

---

## UNIT 3 PREAMBLE\*

---

### Structure

- 3.0 Objectives
- 3.1 Introduction
- 3.2 Background
  - 3.2.1 Objectives Resolution
  - 3.2.2 Significance of Objectives Resolution
- 3.3 Preamble: The Text
  - 3.3.1 “Socialism”, “Secularism”, and “and Integrity” in Preamble
- 3.4 Let Us Sum Up
- 3.5 References
- 3.6 Answers to Check Your Progress Exercises

---

### 3.0 OBJECTIVES

---

After reading this unit, you will be able to:

- Explain the meaning and significance of Preamble;
- Get a glimpse into the goals and philosophy of Constitution of India;
- Analyse the meaning of Objectives Resolution and its evolution into the Preamble;
- Discuss relationship between the Preamble and the Constitution; and
- Analyse the factors for entry of Secularism and Socialism into the Preamble.

---

### 3.1 INTRODUCTION

---

Preamble to a constitution is the window to what is there inside the constitution. The Constitution of India has also got a preamble. It is mentioned in the beginning of the Constitution, before the main part, i.e., the part I. If you read the Preamble, it gives you a glimpse about the philosophy and goals of Indian Constitution. It is a resolution which people of India have passed themselves for their overall development. It is not given to them by any other source than the people themselves. It was written on behalf of the people of India by the members of the Constituent Assembly. As you have read in unit 1, the Constitution of India was written by the Constituent Assembly, which consisted of the people's representatives.

You will find it interesting to note that Preamble to Indian Constitution was written towards the end of the session of Constituent Assembly debate – i.e. in October 1949. The first meeting of the Constituent Assembly took place on 6 December 1946 and ended on 26 November 1949 with the adoption of the Constitution of India which commenced on 26 January 1950.

---

## 3.2 BACKGROUND

---

### 3.2.1 Objectives Resolution

The text of aims and objectives which were to be discussed in the Constituent Assembly first were prepared by Jawaharlal Nehru in the form of Objectives Resolution. In the Constituent Assembly, it was presented by Jawaharlal Nehru and seconded by Purushottam Das Tandon. After the discussion in the Constituent Assembly, most of provisions of Objectives Resolution were accepted as Preamble. You will find it interesting to know the Objectives Resolution was accepted in the beginning of Constituent Assembly debates, but it was adapted into Preamble towards the end of the debates. The purpose of the Objectives Resolution was to give some indications to the Constituent Assembly as to what its members were supposed to do, what they sought to achieve, and where they were going.

Objectives Resolution meant to lay certain ground on which structure of the Constitution could be built after the debates and deliberations in the Constituent Assembly. Objective Resolutions were “in the nature of pledge” which the people of India through Constituent Assembly took for their fulfilment in future. The Resolution laid down certain “Fundamentals” for future constitution of India. And the most important was that Indians would have “Sovereign Indian Republic”. Indeed, it was the first time that as a “Fundamental” for Indian political structure the concept “republic” was used in the Constituent Assembly in Objectives Resolution. When Objectives Resolution was laid in the Constituent Assembly, the representatives of the States were not present, and those of the Muslim League had boycotted it. But Nehru emphasized that despite their absence, the “republic” shall include all of India.

### 3.2.2 Significance of Objectives Resolution

In Jawaharlal Nehru's words the purpose of the Resolution was to “send out a message to show what we have resolved to attempt to do”. Following the discussion in the Constituent Assembly, a constitution could be formed “in whatever words we please ..... we shall see later” (Constituent Assembly Debates, Vol.I, December 13, 1946). And after deliberations for around three years the Constituent Assembly succeeded in forming a Constitution, as you have read in unit 1, which commenced on January 26, 1950. After having designed the Constitution, the Constituent Assembly drafted Preamble. This preamble as you will notice had similarities with Objectives Resolution. Just on the fifth day of inaugural session the Constituent Assembly on 9 December 1946 the Objectives Resolution was laid in the Assembly on 13 December. 1946.

The Objectives Resolution identified “Fundamentals” which were to guide lines for the structure of Constitutions which the Constituent Assembly has gathered to meet. These “Fundamentals” laid foundations about nature of political system, its territorial boundaries, division of power between union and its constituent units, supremacy of the people as source of all power and authority, social justice to all, and safeguarding interests of minorities. These “Foundations” as given in the Objectives Resolution(Vol. I, Constituent Assembly debates) are given below:

- “1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;
- 2) WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and
- 3) WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and
- 4) WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and
- 5) WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith worship, vocation, association and action, subject to law and public morality; and
- 6) WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and
- 7) WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to Justice and the law of civilised nations, and
- 8) This ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.”

