, and concepts of liberty, equality and justice are the essentials of this system.

Republic

The term republic denotes that the head of the state is not a hereditary monarch, it is elected. No one is above the law, equality and justice should be ensured to all. The people are the ultimate source of power. The Indian President, our state head is elected indirectly by the elected representatives of both Parliament and State legislatures, a type of parliamentary democracy. In Britain, Japan and other countries state head enjoys their position through succession but in USA and India they are elected for a fixed period.

Socialist

The term Socialist was added to the constitution by the 42nd Amendment Act in 1976, before

⁴ Ibid p 1

this amendment socialistic concept is expressed only in the Directive Principles of State Policy. The term socialism, which is embedded in the Preamble of our constitution paves the way of Marxism and ideologies of Gandhiji, it seeks to eliminate poverty, ensure equitable opportunities and uphold social and economic justice. Ours is a mixed economy, there will be always a co-existence of both the public and private sectors. To promote the welfare of the people, concept of socialism asks to achieve social and economic equality. This will reduce the gap between rich and poor, equal opportunities for citizens can be ensured. Socialistic country focusses to enrich the state eliminates inequality and assures the dignity of the individuals.

In *D.S. Nakara v. Union of India*⁵, the court pronounced that “the basic framework of socialism is to provide a decent standard of life and security must be provided to the working people from cradle to grave.”⁶ This is a blend of Marxism and Gandhism, wish to maintain equality in the distribution of income and status, should provide better standard of living.

Secular

Apart from the socialistic term, legislature intends to insert the term Secular in the preamble by the 42nd Amendment Act 1976. Our state has no religion; citizens have the freedom to choose their religion and freedom of worship and belief. Constitutional makers thought to establish a state with no specific religion. This term means to live in a country with mutual respect among different communities. Positive perspective of secularism embarks that all religions are eligible to enjoy the same status from the State.

PRIME OBJECTIVES ENSHRINED IN THE PREAMBLE

The primary feature of our constitution is the objectives which the Preamble secures to every citizen

Justice, Liberty, Equality, Fraternity

In the Preamble justice is mentioned in three dimensions to every citizen: *social, economic and political*, provided through different provisions in the Fundamental rights and Directive

⁵ AIR 1983 SC 130

⁶ Id

principles of State Policy. Source of these ideals are from the Russian Revolution in 1917⁷. Elimination of inequalities in the state will ensure the *social justice*. How it can be removed; only through the upliftment of the marginalised sections in the society and should avoid discrimination on the basis of religion, sex, caste or race. Affirmative actions are taken by the state in the way of reservations in education and public employment spheres. *Economic justice* can be assured by promoting equal opportunities in the employment. It will reduce poverty and enhance economic equality. *Political justice* ensures equal participation in the political process by guaranteeing free and fair elections. Every citizen has the right to vote after attaining the age of 18. Political empowerment in all sections of the society in the state is the prime goal of political justice in the preamble.

Liberty, Equality and Fraternity, these concepts are adapted from the French Revolution, 1789. *Liberty* is an individual's freedom to speak, express, think and to live freely subjected to reasonable restrictions – means without affecting the public order morality and security of the state. Freedom of thought, speech, expression, belief, faith and worship mentioned in the preamble are protected and guaranteed by the Fundamental rights in our constitution, not an absolute one. It is essential for a democratic society. *Equality* in the Preamble access to ensure equality before law and equal protection of laws regardless of their religion, race, caste, gender or place of birth. To create better society where everyone gets equal dignity and remove hurdles against the weaker sections of the society. Thus, its implicit equal status and opportunity for all. The Constitutional makers and our freedom fighters ask to promote among them all, *Fraternity* by assuring the dignity of the individual and the Unity and Integrity of the Nation. A spirit of brotherhood should be promoted and strength the national integration. A peaceful atmosphere should be present in our state, reducing violence, discrimination, untouchability etc. It is the duty of every citizen to promote social harmony as mentioned in Fundamental Duties under Article 51A in Part IV A of the constitution. The ideal of fraternity can be achieved only through the core object of our constitution, 'Unity in Diversity'.

PURPOSE OF THE PREAMBLE

Following are the purposes of the Preamble:

⁷ Karthick, G., The Preamble of Indian Constitution: An Amalgamation of Ideas and Philosophies. Indian Journal of Law and Legal Research Volume III Issue II (2022)

1. It points out the Source of the Constitution
2. It includes the Enacting Clause
3. It ensures the Rights and Freedoms, the nature, the type of polity and government⁸

Without any ambiguous, it declares that it is the people of India who have adopted, enacted and given to themselves the Constitution.⁹

INTER-RELATIONSHIP BETWEEN PREAMBLE AND FUNDAMENTAL RIGHTS IN THE CONSTITUTION- ANALYSIS

The vision and mission of our fore founding fathers of the constitution is mentioned in the Preamble as objects and reflected as different provisions in Part III of Fundamental Rights from Article 12-35, Part IV of Directive Principles of State Policy from Article 36-50 and as Fundamental Duties in Part IV A under Article 51A of the Indian Constitution.

