

PREAMBLE

- The Preamble to the Constitution of India is a brief introductory statement that sets out the guiding principles, ideals, and objectives of the Indian Constitution.
- It is often called the “identity card” or “soul” of the Constitution, summarising why the Constitution was framed and what kind of nation India seeks to be.
- The original Preamble of the Indian Constitution, as adopted by the Constituent Assembly on 26 November 1949 and brought into force on 26 January 1950, contains a specific set of ideas and phrases that define the philosophy and basic structure of the Constitution.
- It is not an ordinary heading but a short, carefully worded political and philosophical statement that declares who gives the Constitution, what kind of State India is, and what values it seeks to secure for its citizens.

Below is a detailed discussion of the original content visible in the Preamble, before the 42nd Amendment (1976).

1. Source of the Constitution: “We, the people of India”

- The Preamble begins with the words “We, the people of India”, which clearly indicate that the Constitution derives its authority from the people of India, not from any monarch, foreign power, or colonial authority.
- This phrase establishes popular sovereignty—the idea that all power ultimately vests in the people who have given themselves this Constitution.

2. Solely resolved to constitute India into a Sovereign Democratic Republic

- “Sovereign Democratic Republic” (original phrasing before 42nd Amendment):
 - **Sovereign:** India is an independent State, free from external control, capable of making its own laws and conducting foreign policy.
 - **Democratic:** The people elect their representatives through universal adult franchise; the government is responsible to the people.
 - **Republic:** India has an elected head of State (President), not a hereditary monarch. The office is not based on birth or dynasty.

These three words together define the basic nature of the Indian State as independent, representative, and non-monarchical.

3. Objectives clause: What the Constitution seeks to secure

The Preamble then states that the people have resolved to secure to all its citizens certain key objectives: justice, liberty, equality, and fraternity.

a) Justice—“Justice, social, economic and political”

The original Preamble mentions “Justice, social, economic and political”, which means:

- **Social justice:** Removal of social inequalities based on caste, religion, gender, etc.
- **Economic justice:** Reduction of economic disparities and equitable distribution of wealth and opportunities.

- **Political justice:** Ensuring equal political rights and participation (e.g., equal voting rights, no discrimination in political processes).

These concepts are closely linked to Fundamental Rights, Directive Principles, and later constitutional developments.

b) Liberty—“Liberty of thought, expression, belief, faith and worship”

The phrase “Liberty of thought, expression, belief, faith and worship” guarantees freedom of:

- Thought and expression (related to Article 19).
- Conscience and religion (Articles 25–28).

This liberty is meant to allow individuals to develop freely without arbitrary state interference, subject to reasonable restrictions

c) Equality—“Equality of status and of opportunity”

The original text promises “equality of status and opportunity”:

- Equality of status: Equal dignity and respect for all citizens; no one to be treated as inferior by birth, caste, or religion.
- Equality of opportunity: Equal chances in education, employment, and public life, especially through Articles 14–16

This clause underpins the idea of a non-discriminatory, egalitarian society.

d) Fraternity—“Fraternity assuring the dignity of the individual and the unity of the Nation”

Originally, the Preamble concluded with “Fraternity assuring the dignity of the individual and the unity of the Nation” (later changed to “unity and integrity of the Nation” by the 42nd Amendment).

- **Fraternity:** A sense of brotherhood and common belonging among citizens, cutting across regional, religious, and linguistic divisions.
- **Dignity of the individual:** Every person is to be treated with respect and self-worth.
- **Unity of the Nation:** Protection of national unity and cohesion against divisive forces such as communalism, secessionism, or extreme regionalism.

4. Final clause: “We hereby give to ourselves this Constitution”

- The concluding line “We do hereby give to ourselves this Constitution” (in the operative version) reinforces that the Constitution is self-given by the people of India, not imposed from outside.
- This phrase symbolises the democratic and participatory birth of the Indian Republic.

5. Key significance of the original Preamble text

- It reflects the Objectives Resolution moved by Jawaharlal Nehru, adopted on 22 January 1947 and later transformed into the Preamble.
- In landmark cases such as *Kesavananda Bharati* (1973) and *LIC* (1995), the Supreme Court held that the Preamble is part of the Constitution and helps interpret its basic structure.

- The original “Sovereign Democratic Republic” and “unity of the Nation” were later amended to “Sovereign Socialist Secular Democratic Republic” and “unity and integrity of the Nation” by the 42nd Amendment, but the core values of justice, liberty, equality, and fraternity remain unchanged

India's secular Constitution, even without the word

42nd Amendment introduced the word 'secular' in the Preamble. But secularism is inherent in the Constitution, a theme that runs through several provisions

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VICE PRESIDENT Jagdeep Dhankar on Saturday called the Emergency-era addition of expressions “socialist” and “secular” to the Constitution’s Preamble a “sacrilege to the spirit of Sanatan”. Leaders such as Union Minister Shivraj Singh Chouhan, Assam Chief Minister Himanta Biswa Sarma, and RSS general secretary Dattareya Hosabale have echoed the VP’s critique in recent days.

The words “socialist” and “secular” were added to the Preamble through the Constitution (Forty-second Amendment) Act of 1976, which made wholesale changes to India’s founding document. While the Janata government reversed most of these changes through the 44th Amendment in 1978, the Preamble was left untouched.

