

**Constitutional Studies**  
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**Lecture No. 07**  
**Preamble Values Meaning**

Welcome back to the second lecture for week 3. We remain focused on the meaning of the preamble and its place in the Indian Constitution.

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The slide features a dark blue background with the text "Part II" in large white font, followed by "The Indian State" in a smaller white font. To the right of the slide, a list of values is displayed in white text: "Sovereign", "Democratic", "Republic", "Socialist", and "Secular". In the top right corner, the NPTEL logo and the text "National Law School of India University Bangalore" are visible. A small video inset in the bottom right corner shows Professor Sudhir Krishnaswamy speaking.

This second lecture is broken up into 3 parts and we begin with part 2 which is about key political ideas behind the Indian state or the Indian polity mainly that it is Sovereign, Democratic, Republic and that it is socialist and secular. The last 2 qualifiers were added subsequent to the original constitution and we need to spend some more time to understand why that happened. In part 3, I will focus on issues relating to the core values or goals that the constitutional preamble aims for. In part 4, I will focus on how preamble interpreted book significantly as well as equity. So, let us get started with part 2.

We had noticed when we read the preamble in 4 that it describes the Indian state to be sovereign, democratic, republic as well as being socialist and secular. Let us turn to each of these individual.

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We must remember that the preamble to the constitution of India proclaiming sovereignty is against the backdrop of having endured British colonialism for over nearly 200 years. In 1858 queen Victoria was proclaimed as the Empress of India and you will notice in the image attached that, proclamation was read out in Delhi to a large group of Indian princes and nobles who were present there. In 1961 the Jawaharlal Nehru invited the queen Elizabeth to visit it India as the queen but not as the monarch of India and this shift from 1858 to 200 years later 1961 is broken and importantly by the constitution of India in 1950.

That is what changed the historical nature of the Indian polity, a gap of almost 100 years. You will remember that India remains a part of the commonwealth, so the commonwealth is an agglomeration of previously British colonial states which are brought together in common international forum, international association which has written as a member and it is previous and written as member and previous colonial master.

This transition between India becoming a sovereign republic and yet being part of the common wealth was a delicate one, navigated quite carefully in the Indian constitutional debates, assembly debates as well as the Constitution of India. We had noted earlier, that as early as the Karachi resolution in 1931, India had proclaimed a sovereign power, not dominion republic not some other kind of TT arrangement with Britain but as a sovereign country. And this

proclamation of sovereignty was sharp and clear and became a precursor to what was done in many postcolonial states subsequently.

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**Preamble - Sovereign Democratic Republic**

Independent authority of the State.  
Not subject to control or  
interference by any other State or  
external power

Government created at the will of  
the people, by the people on the  
basis of universal adult franchise,  
and for the people.

Elected head of State

AN UNDOCUMENTED  
WONDER  
The Making of the  
GREAT INDIAN  
ELECTION  
S.Y. Quraishi

So, what does sovereignty mean? Sovereignty in a very simple sense means that Indian political authority would rest ultimately in the President of India and Parliament which serves at the union government level as the code repository of state power. Sovereignty also means that we no longer remain subject to political control, military control, economic control or interference by any other state or external power. This is also seen as a key feature of a republican form of government, a government that is not subject to a monarch.

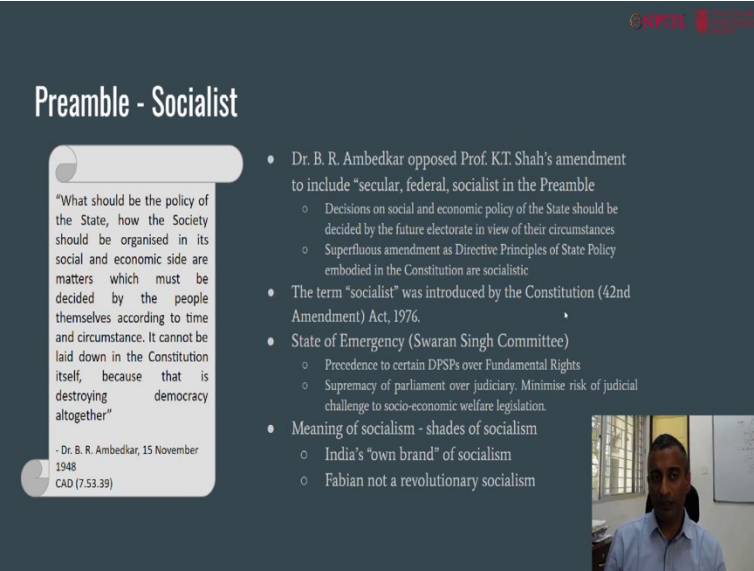
So, a republican form of government would emphasize that government here is created at the will of the people, it is government constituted by common people on the basis of in India's case because we are a democracy universal adult franchise and the purpose of government is to serve the people. The presence of an elected head of state in the Prime Minister as opposed to an indirectly elected president as the head of state as opposed to an hereditary monarch makes clear that the Indian republic is distinct from a monarchical form of government.

