

Preamble

The judiciously chosen words contained in the text of the Preamble and written in capital letters have a significance of their own. Their implications must be understood in a correct perspective.

It may be seen that the ideals embodied in the Objectives Resolution “are faithfully reflected in the Preamble to the Constitution.” Nehru termed his Objectives Resolution as “a declaration, a firm resolve, a pledge, an undertaking and for all of us a dedication.” K.M. Munshi, a member of the Drafting Committee of the Constituent Assembly, proudly described the Preamble as political horoscope and Acharya J.B. Kripalani, in a more Philosophical vein, lauded it as mystic principles of a welfare state.

The making of our Constitution by the grand Constituent Assembly signifies the triumph of a revolution by the consent of the people of the country. The Assembly was a symbol of freedom (political) to achieve freedoms (social and economic). By all means, it was a people’s body chosen by their representatives sitting in the Provincial Legislative Assemblies. Its sovereign character became a patent fact the day it framed its Rules of Procedure wherein it was laid down that “It shall not be dissolved except by a resolution assented to by at least two-thirds of the whole number of the members of the Assembly. And, yet a critic may say that the Constituent Assembly was not a really popular body and it was a body of prominent figures like Rajendra Prasad, Jawaharlal Nehru, Sardar Patel, Ambedkar, Munshi, Sir Alladi etc. who were men of law by their profession

and so had the character of a lawyer- politician. Its provisions are unnecessarily lengthy and it provides for several areas (as citizenship, public services, elections and official language etc.) which could and should have been covered by ordinary legislation or administrative action or both. Moreover, on many important points it is either vague or so brief that it leaves much scope for litigation. Hence, Sir Ivor Jennings called it a “lawyer”paradise”. It is also said that the Indian Constitution lacks ideological clarity. It may be termed liberal as well as socialist. Prof. K.T. Shah’s suggestion was not appreciated by the Constituent Assembly that India should be declared a socialist state. And though the word socialist has now been incorporated into the Preamble, its implications are so loose that it may mean anything to anybody ranging from a liberal to a socialist of any hue. So is the case with secularism. A critic may say that unforeseen complications have been introduced into the Constitution by the insertion of the words socialist and secular into the Preamble. Whatever meaning might have been intended by the authors of the 42nd Amendment to be imputed to these two words, it is obvious that both these words are vague.

It may, however, be added that the founding fathers were great nationalists and they preferred to draw upon a rich fund of human experience, wisdom, heritage and traditions in the area of government process in order to fashion a system suited to the political, social and economic conditions of India.