PARMAR SSC

PARMAR SSC

Topic:
Preamble



भारत का संविधान

हम, भारत के लोग, भारत को एक **सम्पूर्ण प्रभुत्व-संपन्न समाजवादी पंथनिरपेक्ष लोकतंत्रात्मक गणराज्य** बनाने के लिए, तथा उसके समस्त नागरिकों को:
सामाजिक, आर्थिक, और राजनैतिक **न्याय**; विचार, अभिव्यक्ति, विश्वास, धर्म, और उपासना की **स्वतंत्रता**;
प्रतिष्ठा और अवसर की **समता** प्राप्त करने के लिए, तथा उन सब में व्यक्ति की गरिमा और राष्ट्र की एकता और अखंडता सुनिश्चित करने वाली **बंधुता** बढ़ाने के लिए
दृढ़संकल्प होकर **अपनी इस संविधान सभा में** आज तारिख २६ नवंबर, १९४९ ई (मिति मार्गशीर्ष शुक्ल सप्तमी, सम्वत दो हजार छह विक्रमी) को **एतद्द्वारा इस संविधान को अंगीकृत, अधिनियमित, और आत्मार्पित करते हैं।**

Preamble

- The Concept of Preamble is taken from USA.
- The language of Preamble is taken from Australia
- Pramble is designed and decorated by Beohar Rammanohar Sinha.
- Two words; Socialist and Secular are added in Preamble in the year 1976 through 42nd CAA. during Emergency in the reign of then Prime Minister Smt. Indira Gandhi
- Tells us about the philosophy of the Constitution.
- It contains the summary or the essence of the Constitution.
- It was made after the entire Constitution was compiled.
- It is a modified version of the Objective Resolution presented by J.L. Nehru before the Consituent Assembly.