The choice of these 3 relatively independent political values was critical to the form of government that India chose, sovereign and independent from its colonial masters, democratic and elected on universal adult franchise and a republic with no monarch and an elected head of state which formed government for the people. These choices may have and often get portrayed

in a standard civics textbook as being foregone conclusions. But when India achieved independence, these were all seen to be significant and marked a clear departure from the political regime that pre-existed us in 1947.

There has been much recent work on the first elections of India, you find a screen grab of SY Qureshi who was the election commissioner writing about the first Indian election as also (07:38) work on the early elections in 1951 general election which gives you a sense of the novelty and the effort that it took to actually create and sustain a viable democracy in this country.

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The slide is titled "Preamble - Socialist" and features a dark blue background. In the top right corner, there is a logo for NPTEL (National Programme on Technology Enhanced Learning) and the Indian Institute of Technology (IIT) logo. The main content is organized into a quote box on the left and a bulleted list on the right. A small video inset in the bottom right corner shows a man in a light blue shirt speaking.

**Preamble - Socialist**

“What should be the policy of the State, how the Society should be organised in its social and economic side are matters which must be decided by the people themselves according to time and circumstance. It cannot be laid down in the Constitution itself, because that is destroying democracy altogether”

- Dr. B. R. Ambedkar, 15 November 1948  
CAD (7.53.39)

- Dr. B. R. Ambedkar opposed Prof. KT Shah's amendment to include "secular, federal, socialist in the Preamble"
  - Decisions on social and economic policy of the State should be decided by the future electorate in view of their circumstances
  - Superfluous amendment as Directive Principles of State Policy embodied in the Constitution are socialistic
- The term "socialist" was introduced by the Constitution (42nd Amendment) Act, 1976.
- State of Emergency (Swaran Singh Committee)
  - Precedence to certain DPSPs over Fundamental Rights
  - Supremacy of parliament over judiciary. Minimise risk of judicial challenge to socio-economic welfare legislation.
- Meaning of socialism - shades of socialism
  - India's "own brand" of socialism
  - Fabian not a revolutionary socialism

The preamble also proclaims India to be a socialist country and this insertion into the constitution requires some careful thinking and understanding. First and foremost – that professor KT Shah had proposed an amendment to the Preamble to include secular, federal and socialist as key values describing the Indian polity in the in the constitution. And Doctor B. R. Ambedkar as the chairperson the chairman of the drafting committee as well as a key constitutional framer opposed this inclusion.

But the reasons for his opposition need careful attention. First, he noted that proclaiming India to be a socialist democracy might prevent future electors in framing the social and economic policy of the state. So, he suggested that the freedom to choose the goals of the Constitution and the purposes of the state must be left to future democratic elections. However, he quickly qualified

that by noting that the Directive Principles of State Policy (Part 4 of the Constitution) already gave the Indian state a core socialistic orientation. Ambedkar felt that there was no need to have the socialist value mentioned in the Preamble, since the Directive Principles of State Policy – already leaned towards socialist values. We would be discussing the Directive Principles of State Policy after a few weeks.

One must remember, at that time, that the Indian Constitution was being forged in the early years of the cold war. Soviet Russia was pushing for socialist states across Asia and parts of eastern Europe, while America and the allies were looking for states not to turn into socialist type. And so, socialism and socialistic states were an important boogie in international political affairs. One must understand these debates in the 1950s against these backgrounds.

As it turns out, while Dr. B. R. Ambedkar defeated professor KT Shah's amendment; at least two of those phrases secular and socialist came to be included into the constitution in 1976 through the forty second Constitution Amendment Act. The constitution forty second amendment Act was introduced around the time of the political emergency, constitutional emergency proclaimed by the Indira Gandhi government.

And was preceded by the Swaran Singh committee's recommendations to emphasize that directive principles should have some precedence over fundamental rights and to ensure that parliamentary supremacy over the judiciary was maintained and one prevented the judicial challenges to economic and social welfare legislation that this inclusion of socialist in the constitutional preamble was essential to send a signal to the judiciary and to the interpretation of the Constitution.

Now, it is important that when we use the word socialism in the preamble, that we understand that there are many shades of that of socialism, many forms of political socialism and then meaning that we attach to this term must be historically specific to India's experience with claims of socialism. Now for Nehru, he was clear that the socialism that India needed was of a Fabian sort, not a revolutionary socialist.

