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A Legal Study on Preamble of the Indian Constitution: Philosophy, Principles, and Vision

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Abstract:

The Preamble of the Indian Constitution serves as the guiding philosophy and ideological foundation of the nation's legal and political framework. It encapsulates the core principles of justice, liberty, equality, and fraternity, reflecting India's commitment to democracy, secularism, and social welfare. This paper explores the philosophical underpinnings of the Preamble, tracing its historical evolution and its role in shaping constitutional interpretation and governance. It also examines its dynamic nature, demonstrating how it continues to influence contemporary legal and socio-political discourse in India. By analyzing key judicial pronouncements and constitutional debates, this study highlights the Preamble's enduring significance as a beacon of India's democratic vision and constitutional morality.

Keywords: *Constitution, Preamble, democracy, justice, liberty*

1. Introduction:

The Constitution of India is the supreme law of the land, providing the framework for governance, rights, and duties of the citizens, and guiding the state in its functioning. At the very heart of this constitutional framework lies the Preamble, which serves as the introductory statement and reflects the ideals and aspirations of the Indian polity. The Preamble is not merely a decorative addition; rather, it encapsulates the fundamental principles and philosophy upon which the Constitution is built. It serves as the key to understanding the intent of the framers and acts as a guiding light for the interpretation of constitutional provisions.

The Preamble of the Indian Constitution declares India to be a "Sovereign, Socialist, Secular, Democratic Republic" and outlines the core objectives of justice, liberty, equality, and fraternity. These ideals are drawn from the country's rich socio-political heritage, incorporating the essence of democracy and social justice. The vision articulated in the Preamble establishes the foundation for governance and the relationship between the state and its citizens.

This introduction explores the historical evolution of the Preamble, its philosophical underpinnings, and its role in shaping constitutional interpretation and governance. It examines how the Preamble embodies the aspirations of the people and ensures the commitment of the state to building an inclusive and just society.

The roots of the Preamble can be traced back to the Objective Resolution, moved by Jawaharlal Nehru in the Constituent Assembly on December 13, 1946. The Objective Resolution laid the foundation for the fundamental principles that were to be incorporated into the Constitution. After extensive debates and discussions, the Preamble was adopted on November 26, 1949, and came into effect on January 26, 1950.

2. Objectives:

a. To Analyze the Philosophical Underpinnings of the Preamble of India.
b. To Evaluate the Core Principles Enshrined in the Preamble of India.
c. To Assess the Judicial Interpretation of the Preamble of India.
d. To Compare the Indian Preamble with Other Constitutions.
e. To Examine the Contemporary Relevance of the Preamble.

3. Research Methodology:

The study adopts an analytical research design, utilizing both doctrinal and empirical research methodologies. Data is sourced from government reports, academic studies, and financial reports of higher education institutions. The research relies heavily on

secondary sources existing literature and online resources i.e. government reports, books, journals, papers, and articles.

4. Review of Literature:

Austin, G. (1966) Examine in *"The Indian Constitution: Cornerstone of a Nation"* This seminal work provides a detailed analysis of the philosophy and vision behind the Indian Constitution, including an in-depth discussion on the Preamble's role in shaping India's legal and democratic framework.[1]

Seervai (1996) examined in "*Constitutional Law of India: A Critical Commentary"* the fundamental principles of the Indian Constitution, emphasizing the significance of the Preamble in interpreting constitutional provisions and judicial decisions.[2]

Basu (2013) provides a detailed exegesis of the Preamble, explaining its textual evolution and significance in constitutional governance. The study explores the debates of the Constituent Assembly, particularly the role of Dr. B. R. Ambedkar and Jawaharlal Nehru in formulating its principles. Basu also discusses the 42nd Amendment Act (1976), which introduced the terms "Socialist," "Secular," and "Integrity", and its implications for India's constitutional identity.

