

## Chapter 5 - Preamble of the Indian Constitution

During the drafting of the Indian Constitution (1946–1949), the Constituent Assembly felt the need for an introductory statement that would express the nation's core values and aspirations. This statement became the **Preamble** of the Constitution. The word "Preamble" comes from the Latin *preambulus*, meaning "walking before," signifying that it introduces and sets the tone for the Constitution. It reflects the philosophy and objectives guiding the document. K.M. Munshi described the Preamble as the "horoscope" of our Constitution.

The **Preamble** is based on the '*Objectives Resolution*', drafted and moved by Jawaharlal Nehru in the Constituent Assembly, reflecting the ideals and aspirations of the freedom struggle. It also drew inspiration from global constitutional traditions, particularly the U.S. Constitution, which was the first modern Constitution to include a preamble. Recognizing its symbolic and guiding role, the framers adopted the Preamble on **26th November 1949**, and it came into force along with the Constitution on **26th January 1950**.

### Why was 26th November chosen?

**26th November** was chosen as the date of enactment of the Indian Constitution because it was on this day in **1949** that the **Constituent Assembly** adopted the Constitution of India. The date symbolizes India's commitment to democracy, rule of law, and constitutional governance. It also honours the day when the Indian people gave themselves a sovereign, democratic framework after nearly three years of deliberation.

The **Preamble of the Indian Constitution** does not confer substantive rights and is not legally enforceable in courts. However, the judiciary has repeatedly treated it as a guiding light for interpreting constitutional provisions. Its ideals and values permeate the entire Constitution, shaping its spirit and functioning. In fact, The principles in the Preamble are reflected throughout the Constitution, most clearly in the Fundamental Rights, Directive Principles of State Policy and Fundamental Duties. Together, they make the Preamble the philosophical backbone and guiding spirit of the Constitution.

### Adoption of Preamble: Insights from the Constituent Assembly Debates

When the Assembly took up the final discussion on the Preamble on October 17, 1949, it witnessed intense debate over ideological, spiritual, and political content. **Hasrat Mohani** proposed that India be described not as a "Sovereign Democratic Republic" but as a "Union of Indian Socialistic Republics (UISR)", inspired by the USSR. While **Deshbandhu Gupta** opposed this, arguing it contradicted the Constitution already passed.

A major debate unfolded over invoking God in the Preamble. **H.V. Kamath** proposed starting with "In the name of God...", invoking the Gita. He prayed for divine guidance in building the nation. **Thirumala Rao, HN Kunzru, and Rohini Chaudhuri** opposed it. Kunzru felt it conflicted with the liberty of belief enshrined in the Preamble, while Rohini Kumar Chaudhuri noted: "If we bring in the name of God at all, we should bring in the name of the Goddess also."

**Shibban Lal Saksena** sought to invoke Mahatma Gandhi in the Preamble. **Brajeshwar Prasad** objected, saying: "This is not a Gandhian Constitution". **Govind Malaviya** proposed invoking Parameshwar and Gandhi. Ambedkar reminded the House that such references were already ruled out.

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Debates also arose over terms like “Secular” and “Socialist”. **Brajeshwar Prasad** argued these would uplift minorities and define India’s direction but his suggestions were rejected. He also cautioned against overemphasizing “sovereignty”, saying: “Sovereignty leads to war; sovereignty leads to imperialism.”

**Dr. B.R. Ambedkar**, in his reply, clarified that the draft Preamble already embodied the idea that the Constitution derived its authority from the people: “No person in this House desires that there should be anything in this Constitution which has the remotest semblance of its having been derived from the sovereignty of the British Parliament... This Constitution should have its root, its authority, its sovereignty, from the people. That it has.” With these affirmations, the Preamble was adopted.

### THE PREAMBLE

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

\* Added by the 42nd Amendment, 1976

### Components of the Preamble:

The Preamble of the Indian Constitution has four key components. Firstly, it indicates that the source of authority of the

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Constitution lies with the people of India, reflecting its democratic essence. Secondly, it defines the nature of the Indian state as **Sovereign, Socialist, Secular, Democratic, and Republic**, affirming **Sovereignty, social and economic justice, religious neutrality, democratic governance, and republicanism**. Thirdly, it sets out the ideals of **justice, liberty, equality, and fraternity** as guiding objectives for building a just and inclusive society. Finally, it explicitly mentions the date of adoption of the Constitution to be November 26, 1949 (PYQ 1997).

