



→ [39412191]
→

ORIGIN ⇒ objective
Reso. Dec.
(13th 1946)

Preamble of the Constitution

> Ist Consti. , which started with Preamble
↳ USA

WE, THE **PEOPLE OF INDIA**, having solemnly resolved to constitute India into a **1[SOVEREIGN] (SOCIALIST) (SECULAR DEMOCRATIC REPUBLIC)** and to secure to all its citizens :

JUSTICE, social, economic and political; ⑤

LIBERTY of thought, expression, belief, faith and worship; ②

EQUALITY of status and of opportunity and to promote among them all;

FRATERNITY assuring the dignity of the individual and the **2[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.**

⑤
Nature
of

Ind. State

26th Nov. 1949

Ingredients of the Preamble The Preamble reveals four ingredients or components:

1.

Source of authority of the Constitution: The Preamble states that the Constitution derives its authority from the people of India.

2.

⑤

Nature of Indian State: It declares India to be of a sovereign, socialist, secular democratic and republican polity.

Sov. →
Soc. →
Sec. → S³DR

3.

④

Objectives of the Constitution: It specifies justice, liberty, equality and fraternity as the objectives.

④

4.

enactment

Date of adoption of the Constitution: It stipulates November 26, 1949 as the date.

Key Words in the Preamble Certain key words—

Sovereign:

Socialist:

↳ mixed economy
↳ (Gandhi + Marx)

Secular:

↳ No official Rel. of
State

Democratic:

Republic:

Head of the state will be
elected by people.

Justice:

Liberty:

Equality:

Fraternity:

Popular Statements About Preamble:

Sir Alladi Krishnaswami Iyer, a member of the Constituent Assembly who played a significant role in making the Constitution, **'The Preamble to our Constitution expresses what we had thought or dreamt so long'**.

According to K M Munshi, a member of the Drafting Committee of the Constituent Assembly, the Preamble is the **‘horoscope of our sovereign democratic republic’**.

→ Acting President
⊕ vice prez.
⊕

M Hidayatullah, a former Chief Justice of India,
observed, **"It is the heart & soul of our
Constitution"**.

Note ⇒ B.R. Ambedkar ⇒ (Art. 32)

Preamble as Part of the Constitution



1. Berubari Union case (1960):

Preamble is not a part of the Constitution.

2. Kesavananda Bharati case (1973):

Preamble is a part of the Constitution.

13 Judge Bench
Basic str. of
const.

NOTE:

1. The Preamble is neither a source of power to legislature nor a prohibition upon the powers of legislature.

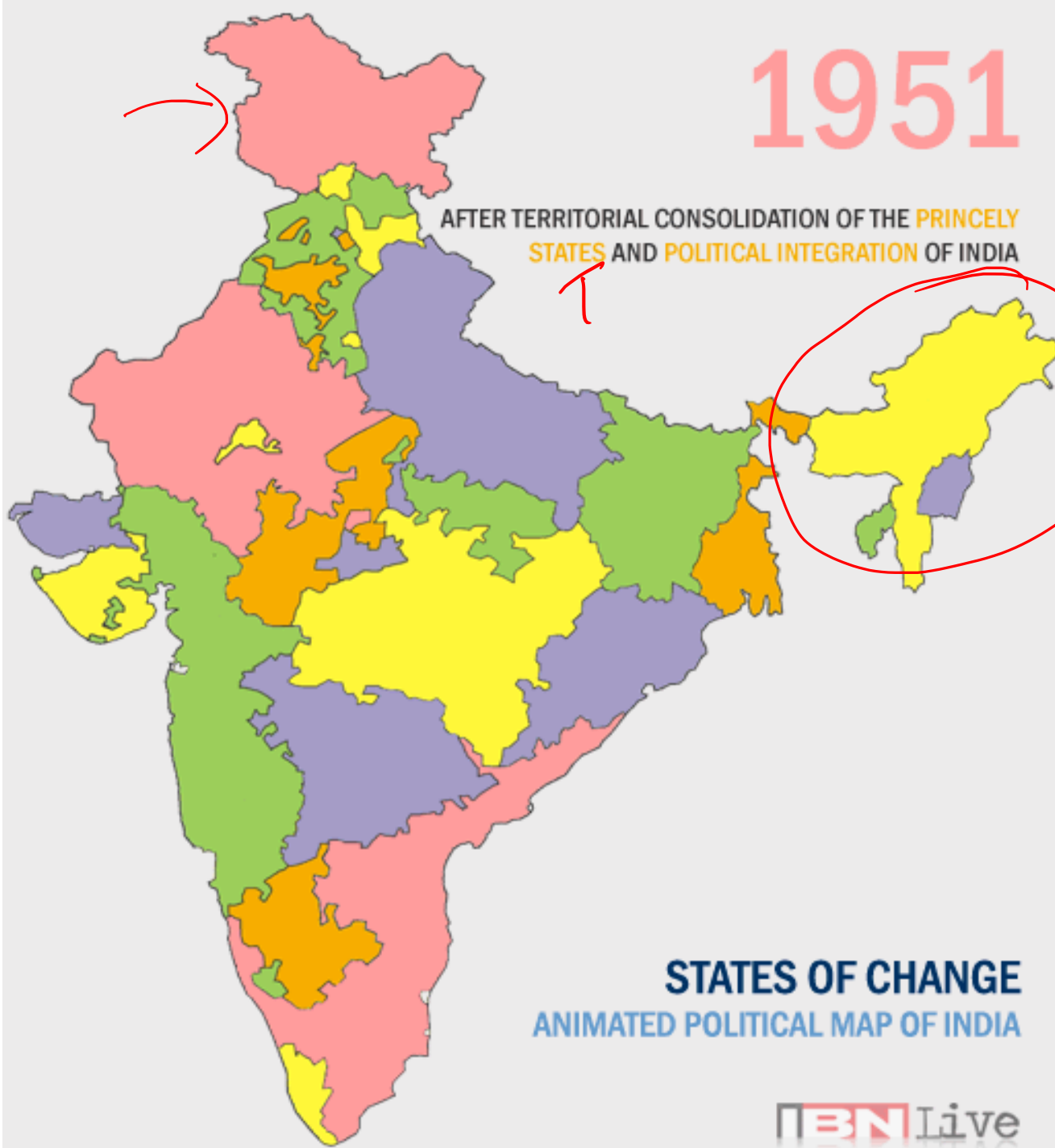
2. **It is non-justiciable**, that is, its provisions are not enforceable in courts of law.