Bhattacharya (2015) examines the ideological influences behind the Preamble, exploring its connection to liberalism, socialism, and Gandhian thought. The study highlights how the Preamble serves as a moral compass for legislative and judicial actions. The article also critiques the tension between constitutional idealism and political pragmatism, arguing that while the Preamble envisions a just and equitable society, practical governance often struggles to meet these ideals.[3]

Chandrachud (2021) This article investigates the evolving judicial interpretations of the Preamble in India's constitutional landscape. Justice Chandrachud discusses how the Supreme Court of India has invoked the Preamble in cases related to secularism, social justice, and democracy. The paper provides a comparative analysis of constitutional preambles in other countries and argues that India's Preamble serves as a living document, adapting to the nation's changing socio-political realities.[4]

5. Nature of Indian Polity:

[1] Austin, G. (1966). *The Indian Constitution: Cornerstone of a Nation.* Oxford University Press.
[2] Seervai, H. M. (1996). Constitutional Law of India: A Critical Commentary. Universal Law Publishing.
[3] Bhattacharya, S. (2015). The philosophy of the Indian Constitution: An analysis of the Preamble. *Indian Journal of Constitutional Studies, 10*(2), pp.45-60.
[4] Chandrachud, D. Y. (2021). The transformative role of the Preamble in Indian constitutional jurisprudence. *National Law Review, 14*(1), pp.78-95.

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According to Wade and Phillips, a constitution- is a document having a special legal sanctity that sets out the framework and the principal functions of the organs of government within the state, and declares the principles by which those organs must operate.[5] Every constitution has a philosophy of its own. For the philosophy underlying our constitution, we must look into the historic objectives resolution of Pandit Nehru which was adopted by the constituent Assembly on January 22, 1947,[6] and which inspired the shaping of the constitution through all its subsequent stages.

It will be seen that the ideal embodied in the Resolution is faithfully reflected in the Preamble to the Constitution, which, as amended in 1976. The constitution of India begins with its Preamble. The Preamble is considered to be a reflection of the Constitution's Political philosophy. The preamble is a sort of introduction to statutes. It outlines the aspirations, ideals, and objects of the Constitution. The preamble in brief explains the objective of the constitution in two ways: One about the structure of the governance and second about the ideals to be achieved in Independent India. It is because of this, that the preamble is considered to be the key to the understanding of the Constitution.

The importance and utility of the preamble have been pointed out in several decisions of our Supreme Court though by itself, it is not enforceable in a Court of law,[7] the preamble to a written Constitution states the objects which the constitution seeks to establish and promote and also aids the legal interpretation of the Constitution where the language is found to be ambiguous.[8]

The Preamble does not grant any power but it gives a direction and purpose to the constitution. It outlines the objective of the whole constitution. The preamble contains the fundamentals of the Constitution. It serves several important purposes, such as:

1. It contains the enactive clause which brings the constitution into force.

2. It declares the great rights and freedoms which the people of India intended to secure to all its citizens.

3. It declares the basic type of government and polity which is sought to be established in the country.

[5] Wade & Phillips: Constitutional Law, p-1.
[6] (1947) CAD. 304 (Moved by Pandit Jawaharlal Nehru on December 13, 1946)
[7] Gopalan –v- State of Madras, 1950 S.C.R. 88 (198)
[8] Re Berubari Union, A. 1960 S.C. 845 (846).

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It throws light on the source of the constitution, viz. the people of India,[9]As regards the nature of Indian polity, the Preamble to the constitution declares India to be a 'Sovereign Socialist Secular Democratic Republic.

5.1. **Sovereignty**: The term 'Sovereignty' means a state's power to make decisions without any influence, control, or interference from any other power both external and internal. According to the words of the Preamble, the 'Sovereignty' lies in the people, that the constitution, emanates from them; that the ultimate source for the validity of and the sanction behind the constitution is the will of the people; that the constitution has not been imposed on them by any external authority, but is the handiwork of the Indians themselves. Thus, the source of the constitution are the people themselves from whom the constitution derives its ultimate sanction. This assertion affirms the republican and democratic character of the Indian polity and the sovereignty of the people. The people of India thus constitution the sovereign political body that holds the ultimate power and who conducts the government of the country through their elected representatives. The claim that the people of India have given to themselves the constitution is in line with similar claims made in several other democratic constitutions, such as the USA, etc. In *Marbury –v- Madison*, Marshall, C.J. observed that "India and the United States both recognize that the people are the basis of all sovereignty.[10]