### “We, the People of India”

The phrase “We, the People of India” holds deep significance as it highlights that the authority of the Constitution comes directly from the people of India, not from any external ruler or internal princely state. The Constituent Assembly that drafted the Constitution was not a foreign body but an Indian one, composed of representatives elected by the provincial legislatures and nominated by the rulers of princely states. It emphasizes collective ownership and national unity.

Importantly, this phrase carries more political meaning than legal. It symbolizes that the Constitution draws its strength from the collective will of the people rather than from states or former rulers. Unlike in the United States, where the Constitution is seen as a contract among states, in India, it is viewed as a document rooted in the unified will of the people.

This phrase also reflects the idea of “autochthony,” meaning that the Constitution is self-originated and independent. It should not be interpreted to mean that people can directly change or rewrite the Constitution at will. Such a change would require a revolutionary situation, not merely a political desire.

### Is Preamble part of the Constitution?

For a long time, there was debate over whether the Preamble forms a part of the Indian Constitution. The Supreme Court addressed this in several cases with differing views. In the *Berubari Union Case* (1960), it observed that the Preamble reflects the general purpose of the Constitution and serves as a “**key to the minds of the makers.**” However, while acknowledging its significance, the Court held that the Preamble is not an integral part of the Constitution.

More than a decade later, the Supreme Court in *Kesavananda Bharati Case*, 1973, rejected its earlier opinion (in the *Berubari Case*) and held that the Preamble is a part of the Constitution. The court observed that the Preamble is of extreme importance and that the Constitution should be read and interpreted in the light of the grand and noble vision expressed in the Preamble. A similar opinion was echoed in the *LIC of India Case*, 1995, wherein the Supreme Court reaffirmed that the Preamble is an ‘integral part’ of the Constitution. Thus, the Preamble is a part of the Constitution but has no legal effect independently of other parts (PYQ 2020).

In the *Kesavananda Bharati Case* (1973), the Supreme Court overruled its earlier stand in *Berubari* and held that the Preamble is indeed a part of the Constitution. The Court described it as a document of ‘extreme importance’, stating that the Constitution must be read in the light of the vision expressed in the Preamble. This view was later reaffirmed in the *LIC of India Case* (1995), where the Court once again declared the Preamble an ‘integral part of the Constitution’. However, it clarified that while the Preamble guides the interpretation of the Constitution, it does not have independent

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legal enforceability (PYQ 2020).

### Amendability of Preamble:

The Constitution of India, under Article 368, empowers the Parliament to amend various parts and provisions of the Constitution. The question of whether the amending powers of the Parliament include the powers to make changes to the Preamble was addressed in the Kesavananda Bharti case (1973) itself.

The Supreme Court ruled that the Preamble, being a part of the Constitution, can be amended by the Parliament under Article 368. However, this amendment is subject to the condition that the 'basic features' within the Preamble cannot be amended. Procedurally, this amendment can be made with the special majority in both houses of Parliament, i.e., a majority of the total membership of the House and a majority of two-thirds of the members of the House present and voting. Moreover, there is no requirement of the prior assent of the president.

The Preamble has so far been amended only once, by the 42nd Amendment, 1976, during the emergency era. This amendment added three new terms to the Preamble – 'Socialist,' 'Secular' and 'Integrity.' It changed the Constitutional status of India from 'Sovereign Democratic Republic' (as on 26 January 1950) to a 'Sovereign, Socialist, Secular, Democratic, Republic' (PYQ 2021). Also, it replaced the phrase "unity of the nation" by "unity and integrity of the nation." The multitude of values and principles enshrined in the Preamble have been declared as part of the basic structure of the Constitution. However, it should be emphasized that Preamble as a whole document is not a part of the basic structure of the Constitution.