Amendability of the Preamble:

Yes

The Preamble has been amended only once so far, in 1976, by the 42nd Constitutional Amendment Act, which has added three new words—**Socialist, Secular and Integrity**—to the Preamble.

Union and its Territory



A
B
C
D

Art-1

India that is Bharat
shall be union of states

Union of India $\left(\bigcirc \right)$ Territory
of India.
(ONLY states)

Federation
of states
 $\left(\bigcirc \times \right)$

(States \oplus UT \oplus ANY Acquired Area)

According to Article 1, the territory of India can be classified into three categories:

- 1. Territories of the states**
- 2. Union territories**
- 3. Territories that may be acquired by the Government of India at any time.**

Article 2 grants two powers to the Parliament:

↳ Acquired territory

(a) the power to admit into the Union of India new states; and

(b) the power to establish new states.

The first refers to the admission of states which are already in existence while the second refers to the establishment of **states which were not in existence before.**

Article 3, on the other hand, relates to the formation of or changes in the existing states of the Union of India.

In other words, Article 3 deals with the internal re-adjustment of the territories of the constituent states of the Union of India.

Dhar Commission and JVP Committee:

The integration of princely states with the rest of India has purely an ad hoc arrangement. There has been a demand from different regions, particularly South India, for reorganisation of states on linguistic basis.

Accordingly, in June 1948, the Government of India appointed the Linguistic Provinces Commission under the chairmanship of S K Dhar to examine the feasibility of this.

→ Ald - HC. S Judge

The commission submitted its report in December 1948 and recommended the reorganisation of states on the basis of administrative convenience rather than linguistic factor.

This created much resentment and led to the appointment of another Linguistic Provinces Committee by the Congress in December 1948 itself to examine the whole question afresh.

It consisted of Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya and hence, was popularly known as JVP Committee.

It submitted its report in April 1949 and formally rejected language as the basis for reorganisation of states.

1953 → Sri Ramulu

However, in October 1953, the Government of India was forced to create the first linguistic state, known as Andhra state, by separating the Telugu speaking areas from the Madras state. This followed a prolonged popular agitation and the death of Potti Sriramulu, a Congress person of standing, after a 56-day hunger strike for the cause.

Fazl Ali Commission

The creation of Andhra state intensified the demand from other regions for creation of states on linguistic basis.

This forced the Government of India to appoint (in December 1953) a three-member States Reorganisation Commission under the chairmanship of Fazl Ali to re-examine the whole question.

Its other two members were K M Panikkar and H N Kunzru.