5.2. **Socialist**: The goal of the Indian polity is socialism was ensured by inserting the word 'socialist' in the Preamble, by the Constitution (42nd Amendment) Act, 1976.[11] The word socialist was not there in the Preamble of the Constitution originally. The word socialism in India had been used before its inclusion in the Preamble in the context of economic planning. In this sense, it can be said that use of the term socialism implied acceptance of the state's major role in the economy. It also means a commitment to attain the ideals like removal of inequalities, provision of minimum basic necessities to all, equal pay for equal work, avoidance of concentration of wealth and means of production, etc in a few hands. In *Samatha-v- State of Andhra Pradesh,*[12] the Supreme Court has stated while defining socialism: "Establishment of the egalitarian social order through the rule of law is the basic structure of the constitution."

5.3. **Secularism**: The word secular in the Preamble implies that in India there will be no State religion. It means that the state would not support any particular religion out of public funds. There are two aspects of this: one every individual is free to

[9] M.P. Jain: Indian Constitutional Law, Sixteen Reprint 2011.
[10] M.P. Jain: Indian Constitutional Law, Sixth Edn, Reprint- 2011, p-12
[11] D.D. Basu: Introduction to the Constitution of India, 18th Edition, Reprint-2000, p.26.
[12] AIR1997 SC 3297, 3330.

believe in, and practice, any religion, and every religious group has the freedom to manage its own affairs. Second, the State will not discriminate against any individual or group on the basis of religion, creed caste, etc. Guarantees both for freedom of religion and provisions for equality for all have been provided in the Constitution from the beginning. However, the word secularism was introduced in the Preamble only in 1976 by the 42nd Amendment to reiterate that secularism was a part of the basic ideology of the Indian State[13]

1) Kesavananda Bharati

2) S.R. Bommai.

5.4. **Democratic:** The term 'Democratic' signifies that India has a responsible and parliamentary form of government that is accountable to an elected legislature. In *S.R. Bomamai –v- Union of India,* the Supreme Court has declared 'democracy' as the basic feature of the constitution. Democracy is generally known as the government of the people, by the people, and for the people. The ideas of democracy are enshrined in the Constitution through provisions of Universal adult franchise, elections, guarantee of fundamental rights, and responsible government.

5.5. **Republic**: The term 'republic' denotes that the head of the State is not a hereditary monarch, but an elected functionary.[14]

5.6. **Directive Principles of State Policy**: The goals and objectives of the Indian polity as stated in the preamble are sought to be further clarified, strengthened and concertized through the Directive Principles of State Policies. Therefore, it is essential that the Preamble be read along with the directive principles which lay down certain goals for the Government to achieve, so as to maximize the social welfare of the people.

Article 38 (i) of the constitution, directs the state to strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life."

Article 38 needs to be read along with Article 14. This directive reaffirms what has been declared in the preamble to the Constitution, viz., the function of the Republic is to secure, inter-alia, social, economic and political justice.[15] To secure justice to the people under the law, courts with broad powers have been established in the Country.[16]

Article 38 (2) directs the state to strive to "to minimize the inequalities in income," and Endeavour "to eliminate inequalities in status, facilities and opportunities, not only

[13] Kesavananda Bharati -v- State of Kerala AIR 1973 SC 1416, S.R. Bommai –v- Union of India AIR 1994 SC 1918.
[14] M.P. Jain: Indian Constitutional Law, Sixth Edn., 2011 reprint p-16.
[15] Air India Statutory Corpn –v- United Labour Union AIR 1997 SC 664.
[16] Air M.P. Jain: Indian Constitutional Law (p-1495) Sixth Edn., Reprint 2011.

amongst individuals but also groups of people residing in different areas or engaged in different vocations."

This clause (2) was added by the Constitution (44th Amendment) Act, 1978, and recognizes group equality.[17] As to the grand objectives and socio-economic goals to achieve which the Indian polity has been established, these are stated in the preamble.