As an introduction of the constitution, Preamble sets the philosophy, goals and values of the constitution. Preambular objective is to achieve and ensure justice, liberty, equality, and fraternity. It must be assured in accordance with the individual's dignity and the unity and integrity of the nation. Preamble ideals have legal guarantee, as the main object of the Preamble is provided in Part III of the constitution way of different fundamental rights, if it is violated it can be enforced through the Constitutional remedies under Article 32 before the Supreme Court and Article 226 before the High Court.

Justice - protected through the fundamental rights under Article 14¹⁰,15¹¹,16¹²,17¹³ and 18¹⁴, Article 23 and 24¹⁵, Article 32¹⁶;

⁸ Keshavananda Bharati v. State of Kerala, AIR 1973 SC 1461

⁹ Dr.J.N. Pandey, The Constitution of India, 47th Edition, Central Law Agency, Allahabad, 2010

¹⁰ Article 14 - Equality before law and equal protection of laws in Part III of the Constitution of India,1950

¹¹ Article 15- Prohibition of discrimination on the basis of religion, race, caste and sex in Part III of the Constitution of India,1950

¹² Article 16- Right to equality in the matters of public employment in Part III of the Constitution of India,1950

¹³ Article 17-Abolishing Untouchability in Part III of the Constitution of India,1950

¹⁴ Article 18- Abolishing Title in Part III of the Constitution of India, 1950

¹⁵ Article 23 and 24- Right against exploitation in Part III of the Constitution of India, 1950

¹⁶ Article 32-Right to Constitutional remedies in Part III of the Constitution of India,1950

Liberty - mentioned in Part III under Article 19 as fundamental freedoms, Right to life- Article 21, freedom of religion, worship and belief- Article 25-28;

Equality - ensured through Article 14-16 which dealt with equality before law upon the Dicey's concept of Rule of Law; Article 29 and 30 – provides Cultural and Educational rights;

Fraternity – the concept of common brotherhood which is placed in the Preamble given a practical shape in the Article 17 – abolishing untouchability and Article 18 - abolishing title.

Article 25 to 28 in Part III of the Fundamental rights in the constitution exclusively states about the freedom of religion. The term Secularism, means our state does not recognise any religion, and there is no such prime importance to any religion. In *S R Bommai v. Union of India*¹⁷, the honourable Supreme Court held that 'Secularism' is one of the basic features of the constitution.

AMENDMENT OF THE PREAMBLE- JUDICIAL REASONING

Through the constitution, constitutional makers distilled the nation's ideals and goals into the Preamble - a portrayal form of India's constitutional vision. The struggles endured during the British era are ultimately embodied within it.

In *Re Berubari*¹⁸ case, the honourable Court held that 'it is a key to open the mind of the makers of the constitution'. It shows the general purposes or object in the constitution, which they made as a declaration according to the sovereign intent of the people of India. Nevertheless, the court concluded that it is not a part of the constitution and it should be read separately. It is mentioned as legitimate aid in interpreting the provisions of the Constitution.

Later, the history of the Preamble brought to the notice of the Court in *Kesavananda Bharati v. State of Kerala*¹⁹, discussed Preamble is a part and basic structure of the Constitution. Through this case the doctrine of basic structure was emerged in India. C.J. Sikri expressed that the Preamble has an extreme importance in the Constitution, it should be read and interpreted in the light of the noble vision guided in the Preamble²⁰.

¹⁷ AIR 1994 SC 1918

¹⁸ AIR 1960 SC 845

¹⁹ AIR 1973 SC 1461

²⁰ Id

Preamble can be amended but cannot alter the basic structure of the constitution²¹. According to the doctrine of basic structure the parliament's power to amend the constitution is limited under Article 368²². The fundamental principles of Indian constitution are mentioned in the Preamble; hence the parliament cannot amend the basic features of the constitution. Once it is amended through the 42nd amendment Act 1976, and added three words such as Socialist, Secular and Unity and Integrity of the nation.

CONCLUSION

We have an elaborate Preamble, gives a clear idea about who made the constitution, when it is made, what is its source and nature of polity, goals and objectives of the constitution. It articulates the foundation principles that shape the entire constitutional framework, outlining the rights, freedoms, and societal vision sought for all. Actually, it gives a direction, guide and purpose of the constitution. Fundamental principles and rights of the constitution is drawn in the Preamble. The framers of the Constitution have given fruits to the will of the people and for a sustainable progressive nation. The ideas and principles in the preamble reflected as substantive provisions in the constitution. In the words of Granville Austin, a legal scholar, "Constitution of India is fundamentally a Social Document" one committed to forging a just society grounded in liberty, equality and fraternity. Through its precisely crafted language, the Preamble serves as the key to understanding the Constitution's spirit. Mahatma Gandhiji envisioned Preamble as 'India of my dreams', for it crystallizes the nation's highest aspirations. As the embodiment of India's core values, the Preamble remains indispensable to the constitutional identity of the nation.

²¹ Ibid

²² Article 368 – Amending power of the parliament

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