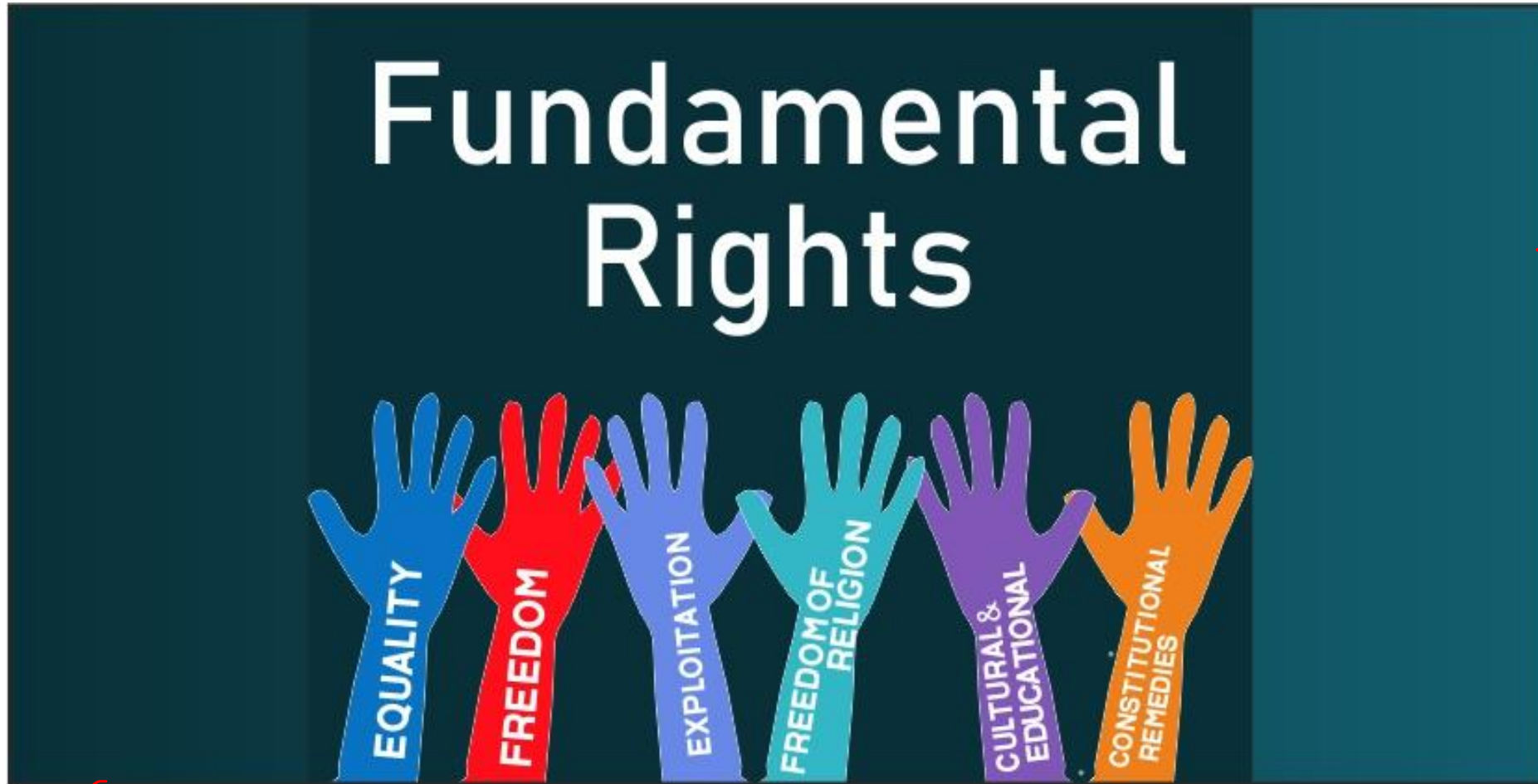
It submitted its report in September 1955 and broadly accepted language as the basis of reorganisation of states. But, it rejected the theory of ‘one language–one state’.

Its view was that the unity of India should be regarded as the primary consideration in any redrawing of the country’s political units.

2.	Admission or establishment of new states
2A.	Sikkim to be associated with the Union—(Repealed)
3.	Formation of new states and alteration of areas, boundaries or names of existing states
4.	Laws made under Articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