6. Dr. Ambedkar on Constitutional Principles:

Emphasizing the significance of the three concepts of liberty, equality, and fraternity used in the Preamble, Dr. Ambedkar observed that "the principles of liberty, equality, and fraternity are not to be treated as separate items in a trinity. They form a unity of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from liberty nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative.

6.1. Justice: In its general form, justice means fairness of a society in its division of rewards and burdens. The preamble of the Constitution of India professes to secure to all its citizens social, economic, and political justice. Political justice means the absence of essentials that every person in the territory of India, irrespective of his (proprietary or) educational qualifications, should be allowed to participate in the political system like any other person. Universal adult suffrage was adopted with this object in view.[18]

The expression 'economic justice' means justice from the standpoint of distribution of national wealth and creation of wealth. In short, economic justice aims at establishing economic democracy and a 'welfare state'. The ideal of economic justice is to make equality of status meaningful and life worth living at its best removing inequality of opportunity and of status, social, economic, and political. Social Justice is a fundamental right. Social justice is the comprehensive form to remove social imbalance by law harmonizing the rival claims or the interests of different groups and or sections in the social structure or individuals by means of which it would be possible to build up a welfare state.[19] While upholding the constitutionality of the amendment Art-15 by inserting Art-15(5) in Ashoka Kumar Thakur-v- Union of India,[20] the Supreme Court held that the objective of social

[17] V.N. Shukla: Constitution of India, Tenth Edn., Reprint- 2004, p-302.
[18] D.D. Basu: Introduction to the Constitution of India.
[19] D.D. Basu: Introduction to the Constitution of India, 18th Edn. Reprint 2008.
[20] (2008) 6 SCC 1 at page 515.

justice incorporated in the Preamble of the constitution and directive principles had been secured by including Article-15(5) as a fundamental right in Part III.

The three have to be secured and protected with social justice and economic empowerment and political justice to all the citizens under the rule of law.

6.2. **Liberty**: Democracy, in any sense, cannot be established unless certain minimum rights, which are essential for a free and civilized existence, are assured to every member of the community. The preamble mentions these essential individual rights as liberty or freedom of thought, expression, belief, faith, and worship and these are guaranteed against all the authorities of the State by Part III of the implementation of the Directive Principles, for the common good (Article-31(C) and the 'fundamental duties' introduced [Article- 51(A)], by the 42nd Amendment, 1776. Liberty should be coupled with social restraint and subordinated to the liberty of the greatest number of common happiness.[21]

6.3. **Equality**: In India, the concept of equality is regarded not as a static, but a dynamic concept. It permits every process of equalization and protective discrimination. The Supreme Court has emphasized in Kesavananda that the Preamble to the constitution emphasizes the principle of equality as basic to the Indian constitution. Emphasizes the principle of equality as basic to the Indian constitution.[22]

Guaranteeing certain rights to each individual would be meaningless unless all inequality is banished from the social structure and each individual is assured of equality of states and opportunity for the development of the best in him and the means for the enforcement of the rights guaranteed to him. This object is secured in the body of the constitution, by making illegal all discriminations by the state between citizen and citizen, simply on the grounds of religion, race, caste, sex, or place of birth (Article-15); by throwing open 'public place' to all citizens [Article -15(2)] by abolishing untouchability [Article -17]; by abolishing titles of honor[Article-18]; by offering equality of opportunity in matters relating to employment under the state[Article-16]; by guaranteeing equality before the law and equal protection of the law, justiciable rights [Article-14].[23]

Apart from these general provisions, there are special provisions in the directive principles which enjoin the state to place the two sexes or an equal footing the economic sphere, by securing to men and women equal right to work and equal pay for equal work [Article-39 cls-(a), (d)].

[21] Supra 15.
[22] Supra 12 (p-1486).
[23] Supra 17.

6.4. Unity and integrity of the nation: Unity amongst the inhabitants of this vast sub-continent, torn asunder by a multitude of problems and fissiparous forces, was the first requisite for maintaining the independence of the country as well as to make the experiment of democracy successful. The ideal of unity has been buttressed by adding the words and integrity of the nation, in the preamble of the Constitution (42nd Amendment) Act, 1976. But neither the integration of the people nor a democratic political system could be ensured without infusing a spirit of brotherhood amongst the heterogeneous population, belonging to different races, religions, and cultures.

