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**PREAMBLE: THE SOUL OF OUR CONSTITUTION**- Abhishek Bhardwaj<sup>1</sup>**Abstract**

The Preamble of India is the documentation of the vision our freedom fighters had in their mind of a “democratic republic sovereign” country. Their goals and aspiration take the shape of the statutes laid down in the constitution. The constitution makes sure “justice, fraternity, equality and liberty” ensuring of a true egalitarian society and a welfare state. In *Golak Nath v. State of Punjab*,<sup>2</sup> it is stated by CJ Subba Rao the main objectives to an act are set out by the preamble which legislation intends to achieve. Sir Alladi Krishnaswamy asseverated preamble to be a sort of a commencement to the statute and helpful to elaborate the true polity and legislative intent of what we have dreamt and thought of so long. It was stated in the Keshwananda Case by Shelat and Gover, JJ., that preamble was given a place of pride by the constitution makers of India as it embodies the aspirations and ideals in a solemn form for which the country has struggled in British Regime. In re Berubari case, it was stated by the Supreme Court that Preamble of the Constitution serves the purpose of a key for the minds of the makers, and lays down the general purpose for making the several provisions in Constitution of India.

**1. The importance of the preamble could be construed from the locutions it has been given:**

- a) K.M. Munshi has explicated preamble as the political horoscope which lays down nature and philosophy of the Indian state and basic features of the Indian Constitution.
- b) P.T. Thakurdas even said “The Preamble is the most precious part of the constitution, it is the soul of the constitution, it is the key to the constitution. It is a key to open the mind of the makers of the constitution. it is a jewel set in the constitution. it is a superb prose poem, nay, it

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<sup>2</sup> AIR 1967 SC 1643

is perfection in itself. It is a proper yard-stick with which one can measure the worth of the constitution.”<sup>3</sup>

c) Nani Palkiwala expounded preamble as an identity card for an Indian citizen.

## 2. Constitution (42nd Amendment) Act, 1976

The words “Socialist, Secular, and Integrity” were not present in the original draft of the preamble and have been inserted later by 42nd amendment act 1976.” India is a secular state”- this express declaration came only after the 42nd amendment of 1976. As of today, we could find the word “secular” in constitution two times:

a) In Preamble

b) In Article 25

The juxtaposition whether the Preamble can be amended or not was faced by the Supreme Court in the famous case of *Keshvananda Bharati v. State of Kerala, 1973*.<sup>4</sup> The Supreme Court gave its locution that as Preamble should be considered as a part of the Constitution so it can be amended but, the very basic features of the preamble could not be amended. The court observed, “The structure of our constitution is based upon the basic component of our Preamble. If any of these foundations are removed the edifice of our constitution will not survive and it will not be the same constitution and will fail in maintaining its true identity.”<sup>5</sup>

## 3. History of Preamble

As we know, Preamble is kind of a prolegomenon to the constitution, but it is beguiling to know that it is not the one to come first into existence, rather it was the one of the last pieces of drafting which was adopted after the first reading of constitution by the Constitution Assembly and then was placed at the onset of the Constitution.

There is a striking resemblance in the “Objective Resolution” of Nehru and the preamble and it might be said that “Objective Resolution” was treated like a blueprint for the preamble.

Objective Resolution	Preamble
“.....all power and authority of Sovereign Independent India, its Constituent parts, and	“We, the people of India .....do hereby adopt, enact and give to ourselves this

<sup>3</sup> <http://164.100.47.194/Loksabha/Debates/cadebatefiles/C24111948.html>

<sup>4</sup> (1973) 4 SCC 225: AIR 1973 SC 1461

<sup>5</sup> Retrieved from, <http://www.preservearticles.com/2012011020424/essay-on-the-amendment-of-the-preambleof-india.html> on 15 September 2013 at 7:15 pm

organs of government, are derived from people.....”	Constitution.....”.
“.....to proclaim India as an Independent Sovereign Republic....”	“..... resolved to constitute India into SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC.....”
“..... shall be maintained the integrity of the territory of the Republic.....”	“FATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;”
".....shall be guaranteed and secured t 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....”	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.....”