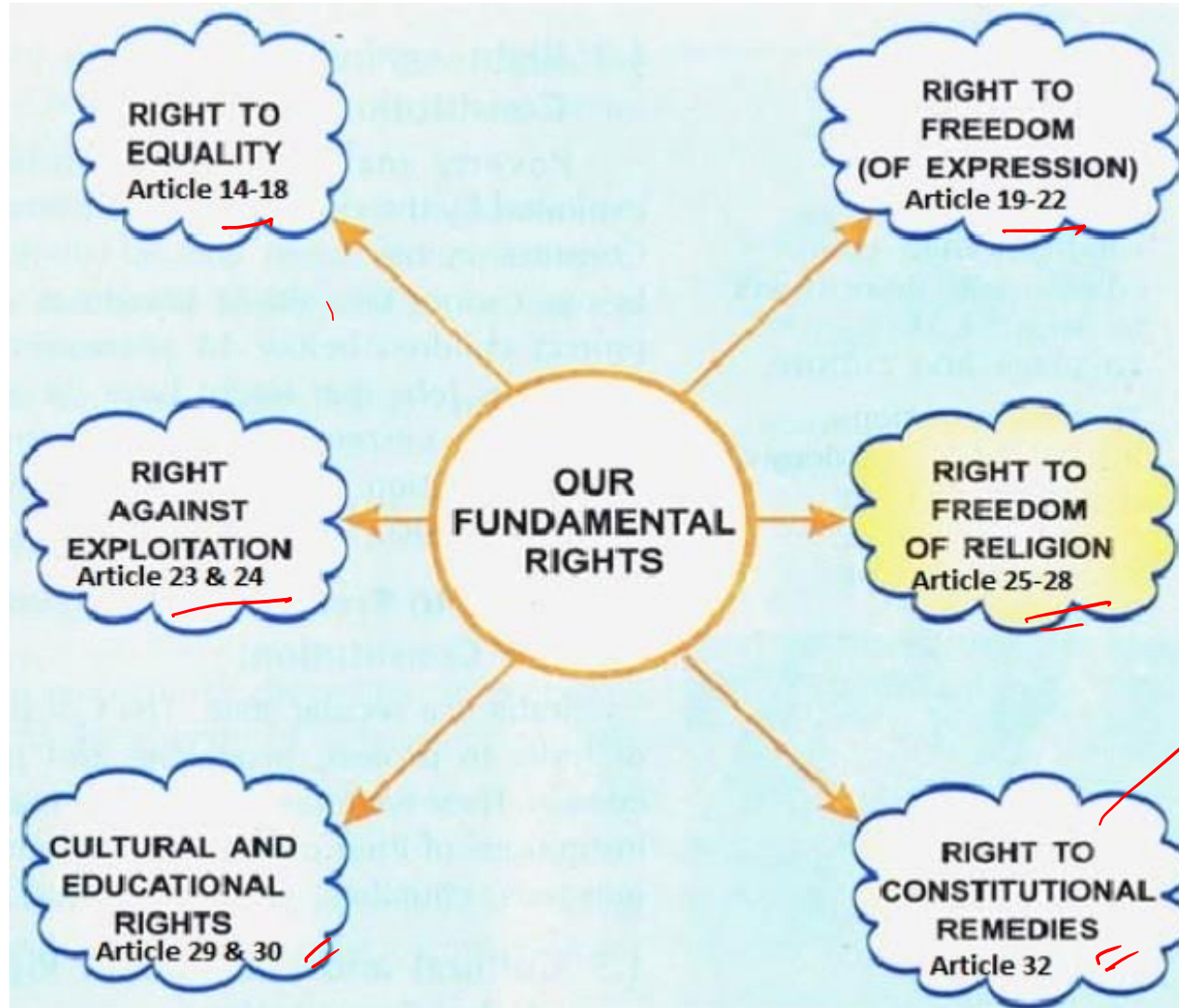
Art - 368

→ Part-3: (12-35)



→ USA
↑
Borrowed
→ Orig = (7)
- Present = (6)

↳ FR. ⇒ (14-32) ~~32~~



Heart & Soul of
Ind. Const.
C. B. R. Ambedkar

The Fundamental Rights are enshrined in Part III of the Constitution from Articles 12 to 35.

In this regard, the framers of the Constitution derived inspiration from the Constitution of USA (i.e., Bill of Rights).

Originally, the Constitution provided for seven Fundamental Rights-

- 1. Right to equality (Articles 14–18)**
- 2. Right to freedom (Articles 19–22)**
- 3. Right against exploitation (Articles 23–24)**

4. Right to freedom of religion (Articles 25–28)
5. Cultural and educational rights (Articles 29–30)
6. Right to property (Article 31) & Art- 19(1)(f)
7. Right to constitutional remedies (Article 32)

→ Repeal ⇒ 44th / 1978 → Janta Party.
→ Present ⇒ Parl-12 → Art(300A)

However, the right to property was deleted from the list of Fundamental Rights by the 44th Amendment Act, 1978.

It is made a legal right under Article 300-A in Part XII of the Constitution. So at present, there are only six Fundamental Rights.