Objectives Resolution did not mention the word “democratic”. About this, Jawaharlal Nehru opined that the word “republic” mentioned in Objectives Resolution implies democracy. He also clarified that the Objectives Resolution had not only “content of democracy” but also “content of economic democracy”. Nehru also felt that there may be objection that the Resolution did not mention attainment of “a Socialist State” among the objectives of the Resolution. To this, he responded that India would move towards “Socialist State”, and what form of Socialism would develop would depend on the nature of deliberations.

The Objectives Resolution was going to be the part of the Constitution that the Assembly was expected to make. This was not binding on the members of the Constituent Assembly. They had “perfect freedom” to draw up the Constitution. The Resolution only laid down “certain fundamentals”.

### Check Your Progress Exercise 1

- Note:** 1) Use the space below for your answers  
2) Check your answers with the model answers given at the end of this unit.

1) What was the Objectives Resolution?

.....  
.....  
.....  
.....  
.....

---

### 3.3 PREAMBLE: THE TEXT

---

The text of the Preamble to Indian Constitution is given below.

#### 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 26<sup>th</sup> day of November, 1949, do

HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

The members who prominently participated in the debate on Preamble were: Maulana Hasrat Mohani, K.M. Munshi, H.V. Kamath, Purnima Banerj, Rohini Kumar Chaudhuri and Prof. Shibban Lal Saksena. The Constituent Assembly discussed various aspect of the Preamble. Vol. X of the Constituent Assembly debates provides argument of different members of the Assembly. Among the points which were more prominently debated were about substitution of certain words in the draft of the Preamble. For instance, Maulana Hasrat Mohani wanted the words “We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic” with “We, the people of India, having solemnly resolved to constitute India into a sovereign federal republic” or “We, the people of India, having solemnly resalved to constitute India into a sovereign independent republic” or “We, the people of India, having solemnly resolved to constitute India into a Union of Indian Socialist Republic (U.I.S.R)”. H.V. Kamath wanted “having solemnly resoled” to be replaced with “in the name of God”, while Rohini Kumar Chaudhury wanted these words to be replaced with “in the name of Goddess”. These amendments/suggestions were rejected in the Constituent Assembly. The preamble was added to the Constitution

after discussion on its various aspects. Towards the end of the debate with “the question” of President Rajendra Prasad “That the Preamble stand Part of the Constitution” placed Preamble for vote.

The question was often raised if the Preamble is part of the Constitution or not. Two cases gave contradictory reply to this question: One, Berubari case (1966), it ruled that the Preamble to Constitution is not part of the Constitution. Two, Kesavananda Bharati case (1973), reversing the verdict of the Berubari case, the Kesavananda Bharati case ruled that the Preamble is Part of the Constitution. The Kesavananda Bharati case (1973) held that Preamble is part of the Constitution. It reversed the decision of Berubari case (1966), according to which Preamble was not part of the Constitution. It also suggested that Parliament can amend any part of the Constitution provided it did not violate the basic structure of the Constitution. According to Article 368, the Parliament amended the Constitution (42<sup>nd</sup> Constitutional Amendment) and inserted “Secular”, “Socialist”, and “and Integrity” in the Preamble of the Constitution. The Supreme Court in Bommai case (1994) which was specifically about the President’s power to dismiss government and dissolve legislature (according to Article 356) also dealt with secularism. It held that *inter alia* Preamble along with the Articles about religious freedom (25-30) are part of the basic structure of the Constitution. The verdict mentioned: “We do not know how the Constitution can be amended so as to remove secularism from the basic structure of the Constitution. Nor do we know that the Constitution does not provide such a course – that it does not provide for its own demise” (All India Reporter 1994, para 243 quoted in Raj (2015)). In the debate on Objectives Resolution (Constituent Assembly Debates Vol.1), the original source of Preamble, Nehru had said that it was not going to be part of Constitution. But, as mentioned earlier, before placing the draft Preamble for voting in the Constituent Assembly, President of the constituent Assembly, Dr. Rajendra Prasad, raised question “That the Preamble stand Part of the Constitution”. The Kesavananda Bharati settled this question, and since then the Preamble is part of the Constitution. In 1995, in the LIC of India case also the Supreme Court confirmed that Preamble is part of the Constitution.