Table 1 Comparison between Objective Resolution and Preamble<sup>6</sup>

The “Objective Resolution” of Nehru was unanimously passed on the 22nd January of 1947. Preamble was discussed in the Constituent Assembly and was later passed on the 17th October of 1949. The reason for taking it up so late, President of the Assembly, Dr Rajendra Prasad said, was to ensure that our preamble is in conformity with rest of the constitution.<sup>7</sup>

#### 4. Meaning and Concept

By the word “Preamble” means prolegomenon to a statute. It is the introductory part of the Constitution laying down its philosophy in few words. A preamble could also be used as a device to introduce a particular section or group of sections.<sup>8</sup> According to Chambers Twentieth Century Dictionary, a preamble means preface, introduction, especially that of Parliament, giving its reasons and purpose – a prelude.<sup>9</sup>

Black’s Law Dictionary defines preamble as

<sup>6</sup> <https://www.hindustantimes.com/indianews/preamble-embodies-constitution-s-vision/storyvLbo5CoBIXdmCgtSWb7v2K.html>

<sup>7</sup> CAD, Vol XI

<sup>8</sup> Narender Kumar (2012), Constitutional Law of India, Allahabad Law Agency, Faridabad, P-27

<sup>9</sup> Aparajita Barauh (2007), Preamble of the Constitution of India, Deep and Deep Publications Pvt. Limited, New Delhi, P-3.

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- a) a clause at the beginning or;
- b) a statute explanatory of the reasons for its enactment and the objectives sought to be accomplished.<sup>10</sup>

Generally, a Preamble is kind of a declaratory direction made by the legislature of the reasons for the drafting and passing of the statute and it also gives interpretation for any ambiguities which may be present in the statute to which it is prefixed.<sup>11</sup>

The Preamble was reproduced in the Draft of 7th October, 1947 which was earlier drafted by B.N. Rau on 30th May of 1947 in his memorandum which was reformulated according to the Constituent Assembly.

### 5. Scope of Preamble

The Preamble in itself does not provide any power but only provide a vision for the constitution of India setting out the main objectives which our constitution intends to achieve. It was stated by the court in the re Berubari's case that the preamble is not the part of the constitution and hence cannot be considered as a source for any substantive powers.

One of the main purposes which preamble serves that it provides facts and explanation which are to be kept in mind by the parliament before setting out any statute. It also serves the purpose to scope out certain expressions and setting up of definitions. It is hence legitimately consulted to rectify out any ambiguity present in the constitution so as to understand the full and correct meaning of the statute; determining the meaning of the Act whenever there is any uncertainty in enacting such Acts in any respect. In simpler words if the ambiguity of the language sets out any difficulty in positioning of more liberal or narrower interpretation, the court may take the guidance of the Preamble.

In the case of *A.K. Gopalan v State of Madras* it was opposed to view preamble as the guiding light which grants the citizen of India a democratic constitution because it lays down any law made under the Article 21 to be void if it violates any course of natural justice which would also be known as fundamental rights of personal liberty and right to life. This contention was rejected by majority of the Supreme Court bench as they viewed law under Article 21 referring to the state made law and not in the sense of natural justice; so, Article 21 could not be amended as per the preamble.

It was also established in the court in the case re Berubari's that preamble is not considered as

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<sup>10</sup> <https://thelawdictionary.org/preamble-to-the-constitution/>

<sup>11</sup> *Ibid.*

the source of any substantive powers which could be conferred on the government or any part of the government. It was hence construed that the powers of preamble were limited. It was clearly stated by the court that in case of non-ambiguous language preamble's guidance would not be resorted to.

