Republic at 70: Preamble embodies Constitution’s vision

The content of the Preamble not only embodies events that predate the adoption of the Constitution, but also incorporates citizens’ experiences over the past 70 years.

The Preamble manifests the vision of the draftspersons of the Constitution. In adopting it after the draft Constitution was approved, the Constituent Assembly ensured that the Preamble exhibited conformity with the provisions of the Constitution. Yet, the content of the Preamble traces its origins to even before the task of drafting the Constitution began. The foundations of the Preamble were laid down in the Objectives Resolution moved by Jawaharlal Nehru before the Constituent Assembly in December 1946.

The purpose of the resolution was to “proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution”, which would secure “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”, among other goals. Seconding the resolution, one member remarked that equality was “its underlying theme”. Another member supporting the resolution firmly believed that the Indian Republic would “be both democratic and
socialist”. The resolution was enthusiastically supported by most of the members and was adopted in January 1947.

Later, Nehru pointed out that Objective Resolution could be adopted with certain changes as the Preamble. The Drafting Committee headed by BR Ambedkar felt that the Preamble should be restricted to defining the essential features of the new State and its basic socio-political objectives and that the other matters dealt with in the resolution could be more appropriately provided for in the substantive parts of the Constitution.

The Committee modified the content of the Objectives Resolution to formulate the Preamble, while clarifying that it followed the spirit and, as far as possible, the language of the resolution. The Committee adopted the expression “Sovereign Democratic Republic” instead of “Sovereign Independent Republic”, as it considered independence to be implied in the word “Sovereign”. The Committee introduced a clause on “Fraternity” to emphasize upon the need for fraternal concord and goodwill in India, which was specifically greater than ever, after the Partition.

The draft Preamble, as it is in current form, was tabled before the Constituent Assembly in October 1949. One member sought to include “In the name of God” in the beginning of the Preamble. The Assembly rejected the proposed amendment. Another member argued that inclusion of God would amount to compulsion of faith and violate the fundamental right to freedom of faith. Another member stated that invoking the name of God in the Preamble would resemble “a narrow, sectarian spirit, which is contrary to the spirit of the Constitution.” The Assembly adopted the Preamble as presented by the Drafting Committee.

The Preamble recognizes and proclaims that the Constitution has its root, its authority, and its sovereignty, from the people. “Sovereign Democratic Republic” reflects the establishment of a democratic form of government, where ultimate power is vested with the public and exercised through universal adult franchise. Commenting upon this aspect of the Preamble, Acharya Kriplani observed that “democracy is inconsistent with caste system”, and that we must do away with castes and classes. “Justice, social, economic and political” symbolizes the commitment of the framers to put an end to status quo of inequalities and historical injustices and to replace fundamental wrongs with fundamental
rights. As Kriplani remarked, “Liberty of thought, expression, belief, faith and worship” can only be guaranteed on the basis of non-violence and mutual respect for each other. “Equality of status and of opportunity”, in Ambedkar’s words, means absence of glaring inequalities and discrimination in the society. The expression “to promote among them all” is linked with “Fraternity”. Ambedkar defined “Fraternity” as “a sense of common brotherhood of all Indians” and “an attitude of respect and reverence towards fellow men”, which give “unity and solidarity to social life”. The principles of liberty, equality and fraternity would ensure dignity of each individual, thus leading to unity of the nation. Ambedkar considered liberty, equality and fraternity to be forming “a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy”.

The addition of the words “Socialist” and “Secular” into the Preamble by the 42nd constitutional amendment during the Emergency in 1976 did not alter its nature or identity. It merely provided a label to what was already in existence. There are three key points in support of this contention. First, in support of Nehru’s Objectives Resolution, one member explained that the content of economic democracy and rejection of the existing social structure reflected through the phrases “justice, social, economic and political” and “equality of opportunity” represent the socialist aspect of the Resolution, without providing it with an open label. These phrases were later adopted into the Preamble. Second, by rejecting inclusion of any phrase on God in the Preamble, the Assembly adopted a secular document instead of a sectarian one. Third, the Preamble embodies the philosophy of the Constitution, which is reflected through its provisions and the basic structure. As Justice DY Chandrachud held in one of his judgments, the addition of the word “secular” solidified the basic structure of the Constitution, which enshrines secularism in the fundamental rights chapter.

The Court has often engaged with interpretation of the Constitution by relying upon the vision and values contained in the Preamble. While the flourishing of a constitutional order demands an active institutional role of courts, it also requires a responsive participation of the citizenry. The response of the citizens to their elected representatives has a powerful role in giving a meaning to the words of the Constitution. The content of the Preamble not only embodies events which predate the adoption of the Constitution, but also incorporates the citizens’ experiences in the unfolding of the Constitution over the past seventy years.
The hopes and aspirations of the people enshrined in the Preamble have sustained due to years of practice, effort, and experience to make society work with those values. The recent events of claiming the Preamble and the Constitution by the citizens as their very own resemble a path towards the professed collective destiny of India.

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