6.5. Fraternity: The Fraternity cherished by the framers of the constitution will be achieved not only by abolishing untouchability amongst the different sects of the same community but by abolishing all communal or sectional or even local or provincial anti-social feelings that stand in the way of the unity of Indian. Democracy would indeed be hollow if it fails to generate this spirit of brotherhood amongst all sections of the people, a feeling that they are all children of the same soil, the same Motherhood. Article 1 of the Declaration of Human Rights (1948), adopted by the United Nations, says:

"All human beings are born free and have equal dignity and rights. They are endowed with reason and conscience and should act towards are another in a spirit of brother-hood".

It is this spirit of brotherhood that the preamble of our constitution reflects.[24]

6.6. The dignity of the individual: A fraternity cannot be installed unless the dignity of each of its members is maintained. The preamble, therefore, says that the state, in India, will assure the dignity of the Individual.[25] The constitution seeks to achieve this objective by guaranteeing equal fundamental rights to each individual, so that he can enforce his minimal rights, if invaded by anybody, in a court of law. Seeing that these justiciable rights may not be enough to maintain the dignity of an individual if he is not free from warts and misery, a number of objectives have been included in part IV of the constitution, exhorting the state so to shape its social and economic policies that, inter, "al citizens, men and women equally have the right to an adequate means of livelihood" [Article-39(a)], "just and humane conditions of work" [Article-43]. Our Supreme Court has come to hold that the right to dignity is a fundamental right.[26]

[24] S.R. Bommai –v- Union of India.
[25] Supra 19 (p-28).
[26] L.I.C.-v- Consumer Centre, AIR 1995 SC 1811.

In Indra Sawhney-v-union of India,[27] the supreme court has emphasized that the words "fraternity assuring the dignity of the individual" have "a special relevance in the Indian context" because of the social backwardness of certain sections of the community who had in the past been looked down upon. The philosophy contained in the preamble as explained in the foregoing pages, has been further highlighted by emphasizing that each individual shall not only have the fundamental rights in part III of the constitution to ensure his liberty of expression, faith, and worship, equality of opportunity and the like, but also a corresponding fundamental duty, such as to uphold the sovereignty, unity and integrity of the nation, to maintain secularism and the common brotherhood amongst all the people of India. This has been done by inserting Article-51A, laying down ten 'Fundamental Duties', by the Constitution (42nd Amendment) Act, 1976.[28]

In Samatha-v- state of Andhra Pradesh, the Supreme Court observed that the constitution envisions establishing an egalitarian social order rendering to every citizen, social, economic, and political justice a social and economic democracy of the Bharat public. The constitution thus ensures economic democracy along with political democracy. The constitution is thus an instrument to achieve the goal of economic democracy along with political and social democracy. This aspect was emphasized upon by Dr. Ambedkar in his concluding speech at constituent assembly[29]:

"Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality, and fraternity…" Ordinarily, the Preamble is not regarded as a part of the statute. Therefore, it was thought that the preamble does not form part of the constitution.[30] But that view is no longer extant. The majority of the judges constituting the Bench in Kesavananda have laid down that the preamble does not form part of the constitution. These judges have bestowed great respect on the preamble to the Constitution.

[27] AIR 1993 SC 477.
[28] Supra 21 (p-28)
[29] Supra 12 (p-13)
[30] In re Berubari Union and Exchange of Enclaves, AIR 1960 SC 845.

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In *Kesavananda Bharati –v- Union of India*,[31] E.J.Sikri has observed that the Preamble to our constitution is of extreme importance and the constitution should be read and interpreted in the light of the grand and nodal vision expressed in the preamble.

6.7. Egalitarian Society: Looking at the Preamble of the Constitution, it seems that it has attempted to set a goal, and provide a vision and direction in building a new social order that is not only democratic but equal and just. It is a vision that is humane, democratic, secular, and therefore egalitarian. A society that feels concerned for the needs of all its members it's known as an egalitarian society. It envisages a very positive role for the Indian state in the reconstruction of a new social order. At the same time, it protects individual's freedom and civil rights.