Nevertheless, if any of the language was found to be ambiguous, it's interpretation could be made under the light of objectives which are laid out in the preamble; thus was the case in *State of Rajasthan v Basant Nahata* in which it was held by the court preamble is only resorted to with an ordinary statute only in the case when no precise meaning could be made out of the language of the statute.

In the historic case of *Keshvananda Bharti v State of Kerala* much emphasis was laid down on the position of preamble. In this case the question before the court was that, if it was in the scope of the Parliament of India to amend the Preamble. The argument was raised before Supreme Court by the Attorney General was that by the feature of the Article 368 paradoxically the preamble could also be amended. The Supreme Court investigated the facts and matter of the case and trailed the inception of Preamble of its drafting and adoption and ultimately came to the decision which was stated by Chief Justice Sikri that there was no record of any authority which was referred before the Supreme court as to establish the locution that prohibitions and limitations about power are equally true; as in some cases limitations have been derived using Preamble and it establishes the extreme importance of our Preamble; thus it was stated that its noble and grand vision should enlighten the path for the interpretation of the Constitution of India. It was held by the majority of the bench that Preamble is enshrined by the basic philosophy of our Constitution and cannot be amended under the Article 368 of our Constitution; but it was further held that as Preamble is also a part of the Constitution it should still be in reach of the Union Parliament for amendment under Article 368. Thus, through the amendment words integrity, socialist and secular were added to our preamble under the Constitution (Amendment) Act, 1976.

It was again held in the case of *Union Government v. LIC of India* of 1995 by the Supreme Court that Preamble is an integral part of our Constitution.

## 6. Whether Preamble is regarded as a part of our Constitution

One of the most vexed questions in the Indian political history is that should preamble be considered as a part of our constitution. All these arguments were brought to peace with those

judgements to two leading cases on this particular subject:

#### ✚ **Re: Berubari Union Case of 1960**

Supreme Court in this particular case laid down its verdict that in a Court of Law Preamble is not enforceable and stated that it is mentioned explicitly in the constitution that it is not regarded as the source of any prohibition and thus it can't be regarded as a part of our constitution but also stated that if there are any term used in constitution which are capable of having more than one meaning or ambiguous then the issue should be resolved using some assistance from the grand and noble vision of our preamble; which sets up the recognition of significance of our Preamble.<sup>12</sup>

#### ✚ ***Keshvananda Bharati v. State of Kerala of 1973***

In the judgement of this case Supreme court laid down a paradoxical view from its previous observation in the case of Re: Berubari and stated that Preamble is a part of our Constitution and laid its vision that Preamble encapsulates the noble and grand vision and noble vision of our constitution makers aspirations, goals and dreams and Constitution should be read in light of our Preamble's objectives. Supreme Court accepted that some facts regarding the Preamble were overlooked in the Re: Berubari Case which could have established that Preamble is in fact a part of our Constitution. Supreme Court reasoned to the fact that Preamble to not be a part of a provision or statute but is an imperative part of our Constitution.<sup>13</sup>

### 7. Purpose of the Preamble

- It designates the popular sovereignty/ ultimate source of power which is at the inception of our Constitution which are the people of India.
- It encompasses the enacting clause which brings the constitution, which is for the people, of the people and by the people and by the people into power.
- It pronounces the basic rights, justice liberty, equality fraternity and freedoms which people of India viz. the source of power envisioned to provide to all citizens and the basic type of government and polity.<sup>14</sup>

### 8. Principles of the Preamble

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<sup>12</sup> AIR 1960 SC 845, 1960 3 SCR 250

<sup>13</sup> Keshvananda Bharati v. State of Kerala, AIR 1973 SC 1461

<sup>14</sup> Keshvananda Bharati v. State of Kerala, AIR 1973 SC 1461

There are 5 basic principles of constitution which are of paramount importance namely:

### 8.1 Sovereignty of India

A sovereign is defined as a supreme ruler, so sovereignty could be defined as the supreme and ultimate power which has no superior power over itself. It is the principle of the utmost importance which are laid down in the preamble which is to state that we are no longer a colony of British or comes under the rule of British Crown. Preamble testifies of us proclaiming our dominion status after 15th August, 1947.