Comments on Preamble



- ID Card of Constitution

N. A. Palkhivala



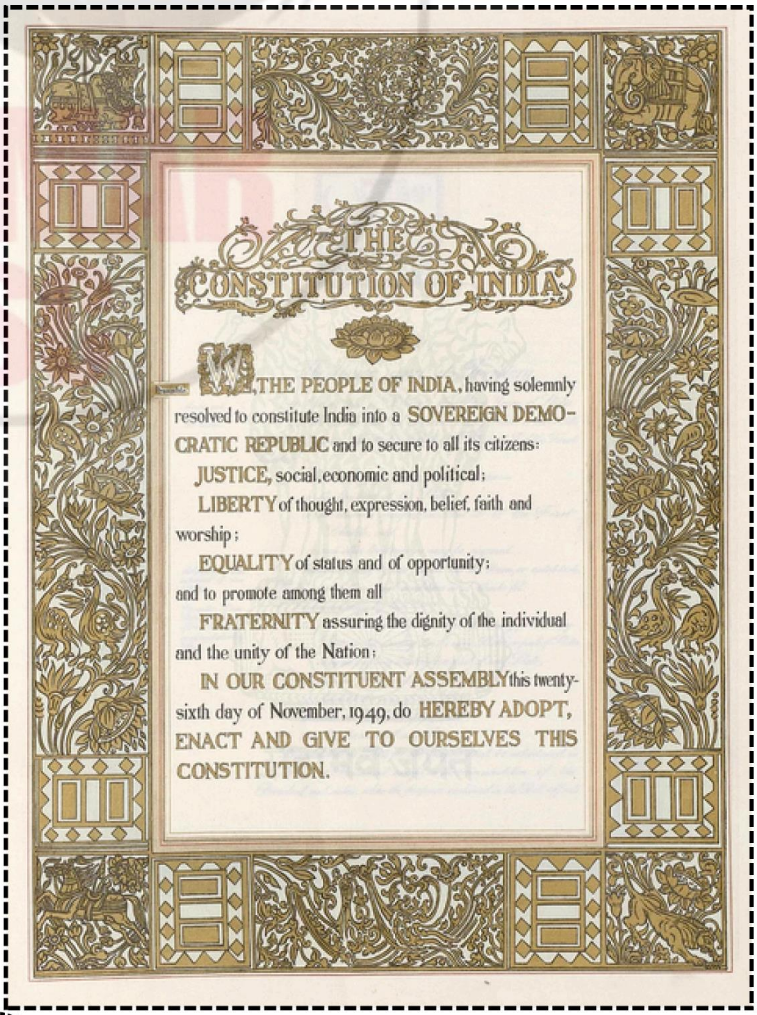
- Jewel set

Pt. Thakur Das



- Political Horoscope of Constitution

K. M. Munshi



Source of power of Constitution

"WE, THE PEOPLE OF INDIA....."

This shows that the constitution has been drawn up and enacted by the people through their representatives, and not handed down to them by a king or any outside powers.



Nature of the Constitution

Sovereign

- People have supreme right to make decisions on internal as well as external matters.
- No external power can dictate the government of India.

Secular

- Citizens have complete freedom to follow any religion or no religion at all. There is no official state religion.
- Government treats all religious beliefs and practices equally and impartially.
- In India, secularism follows a positive concept. (Involvement of state in religious matters).

Socialist

- Wealth is generated socially and should be shared equally by society.
- Government should regulate the ownership of land and industry to reduce socio-economic inequalities.
- Example: Russia





- USA is a Capitalist Country
- India has Mixed Economy

Democratic

- The government functions according to a set of constitutional rules and principles.
- A Government Of the People, By the People, For the People



Democratic



Republic

Republic

- A system of government in which the head of the state is elected by the people and not based on a hereditary succession.
- Ultimate Authority : People of India

UK is not a Republic State.

Objectives of the Constitution

Justice

- Citizens cannot be discriminated on the grounds of caste, religion, and gender. Social inequalities have to be reduced.
- Three types of justice are given in Preamble: Social, Economic and Political
- Concept taken from Russia.

Equality

- All are equal before the law. The traditional social inequalities must end. The government should ensure equal opportunities for all.
- Two types of equality are given in Preamble: Status and Opportunity
- Concept taken from France

Liberty

- There are no unreasonable restrictions on a citizen in what they think, how they wish to express their thoughts and the way they wish to follow up their thoughts in action.
- Five forms of liberty are given in Preamble: Thought, Expression, Belief, Faith, and Worship
- Concept taken from France

Fraternity

All of us should behave as if we are members of the same family. No one should treat a fellow citizen as inferior.

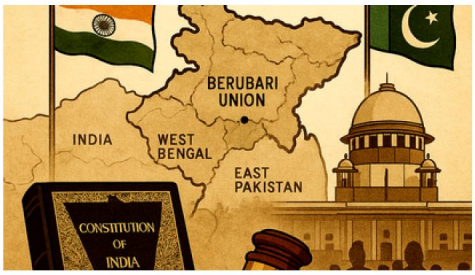
The terms "Liberty, Equality, Fraternity and Republic" are taken from France and the Ideals of Justice are taken from Russia.

Is Preamble a Part of Constitution and is it Amendable?



Berubari Union Case: 1960

Supreme Court held that-



i) The Preamble is not a part of the Constitution & hence cannot be amended
ii) It is just a key to understanding the Constitution.
iii) It is not legally enforceable.

Kesavananda Bharati Case: 1973



i) A bench of 13 Judges gave verdict that the Preamble is a part of the Constitution and hence it can be amended..
ii) It reflects the basic structure of the Constitution

LIC of India Case: 1995

i) Reaffirmed the Kesavananda Bharati case ruling.

Enforceability of Preamble

- It is not enforceable in the Court of Law.
- It is neither a source of Power nor Restriction to the legislature, but it can be considered as an aid to the legal interpretation of the Constitution.

- Preamble has been amended only once in 1976 through 42nd Constitutional Amendment.
- It added the terms: Integrity, Socialist, Secular