In Sanjeev Coke Mfg co – v- Bharat Coal Ltd[32], the Supreme Court held that the broad egalitarian principle is implicit in every Directive Principle. The law ought to be designed to promote broader egalitarian social goals to do economic justice for all.

7. Comparison with USA, UK, AUS & INDIA

United States of America	The US Constitution also has a Preamble that begins with "We the People," emphasizing popular sovereignty. However, unlike India, the US Preamble does not explicitly mention principles like socialism or secularism (Madison, 1787).
United Kingdom	The UK does not have a written constitution or a formal preamble. Instead, its constitutional framework is based on statutes, common law, and conventions (Dicey, 1885).
Australia	The Australian Constitution has a Preamble, but it primarily focuses on the formation of the Commonwealth and lacks explicit mention of principles such as justice, liberty, and fraternity (Sawer, 1967).
India	The Indian Preamble uniquely blends ideals from multiple sources, ensuring a comprehensive vision of social justice, democracy, and secularism, making it a robust framework for governance (Basu, 2013).

[31] AIR 1973 SC 1461.
[32] AIR 1983 SC 239.

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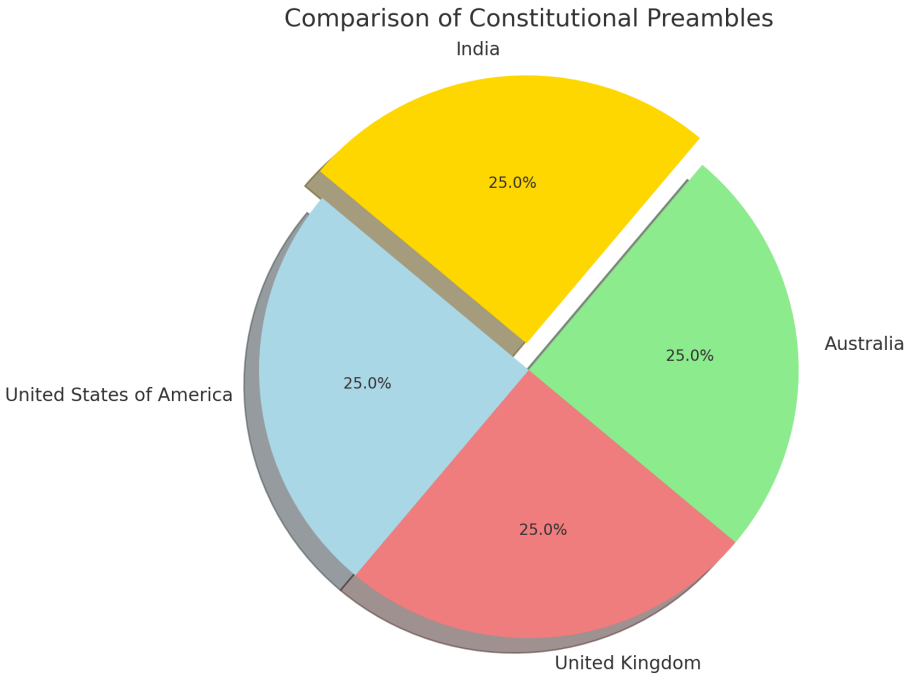

This is a pie chart representing the comparison of constitutional preambles across the United States, United Kingdom, Australia, and India. India is slightly highlighted to emphasize its comprehensive approach to social justice, democracy, and secularism.

8. Conclusion:

Thus, it can be said that the Indian Constitution is based on the philosophy of a liberal welfare democratic society. The preamble to the constitution in these senses is important as it provides a framework of ideals and values for the Indian state. Therefore, in spite of not being a part of the Constitution the Preamble is given due regard by the Courts while interpreting the Constitution. This also provides an important instrument to the citizens to question the government's policies. From the analysis of the Preamble of the Constitution, it becomes clear that the framers of the Constitution were concerned not merely with framing the Constitution for the governance of the country but also had a vision for a new society and polity. The objectives and ideals mentioned in the preamble tell us that the Indian Constitution is based on the philosophy of a liberal, democratic, welfare state.

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