When we talk about Sovereignty in the Preamble it includes legal, political, plural and individual freedom. According to D.D. Basu the Article 5 of the constitution of Ireland has encouraged us to add the word Sovereign- 'Sovereign or supreme power is that which is absolute and uncontrolled within its own sphere'.<sup>15</sup> Cooley has described the word Sovereign as a state which resides within itself absolute and supreme power which do not acknowledge any superior.

There is a critic about sovereignty in India that India is still a part of Commonwealth membership which accepts British Queen as their head. For the counter reply for this argument Nehru had already stated British is not more than just a symbolic head of the Commonwealth. This could also be replied with the fact that after 1949 Commonwealth is kith of Sovereign equals who come together because of their history and national interests through cooperative efforts.

### 8.2 India being a Socialist State

It is proved by the Constitution (42nd Amendment) Act, 1976 amendment and adding the word "Socialism" in the Preamble the goal which our constituent assembly dreams to achieves is of socioeconomic justice. The term 'Socialism' is described as a political-economic atmosphere which is in the favour of state's ownership of exchange, distribution, and production. But the term "Socialist" is nowhere defined in the Constitution.

It is construed that socialism is added in the preamble for context of economic planning and would play a major role in country's economic scenario. It is also there to make sure of attainment of some moral epitomes:

- a) Facility of providing the necessities which are basic in need
- b) Equal pay for equal work

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<sup>15</sup> 4 <https://www.gov.ie/en/publication/d5bd8cconstitution-of-ireland/>

### c) Removal of inequalities

In DPSP i.e., Directive Principle of State Policy, these moral epitomes were always present in the essence and were applicable to an extent by the Constitution; the nature of Democratic Socialism was always implied in the Directive Principle of State Policy and the Preamble. The term “economic justice” serves the ultimate purpose of bringing a socio-economic revolution in our country. Particularly the Articles 39 (b) and (c) of Directive Principles of State Policy represent and guard the social and economic liberties of the people of India.

There has been a confusion over the true meaning of ‘Socialism’ in today’s modern times as this term has been invariably used in both Communistic as well as democratic constitutions and has given a chance for the critics to raise questions. To answer these arguments, it is observed that India tends to lean towards the “democratic Socialism” rather than “Communistic Socialism” and for this very same reason there is mention of both -Democracy and Socialism in our Preamble together. This argument has also been subject to paradoxical views about the change of thought of the ideas of modern Socialist. i.e., the protection from exploitation of weaker section with welfare of the state and free and appropriate competition without snuffing out of the feeling of individual initiative and without any infringement of political rights and freedoms.<sup>16</sup>

In 1979 Supreme Court evaluated the addition of the word ‘Socialist’ in the Preamble in the case of *Excel Wear v. Union of India*.<sup>17</sup> After contemplation the bench came upon the decision that term ‘Socialist’ might help Supreme Court to study better in the favour of state ownership and getting the industries nationalized.

In another case Supreme Court saw the term ‘Socialist’ envisaging a better society with equitable distribution of wealth and income that would provide economic equality in the egalitarian society which our constitution strives to achieve. In this case Supreme Court also said that the term ‘Socialism’ works for providing a decent standard of life to the working community and ensure them a sense of security throughout their lifetime i.e., from cradle to grave in the case of *D.S. Nakara v. Union of India*.<sup>18</sup>

### 8.3 India being a Secular Country

If a State does not recognize any religion as a state religion supporting all the religions equally

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<sup>16</sup> V.S. Deshpande- Rights and duties under the Indian Constitution, (15 JILI 1973, p- 94).

<sup>17</sup> AIR 1979 SC 25

<sup>18</sup> AIR 1983 SC 130



and does not differentiate between them giving equal rights of worship, religion and faith; then that state might be considered as a 'Secular' State.