### 3.3.1 “Socialism”, “Secularism” and “and Integrity” in Preamble

Initial version of the Preamble did not have “Secularism”, “Socialism” and “and Integrity”. The constitution makers did not feel the need to include “Secularism” and “Socialism” in the Constitution because various provisions of the Constitution imply that Indian Constitution was secular document and can attain socialism. These concepts were inserted in the Constitution in accordance with the 42<sup>nd</sup> Constitutional Amendment in 1976.

#### Check Your Progress Exercise 2

**Note:** i) Use the space below for your answers.

ii) Check your answers with the model answers given at the end of this unit.

1) What was the relationship between the Objectives Resolution and the Preamble?

.....  
 .....

.....  
.....  
.....  
.....

2) Is the Preamble part of the Constitution?

.....  
.....  
.....  
.....

3) When were the concepts of “Secularism”, “Socialism” and “and Integrity” inserted in the Preamble?

.....  
.....  
.....  
.....

---

### **3.4 LET US SUM UP**

---

Preamble of Indian Constitution provides a glimpse into the philosophy and goals of the Constitution. It is a resolution of Indian people to establish a sovereign, socialist, secular and democratic republic. In this republic, people will have justice – social, economic and political; liberty of thought, expression, belief, faith and worship; and equality of status and opportunity; this will promote fraternity among them and assure the dignity of the individual and the unity and integrity of the Nation. The preamble was written after the Constituent Assembly had written the whole constitution. It emerged from the Objectives Resolution which was introduced by Jawaharlal Nehru on the fifth day of the inaugural session of the Constituent Assembly debates. It was seconded by Purushottam Das Tandon. The Objectives Resolution was a pledge of the people which they had taken through their representatives in the Constituent Assembly to give themselves a Constitution. And they had fulfilled the pledge by having written the Constitution of India. The Objectives Resolution was not part of the Constitution, but the Preamble is. It became part of the Constitution after the Kesavanand Bharati judgement of 1973. Before that Berubari judgement in 1966 stated that Preamble was not part of the Constitution. The Kesavanand Bharati judgement reversed the Berubari judgement and established that the Preamble is part of the Constitution. The original Preamble did not mention “Secularism”, “Socialism”, and “and Integrity”. They were inserted in it through the 42<sup>nd</sup> Constitutional Amendment. The Bhommai case (1994) ruled that secularism in the Preamble was part of basic structure of the Constitution.

---

### 3.5 REFERENCES

---

Bakshi, P.M. (2003). *The Constitution of India*. Delhi, India: Universal Law Publishing Company.

Basu, D.D. (2011). *Introduction to the Constitution of India*. Nagpur, India: Lexis Nexis Butterworths Wardha.

*Constituent Assembly of India Debates (Debates) Vol.I* (See for Objectives Resolutions, 13<sup>th</sup> December 1946).

*Constituent Assembly of India Debates (Debates) Vol. X* (See for Preamble 17<sup>th</sup> October 1949).

Granville, Austin (2012). *The Indian Constitution: Cornerstone of a Nation*. New Delhi, India: Oxford University Press.

Khosla, Madhav (2012). *The Indian Constitution*. New Delhi, India: Oxford University Press.

Raj, Kaleeswaram (2015), *Rethinking the Preamble*, Dec, <http://www.livelaw.in/rethinking-the-preamble/> (accessed on December 17, 2018).

---

### 3.6 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

---

#### Answers to Check Your Progress Exercise 1

- 1) Objectives Resolution was presented in the Constituent Assembly on the fifth day of its debates, i.e., December 13, 1946 by Jawaharlal Nehru. It prescribed “Fundamentals” of the Constitution and its Preamble which were to be made ready by the Constituent Assembly. It suggested that India would become a sovereign republic where the justice would be delivered to all.

#### Answers to Check Your Progress Exercise 2

- 1) Objectives Resolution was presented in the beginning of the Constituent Assembly debates and the Preamble was written after the Constitution had been drafted. The former provided the grounds for discussion in the Constitution, and the latter contains the contents which provide a window to the contents of the Constitution. The Preamble is, in fact, the form of Objectives Resolution which re-emerged after the discussion in the Constituent Assembly.
- 2) According to the Kesavanand Bharati case, 1973, verdict, the Preamble is part of the Constitution.
- 3) The concepts of “Secularism”, “Socialism” and “and Integrity” were incorporated in the Preamble after the 42<sup>nd</sup> Constitutional Amendment 1976.