Preamble & 42nd Amendment

The Preamble is a vision statement to the Constitution, or as the Supreme Court described in its 1961 ruling in *In Re: The Berubari Union*, “a key to open the mind of the makers” of the Constitution.

In 1950, when the Constitution was

adopted, the Preamble read: “We, the People Of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic” that would secure to all its citizens “Justice... Equality... Liberty... and Fraternity”.

The 42nd Amendment in 1976 changed this to “...Sovereign Socialist Secular Democratic Republic...” and added the expression “integrity” to the description of fraternity as a right, which now reads “assuring the dignity of the individual and the unity and integrity of the Nation...”.

These were just a few of a whole host of changes made by the 42nd Amendment, which introduced the chapter on Fundamental Duties, added new Directive Principles on State Policy, diluted powers of judicial review, and froze delimitation.

Behind these changes

These changes reflected Indira Gandhi’s political objectives during the Emergency, a 21-month period during which the Prime Minister ruled by decree.

■ Since the 1950s, the tussle between Parliament and the judiciary had revolved around land reform: the political class saw the Court’s upholding of fundamental rights, especially the right to property, as placing indi-

vidual rights over collective rights of people.

With Indira Gandhi taking an explicit leftward turn — she nationalised banks in 1969, abolished privy purses in 1971, and romped to victory in Lok Sabha polls later that year with “Garibi Hatao” (“End Poverty”) as her campaign slogan — the inclusion of “socialist” was to indicate the Constitution’s alignment with the Prime Minister’s economic roadmap.

As the 42nd Amendment’s Statement of Objects and Reasons read, the addition was meant to “make the directive principles more comprehensive and give them precedence over those fundamental rights which have been allowed to be relied upon to frustrate socioeconomic reforms...”.

■ The reason for adding “secular” to the Preamble was not as explicitly spelt out. But it came at a time when the Bharatiya Jana Sangh, predecessor of the BJP, was emerging as a potent political force.

In the 1967 general elections, the Jana Sangh had won 35 seats, its best performance till then, and the Congress’ tally dropped to 283. While the Congress bounced back in 1971, the Jana Sangh nonetheless remained among Indira Gandhi’s foremost political opponents through the Emergency, when a

number of its leaders, including Atal Bihari Vajpayee and L K Advani were jailed.

“The founding fathers of our Constitution and of our country had intended Indian society to be secular and socialist... All we are doing now is to incorporate them in the Constitution itself for they rightly deserve to be mentioned there,” Indira had told Lok Sabha.

■ The word “integrity” was brought into the Preamble at a time when Indira’s political rhetoric — and justification for imposing the Emergency — centred around “forces dividing the nation”.

“When we talk of integrity, it is really the quality or the state of being undivided... Whereas a nation is composed of the people and the country,

when we talk of the integrity of the country, we talk of... maintaining the indivisibility of the country along with the unity of the nation,” then law Minister H R Gokhale had said in the Parliament while speaking on the Bill.

The difference they made

While symbolic, the additions to the Preamble made no substantive changes to the Constitution. As the SC had noted in *Berubari Union*, “[the] Preamble is not a part of the

**EXPLAINED
LAW**

Constitution, and it has never been regarded as the source of any substantive power...”

Secularism is a theme that permeates through the Constitution in several other provisions. For instance, secularism is a key facet of the right to equality enshrined in Article 14 of the Constitution. Article 15 explicitly prohibits discrimination based on religion, race, caste, sex, or place of birth. Article 16 guarantees equality of opportunity in matters of public employment. These rights against the state make the Constitution inherently secular.

This view has repeatedly been emphasised by the Supreme Court. Even before the 42nd amendment altered the Preamble, a 13-judge bench in the landmark 1973 *Kesavananda Bharati* ruling held that secularism is a basic feature of the Constitution that cannot be done away with.

“The secular character of the state, according to which the state shall not discriminate against any citizen on the ground of religion only, cannot likewise be done away with,” the ruling states.

In the 1994 *Bommai* ruling, that dealt with Centre-State relations, the SC again upheld secularism as a basic feature of the Constitution.

In another landmark ruling in 1980, *Minerva Mills v Union of India*, which also debated more constitutional amendments made during the Emergency, the Court recognised “socialism” was a constitutional ideal for the framers. It cited Part IV of the Constitution, which deals with Directive Principles of State Policy, a non-enforceable policy outline for the state that has several socialist ideas.

“We resolved to constitute ourselves into a Socialist State which carried with it the obligation to secure to our people justice — social, economic and political. We, therefore, put part IV into our Constitution containing directive principles of State policy which specify the socialistic goal to be achieved,” the ruling said.

In November 2024, a two-judge Bench led by then Chief Justice of India Sanjiv Khanna dismissed writ petitions challenging the addition of “secularism” and “socialism” in the Constitution.

“The additions to the Preamble have not restricted or impeded legislation or policies pursued by elected governments, provided [they] did not infringe upon fundamental and constitutional rights or the basic structure of the Constitution. Therefore, we do not find any legitimate cause ... for challenging this constitutional amendment...,” the Bench said.