Constitution's Articles from 25 to 30 ensures and enacts the protection of the true essence of the word 'Secularism' in the country. India treats all religion equally and does not differentiate between them creating a peaceful accord in the country and also encourages people to choose a religion of their choice. To maintain Secularism as basic feature of the Preamble and our Constitution it has been made beyond the amending power of the Parliament.

Even before the addition of the word 'Secular' in the preamble our constitution always ensured the secularism in our country implicitly through Article 25 to 28 giving the basic right to each citizen the right to profess and follow any religion of their choice and practice and propagating it. The judgement was also given in 1974 by the Supreme Court that even though the word 'Secular State' were not expressly mentioned in our constitution but it was beyond question to that our Constitution makers strived to achieve a nation which was secular in nature in the case of *St. Xavier College v. State of Gujarat*.<sup>19</sup>

In 1994 again Supreme Court believed that Secularism is a basic feature of our country in the case *S.R. Bommai v. Union of India*.<sup>20</sup>

In 2003 Supreme Court felt that a new meaning has been emerging for the term Secularism that is respect and understanding towards different religions and their practices in the case of *Aruna Roy v. Union of India*.<sup>21</sup>

Supreme Court believed that Secularism cannot be construed as that State is antigod and creates no sense of mysticism over the secular character of the state; but rather shows that State is willing to not differentiate its citizens treating the agnostic, atheist and the devout alike eliminating any interference and discrimination against any citizens i.e., eliminating God from the matters of State.<sup>22</sup>

#### 8.4 India being a Democratic Country

Abraham Lincoln said about a democratic type of government that "Democracy is the government of the people, by the people, and for the people." If we glare upon the term Democracy, we shall find that it has been derived from the Greek root etymology 'demos' that means 'the People' and the root 'Kartos' stands for 'Rule' or 'Government' translating literally

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<sup>19</sup> AIR 1974 SC 1389

<sup>20</sup> (1994) SCC 1

<sup>21</sup> AIR 2003 SC 3176.

<sup>22</sup> Ahmedabad St. Xavier College v. State of Gujarat AIR 1974 SC 1389 (PARA 75)

into a government in which people are the ruler of the government.

In the case of 1992 Supreme Court laid its verdict and observed that 'Democracy' is a political philosophy, a concept, an ideal which is practiced and followed by many nations which are politically mature and culturally advance by resorting the ultimate power of ruling to governance by the means of their representative to the people of that country which may be elected directly or indirectly in the case of *Mohan Lal v. District Magistrate Rai Bareilly*.<sup>23</sup> It was also concluded that indirect democracy, people of that country could elect their representatives which are further responsible to carry the administration of government directly; but when we talk about direct democracy in it the people of that country people directly participate in exercising their power of the Government and carry on the government. In 2002 Supreme Court observed that a that a democratic government cannot survive without free and fairly informed voters taking part in free and fair elections that is a successful Democracy possess an aware citizen ("A successful democracy posits an aware citizenry") in the case of *Union of India v. Association for Democratic Reforms*, this ruling of the Supreme Court clearly indicates the power which is granted upon the citizen of India to elect their government.

#### 8.5 India being a Republic State

The term 'Republic' is specifically used in our preamble to oppose the idea and to create a distinction to 'Monarchy'. Talking about the Republican status of India we could say that after India got freedom and was no longer a colony of British Empire India received the Dominion Status on 15th August, 1947 and there is no Monarch head of the State rather the head of the State is elected by the citizens of India. Preamble of the Constitution of India grants and enacts the 'Republican form of Government' in India which construes that the ultimate power is with the citizens/people of India. The Executive Head of the State is President which gets elected by the people in the form of indirect democracy holding the office for a term of five years.