**Significance of the Preamble:** The Preamble holds profound significance as it reflects the fundamental philosophy and core values on which the Constitution rests. In its brief yet powerful wording, it captures the spirit of the Constitution and the guiding principles of governance in India. Sir Ernest Barker described it as the "**keynote of the Constitution**," highlighting its role as a measure to judge the true worth and purpose of the Constitution.

Moreover, the Preamble stands as a testament to the grand vision of the Constituent Assembly. In the Berubari case (1960), the Supreme Court observed that it is the "key to open the mind of the makers of the Constitution" (PYQ 2017). Beyond its symbolic value, the Preamble also sets out the broad objectives and socio-economic goals that the Constitution seeks to achieve through its various provisions.

Additionally, the Preamble serves a practical purpose by guiding the interpretation of the Constitution, especially when the text is unclear or ambiguous. As N.A. Palkhivala described it as the "identity card of the Constitution." Overall, the Preamble holds a central and indispensable place in India's constitutional framework, reflecting both the spirit and the core values of the nation's founding document.

The Preamble establishes that the ultimate source of power of the Indian Constitution lies with the citizens. It opens with the words, "We, the people of India, having solemnly resolved to constitute India," reflecting the collective will and aspirations of the people. In the 1954 case of Union of India v. Madan Gopal Kabra, the Supreme Court affirmed that the people of India are the source of the Constitution. The phrase "We, the people of" is borrowed from the Preamble of the American Constitution.

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### Significance of changes made to the Preamble by the 42nd Constitutional Amendment Act:

The 42nd Constitutional Amendment Act of 1976 is often called the 'mini-Constitution' due to the wide-ranging and transformative changes it brought to India's constitutional framework. One of its most notable modifications was the addition of three important words to the Preamble: "Socialist," "Secular," and "Integrity." These additions redefined India's constitutional identity and had a lasting impact on the nation's governance and core values.

**Addition of "Socialist": Reinforcing economic justice** The addition of the word "Socialist" to the Preamble reinforced India's commitment to building a society based on equality of status and opportunity for all citizens. It signaled that the state would actively intervene in economic activities to achieve socio-economic justice. This socialist orientation was reflected in policies such as the nationalization of key industries, regulation of various economic sectors through bodies like the Competition Commission of India, and the establishment of a welfare state. By recognizing socialism in the Constitution, the government gained a legal basis to reduce economic inequalities and promote inclusive development.

**Insertion of "Secular": Protecting religious harmony** The addition of the word "Secular" to the Preamble reaffirmed the core values that guided India's freedom struggle and shaped its post-independence constitutional order. It became especially important at a time when rising communal tensions threatened the country's pluralistic fabric. By including secularism in the Constitution, the amendment confirmed that the Indian State would treat all religions equally, maintain religious harmony, and protect the rights of every religious community, while remaining neutral in matters of faith.

**Incorporation of "Integrity": Strengthening national unity** The addition of the word "Integrity" in the Preamble reaffirmed India's national sovereignty and highlighted the unity of its people despite the country's vast cultural, linguistic, and regional diversity. This inclusion emphasized national unity and territorial integrity as essential pillars of the Constitution. It became particularly important in addressing threats from external aggression as well as internal challenges like secessionist movements and terrorism, serving as a constitutional reminder that preserving the nation's unity and integrity is a fundamental responsibility of both the state and its citizens.

### Critique of the Preamble:

The critiques of the Preamble to the Indian Constitution raise significant concerns. A major critique is that the Preamble is non-justiciable, meaning its lofty provisions remain aspirational rather than legally enforceable.

Despite the ideals of liberty, equality, and justice, these goals have not been fully realized, as reflected in India's rankings in global indices such as the 2025 World Press Freedom Index (151st) and the 2025 Global Gender Gap Index (131st), along with reports by organizations like Oxfam.

Moreover, the persistence of caste hierarchies and recurring communal riots further indicate the challenges in achieving the spirit of fraternity. Additionally, internal threats such as regionalism, left-wing extremism, insurgency in the Northeast, terrorism in Jammu and Kashmir, drug trafficking, and separatist movements continue to test the unity and integrity of the nation.

