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The preamble of the Indian constitution is key to understanding the fundamental principles, values, and objectives to which the people of India aspired to achieve for which the Constitution was adopted as a means to usher the "social revolution".

Indian Constitution is the longest written Constitutions in the world whose 73 years of journey is a remarkable story for the Indian Republic. Its preamble expresses the ideals woven around the constitutional provisions whose realization is key for making India a free and just society. The ambit and goals of the Indian Constitution may be understood through the meaning of every word of the preamble. Therefore, it is important to explore the concept and characteristics of the preamble, its evolution, and justification of its inclusion in the Indian Constitution.

What is Preamble?

As per Oxford Dictionary, "preamble" is defined as "the introductory part of a statute or deed, stating its purpose, aims, and justification". The word preamble in English evolved from "praeambulus", which means "going before". The preamble in a nutshell is a statement that is often used in the beginning of the Constitution or any other legislation to express the constitutional and legislative aspirations and justifications.

Preamble of Indian Constitution

The Indian Independence movement was based on cherished ideals which later became the foundational principles of the Indian Constitution. Constituent Assembly had the advantage to learn and unlearn through the comparison of several Constitutions adopted by Nation-States across the globe till then. Therefore, the framers of the Indian Constitution in a systematic manner discovered and compared those principles and adopted some of those as per the necessity and suitability for India. Those values mirror the preamble of the Indian Constitution.

Characteristics of Preamble under Indian Constitution

"We the People", the initial three words in Indian Constitution were borrowed from the preamble of the United States Constitution, which signifies that political sovereignty lies within the people of India. The preamble declares that the people of India have taken a solemn resolution to make India a sovereign power of its own, having a democratic and republican character, whose governance will be ushered through secular means and to achieve socialist goals. "Socialist" and "Secular" words were added in the preamble by the 42nd Amendment to Indian Constitution in 1976.

The preamble of the Indian Constitution also proclaims that for its citizens, socio-economic and political justice will be secured, and each citizen shall have liberty of thought, expression, belief, faith, and worship. The preamble signifies the aspiration for equality of status and opportunity for Indian citizens. Most importantly, the preamble prescribes maintaining the unity and integrity of India coupled with fraternal bonds among the people. The preamble also emphasizes human dignity which was constitutionalized under the Indian Constitution as one of the facets of the Right to life under Article 21, emanated through judicial interpretations.

How did Preamble emerged in Indian Constitution?

It was the Objectives Resolution moved in the Constituent Assembly on the 13th of December 1946 by Jawaharlal Nehru which became the primary source of the preamble. The Objectives Resolution was adopted on the 22nd of January, 1947 by the Assembly. After extensive debates on the wording of the preamble, the final version of the preamble was adopted by the Assembly on the 26th of November, 1949, and came into force on the 26th of January, 1950.

Why Preamble is required?

The preamble of the Indian constitution is key to understanding the fundamental principles, values, and objectives to which the people of India aspired to achieve for which the Constitution was adopted as a means to usher the "social revolution" (Granville Austin, 1976). The significance of the preamble is that it functions as a guiding light in the interpretation of the Constitution's texts if ambiguities or conflicts persist among the provisions. In *In Re: Berubari Union* case, the Supreme Court of India, though, accepted its importance as "a key to open the mind" of Constitution makers, but the Court did not accept it as an integral part of the Constitution like any other constitutional provision. In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court of India, however, held that the preamble is a part of the Constitution which may be amended like any other constitutional provision, subject to the condition that it does not violate the "Basic Structure of Constitution". The importance of the preamble was recognized by the Court in this case by holding the view that it may be a yardstick to bring an amendment to the Constitution. In *Indira Nehru Gandhi v. Raj Narain* (1975), the Supreme Court of India held that "If there is a part of our Constitution which deserves greater devotion than any other part of it, it is certainly the preamble to our Constitution". The Court further went on to say that "Preambles of written Constitutions are intended primarily to reflect the hopes and aspirations of people. They resonate the ideal which the nation seeks to achieve".

The preamble is, though, an integral and significant part of the Constitution, but it cannot be treated either as a source of power or limitation. It is not an operationalized constitutional provision that may be enforced in a positivist sense. Its importance lies in its meticulous use as sunlight whose presence is enough to bring clarity and precision amidst conflicting zones of constitutional interpretation.

(Article by Prof. (Dr.) Chanchal Kr. Singh, Professor of Law, HPNLU Shimla; Dr. Mritunjay Kumar, Assistant Professor; and Aastha Naresh Kohli, Research Member)

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