### 9. Enshrined Objectives of Preamble

There are four Objectives of Preamble which are of paramount importance namely:

#### 9.1 Justice (Political, Economic, and Social)

The Preamble sets Justice as the first main objective of extreme importance to be secured by the Indian State. When the general welfare of the society is paralleled with harmonious

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<sup>23</sup> 1992 SCC (4) 80

reconciliation of an individual's conduct, then it is referred to as 'Justice'. The essence of the justice is to attain the common good instead of good of a particular individual, thus we could construe that in a society if the conduct or act of a person promotes the general wellbeing of the community then they are called just in an egalitarian society. The Constitution of India lays down very peculiar emphasis on attainment and securing its citizens:

- ✓ Political Justice;
- ✓ Economical Justice;
- ✓ And Social Justice

To attain social justice in a society it should ensure that there is no discrimination or inequalities present in the society based on caste, race, wealth, status, opportunity, religion, title and so on. To ensure such a State where there is the atmosphere of Social Justice discussed before, Directive Principles of State Policy in Part IV of the Constitution were laid down.

In a case of 1994 Supreme Court made an observation and ruled that the Article 38 of the Constitution together with the Preamble envisaged a society ensuring where social justice works as an arch for living a liveable and meaningful life with human dignity; the Supreme Court also observed and stated that social justice mitigates being a dynamic device the anguishes of deprived sections, poor, Dalits and weaker section of the society and make them live a life of dignity of the person in our society by elevating them to a level of equality; Supreme Court also stated that attaining the political , economic and social equality was the always the constitutional goal and legitimate expectation of the Social Justice dreamt by our Constitution makers in the case of *Air India Statutory Corporation v. United Labour Union*.<sup>24</sup>

## 9.2 Liberty (of faith, belief, worship and of thought)

The Preamble sets Liberty as the second main objective of extreme importance to be secured by the Indian State. The origin of the word 'Liberty' could be traced back to a Latin word 'liber' which translates into free.

The inception of the true meaning of Liberty surfaced in 1789 during the French Revolution and Liberty's meaning was coined by the leaders of French Revolution as an idea of the power to do anything which a person like ensuring that it does not hurt anybody else.<sup>25</sup> The mention of liberty of expression and thought which takes place in the preamble are guaranteed by the

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<sup>24</sup> AIR 1997 SC 645

<sup>25</sup> Myneni, S.R.; Political Science for Law Students, 2nd Edition, Allahabad Law Agency, 2006, page-168

Fundamental Rights of the Constitution of India. Liberty can be construed in both juxtapositioned positive and negative sense, positive sense being attainment of liberties which are given paramount importance for a person to achieve perfection of the national life and its potentialities; and negative sense of liberty being absenteeism of any arbitrary prying or undue interference on part of State with that of an individual's action. The same notions of liberty and principles are reflected in the constitution through various Articles like:

- ✚ Article 19 (1) (a) Liberty in the Field of Expression
- ✚ Throughout the Articles 25-30 of the Constitution – “Right to Freedom of Religion”

### 9.3 Equality in the State of Opportunity and of Status

The Preamble sets Equality as the third main objective of extreme importance to be secured by the Indian State after realizing and contemplating the interrelationship between equality and liberty. The Fundamental Right to Equality to all the citizens of India is guaranteed under the Indian Constitution. For securing equality under the eyes of law there should be abolishing of any practice of discrimination in our society which may be made on the basis of colour, creed, sex, residence, race etc and ensuring equality of opportunities for all the citizens to develop and enjoy equality before law. The inception of doctrine of equality can be traced back to 18th century:

In 1789 France issued “The Declaration of Rights of Man” in its National Assembly stating that equal opportunities are the key for full development of personality of citizens of a country and that men are born and always continue to be equal and free in respect of their rights.