In light of the above criticisms, there is a pressing need for comprehensive efforts to bridge the gap between the ideals espoused in the Preamble and the realities faced by the Indian populace, ensuring that the constitutional vision of a just, equal and united society is effectively realised. Even after 74 years of the adoption of the Constitution, each word in the Preamble echoes through the corridors of history and acts as a guiding light to make India a prosperous and developed

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nation. In this forthcoming Amrit-Kal, it is imperative for each one of us to make endeavours towards fulfilling the primary goals outlined in the Preamble.

### PYQs

**To what extent, in your opinion, have the ideals of the Preamble been realised in the country's 75-year constitutional journey? MGP 2026**

*Approach: In the introduction, briefly mention the main ideals of the preamble & the significance of the same. In the body, discuss in detail the achievement made in realization of these ideals and the lacuna persisting still after 75 years. Conclude by highlighting upon what is needed to bridge the lacunas.*

The Preamble of the Indian Constitution enshrines the founding ideals of **justice, liberty, equality, and fraternity**. It serves as the **soul and guiding vision** of the Constitution. Over the past 75 years, these principles have shaped India's legislative, executive, and judicial landscape.

India has made **notable strides** in realization of preamble ideals like:

1. **Independent judiciary** with powers of **judicial review** and **constitutional interpretation** (Kesavananda Bharati case 1973 - Basic Structure doctrine); b) **legal reforms** addressing social inequities e.g., Protection of Civil Rights Act 1955; c) expansion of **access to justice** ( PIL, Lok Adalats, legal aid services).
2. Expanding individual freedoms through **progressive rulings**(e.g., K.S. Puttaswamy (2017) - right to privacy, Navtej Singh Johar (2018) - LGBTQ+ rights); b) vibrant **democratic discourse** through free press and civil society organizations; c) **religious pluralism** with protection of **minority rights** (T.M.A. Pai Foundation v. State of Karnataka 2002).
3. Extension of social and economic justice through **affirmative action policies** (Indra Sawhney case 1992, 103rd Constitutional Amendment 2019); b) **gender equality initiatives** such as women's reservation in legislatures (106th Constitutional Amendment Act, 2023) and **legislative measures for equal pay** (Equal Remuneration Act, 1976).
4. **National integration** through **accommodation** of linguistic diversity (expansion of 8th Schedule), and **federal structure** (S.R. Bommai case); b) **democratic institutions** fostering inclusive governance through **regular elections** (Election Commission's independence), **peaceful power transfers**, and coalition governments; c) **participatory governance** through 73rd and 74th Amendments (1992).

However, the realization of Preamble's ideals has **significant gaps**, such as:

1. Delayed **justice delivery** (5+ crore pending cases - NJDG 2024); b) persistent **economic inequality** (top 1% own 40% wealth - Oxfam 2023); c) **social justice gaps** evident in continued caste and gender based **discrimination** (India Discrimination Report 2022 -Oxfam).
2. **Restrictions** on freedom of expression through **censorship laws**(e.g., Cinematograph Act of 1952) and **internet shutdowns** ("globally the highest" - according to Access Now); b) **rising religious intolerance** manifesting in **communal violence** (East Delhi riots, 2020) and **mob lynchings** (Tehseen Poonawala v. Union of India 2018).
3. **Economic disparities** between **urban-rural** (increased income gap over the last seven years - PLFS 2023-24) and **inter-state** (e.g., Karnataka's per capita income is 5.78 times that of Bihar in 2023-24); b) **federal tussles** reflected in inter-state **river water disputes** (Cauvery dispute - Tamil Nadu v. Karnataka) and **boundary disputes** (Belgaum border issue).

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4. **Criminalization of politics** with increasing number of candidates with **criminal backgrounds** (46% MPs in 18th Lok Sabha, according to ADR); b) **money power** influencing **electoral outcomes** and **policy decisions** (electoral bond controversy, cash distribution in elections); c) **declining institutional credibility** due to **political interference** (CBI autonomy issues - Alok Verma case 2019).

India's constitutional journey has laid a **strong foundation**, but bridging the gap between ideals of the Preamble and reality demands speedy justice, **inclusive growth**, and a revival of **constitutional morality** in public life.

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