

B.A.LL.B. V SEMESTER
SUBJECT : CONSTITUTIONAL LAW INDIA-I
CODE : BL-5003

TOPIC : PREAMBLE

Indian constitution has preamble unlike that of Australia , Canada and U S A constitution.

Preamble server two significant ends:

- (1) It Indicates source from which constitution derives Its claim to obedience and legitimacy i.e. people of India .
- (2) It states objects which constitution and government established by it are expected to promote .

= The word in the preamble “ we the people” denotes that the sovereignty lies with the people of India .

The ultimate source and the validity behind the sanctions in the constitution is the will of the people .

= the affirmation Of republic and democratic character of the government and sovereignty of people .

The people of India thus constitute The sovereign political body who holds the ultimate power and who Conduct the government country through their elected representative .

According to preamble nature of the constitution is to be “sovereign” secular , socialist , democratic republic .

Sovereign denotes India is not subject to any external authority.

Democratic denotes India has responsible and parliamentary form of government it is accountable to elected legislature .

Republic denotes head of the state is elected it is not hereditary like monarch .

= The significance of concept liberty , equality and fraternity to be gauged from the sayings of closing remarks of DR. B .R . AMBEDKAR “ equality , liberty and.

Fraternity can not be treated as separate item in a trinity . the form union of trinity in the sense that to divorce one from another is to defeat the very purpose of democracy.”

In case of INDRA SAWHNEY v union of India AIR1993 SC 477

Supreme court emphasized that word “fraternity assuring the dignity of the individual” have “as special relevance in the Indian context” because of the social backwardness of certain section of community who had in the past been looked down upon .

To further elaborate upon it here in chapter on fundamental rights in the constitution To further concretized the thoughts of the preamble constitution has chapter on directive principle of state policy .

Preamble is part of constitution no:-

Ordinarily preamble are not – Considered as part of the constitution so at one point of time it was thought we case of in Re Berubari Union and exchange of enclaves AIR1960 SC 845 that preamble is not part of constitution but in KESANANDA BHARATI V . union of India air 1973 sc 1461: majority of the judges laid down that preamble does form part of the constitution .

C . J . SIKRI has observed :

“ it seems to me that preamble to our constitution is of extreme importance and the constitution should be read and interpreted in the light of the grand and noble vision expressed in the preamble.”

Suggested reading

- (1) Constitution of India , H.M. SREEVAI
- (2) Indian constitutional law M.P. JAIN
- (3) Constitution of India ,D.D. BASU

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