In 1776 it was Equality was described as to hold the truth to self that all men are created equal in the American Declaration of Independence. It was stated by Supreme Court in *Indira Sawhney v. Union of India* that the basic structure of the constitution is permeated by Equality.<sup>26</sup>

It was observed by Supreme Court in *Velamuri Venkat Sivaprasad v. Kothari Venkateswaralu* that ensuring and establishment of equality in the Indian State by Constitution is considered as one of the most magnificent Cornerstone of Indian democracy.<sup>27</sup>

### 9.4 Fraternity in Indian State

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<sup>26</sup> AIR 1993 SC 477; 1992 ((SUPP-3) SCC 217

<sup>27</sup> AIR 2000 SC 434; (2000) 2SCC 139

The Preamble sets Fraternity as the fourth and final objective of extreme importance to be secured by the Indian State to promote an atmosphere of psychological and spiritual unity among the citizens of India. The term 'Fraternity' could be defined as a feeling that all citizens are children of same soul, the same motherland thus propagating a feeling of brotherhood and riveting brotherliness into the citizens of a country. Tracing back upon the steps of adding this term to our preamble it could be found that the committee drafting the Constitution of India felt that the need for goodwill, brotherhood and fraternal concord has never been of paramount importance as it is important and need of the hour now so they agreed upon that this particular goal should be dwelled upon, emphasized and honoured with a special in our Preamble.<sup>28</sup> The term 'Fraternity' was added into our constitution after being inspired by the French Revolution. The term 'Fraternity' has not been mentioned in our constitution with any direct express provisions but is implicit through following e.g.:

- ✓ Right to settle and reside in any part of country's territory
- ✓ Common citizenship
- ✓ Right of a legal citizen of India to move freely throughout our country

#### 10. Comparative Study of Preambles of United States of America and Canada to India

##### ➤ Source of Authority

Both the American and the Indian Constitution lays down the source of their authority with the people of its countries and that government derives its powers from its citizens only by addition of specifically including of locution "we the people" in their preambles. But Canadian Preamble does not make any such statements even though in their house of commons all the representatives are democratically elected; but it is to be observed that the British Queen occupies a position in their parliament.

##### ➤ Declaration of the Date of Adoption

Among all the three preambles, only the Indian preamble declares the date for the adoption of the Constitution making it one of a kind.

##### Nature and Purpose expressed in Preamble

Indian preamble is very detailed and beautifully drafted mentioning down the main ideals of the constitution which statutes of our constitution backs up, paradoxically only

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<sup>28</sup> Rao, Shiva; The Farming of Indian Constitution, N.M. Tripathi Pvt. Ltd., Bombay, 1967, vol-3, page-510, cited in Kumar Narendra; Constitutional Law of India, Allahabad Law Agency, 2008, page-34a

relevant terms which are mentioned in the Canadian Preamble are 'dominion' and 'federal' and similarly the only relevant term mentioned in the preamble of America is 'Union'.

➤ Debacle over Supremacy

America has not mentioned in its preamble about the Secularity of its State; Canada has specifically used the words- "Supremacy of Gods"; and Indian Preambles makes the declaring statement that recognizes India into a 'Secular' and 'Sovereign' state.

## 11. Conclusion

Preamble could be defined as both a mirror in which the whole constitutional values, dreams, goals, ambitions, aspirations of our constitution maker dreamt of achieving reflects and it also serves the purpose for a grand and noble prolegomenon for our constitution. Thakurdas Bhargav even went on poetic heights to describe Preamble as the very soul of our Constitution. It lays down the main objectives, purpose, and crux of our constitution and what our legal framework tries to achieve in modern India so as to develop the state into an egalitarian society and it would not be an over exaggeration to say that Preamble has adequately crystallized the soul, spirit, philosophy and ideology behind the constitution. It also serves the purpose of resolving any ambiguities present in our Constitution and serves a pivotal role of a guiding light under which the philosophy and interpretational value of the Constitution could be construed. In 1961 Supreme stated that noble vision of Preamble must be used for indication to understand the intent of particular enactments, but preamble could never be used as a source of power Court in *Burrakur coal Co. Ltd. V. Union of India*.<sup>29</sup>

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<sup>29</sup> AIR 1961 SC 954

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