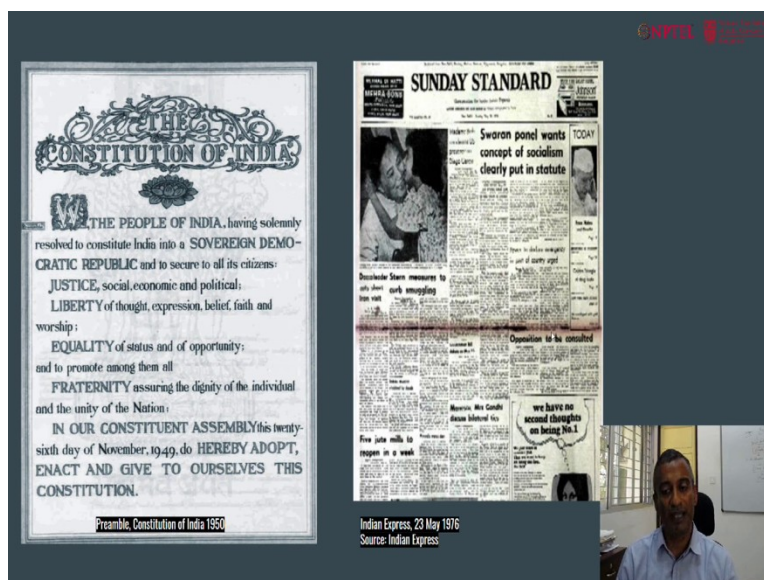
So, a democratic and incrementalist progressive politics that ultimately realized a socialistic state, not a revolutionary Stalinist or communist socialism. This was clear in the early preferences and expressions of the Indian fetal moon. So, whatever else socialism means, it is

that form of socialism that the constitutional framers seem to have embraced. This is captured quite carefully in a speech that Dr. B. R. Ambedkar made on the fifteenth of November in the constitutional debates.

He says what should be the policy of the state. How the society should be organized in the social and economic side are matters which must be decided by the people themselves according to time and circumstance. It cannot be laid down in the constitution itself because that is destroying democracy altogether. This quotation is not a quotation about the introduction of the word socialist in the preamble but one more broadly about how a constitution while choosing core economic and social values must not foreclose the possibility that future democracies need to make choices on these questions significant choices in these questions. It should be left to them to decide the nature of the policies as well as the nature of state institutional design necessary to achieve these social goals.

So, while constitutions must provide a political society with a future sense of direction. The constitution must not foreclose all options for a future democracy, so much for the word socialist in the preamble.

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How should we understand the second word and on this slide I just have a quick grab of the constitution of India preamble as it stood in 1950 and noticed that it misses the words socialist and secular and only includes a sovereign, democratic, republic. The rest of the preamble

deserves attention and we will talk about it but this we will turn next to the to the to the insertion of the word secular in the preamble. And the Sunday Standard covered the Swaran Singh panel's motivation to introduce socialism in the constitution and this for those of us who are very familiar with that period of political history, was also a time when the Indira Gandhi government sought to nationalize several areas of industry.

When we pay attention to the history of state design, one recognizes, as the recent work by Thomas Piketty capital suggests, that states had two choices. They either had the ability to effectively collect taxes across the range of people and generate social equality in that form or some states including France at various points chose to curtail the rights of shareholders and own the industries themselves. As we know in the 1970s India went down that path and this discussion by the Swaran Singh panel and the insertion of socialism into the preamble is reflective of that process.

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**Preamble - Secular**

- Introduced during the Emergency by the Constitution (42nd Amendment) Act, 1976
- Members of the Constituent Assembly admitted the necessity of having a secular state but questioned the nature of secularism and extent of its application.
- Distinctiveness of Indian secularism

Source: Wikipedia Commons

The slide features a postage stamp illustration from India, dated January 26, 1950, commemorating the inauguration of the Republic. The stamp depicts a quill pen and a gavel, symbolizing the drafting of the constitution. The text on the stamp includes 'REPUBLIC OF INDIA', 'INAUGURATION JAN 26, 1950', and 'POSTAGE 3 1/2 ANNAS'. A small inset video shows a man speaking in a classroom setting.

The Preamble also introduced the word secular was also introduced into the Preamble by the constitution forty second amendment Act. Now the introduction of the word secularism into the Preamble is less studied and less worked out. And let me just share a few broad outlines of how one might think about this insertion. First, it is clear that the idea that India would be a secular and not a theocratic state is found very early in the Indian freedom movement. In fact it is a key




point of distinction between the demands of the Indian freedom movement and the Muslim league.

Muslim league pressed religious identity as the basis of political identification. And the Indian congress refuted that as the basis of political citizenship and identification. In the objectives resolution this became all the more clear because Nehru made it absolutely clear that that the Indian state would protect the liberty and freedom of thought, faith and worship. So, the discussions in the constituent assembly make it clear that India would be a secular state.

The debates were only about the nature and shape of that secularism and the scope and extent of its application that is where the debate was the debate was not on the fundamental value of India's secularism. For those who are very familiar with Indian constitutional arrangements, you will know that Indian secularism was distinct. It was not a secularism borrowed in full either from the United Kingdom or from the US or from some other country around the world.

We evolved a distinctive form of secularism where the state was not entirely disconnected from religion but played a neutral role. That kind of secularism was the insertion of secularism into the preamble in 1976. It must be understood as an insertion or a confirmation of that distinctive kind of Indian secularism.

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Justice

Liberty

Equality

Fraternity

Part III  
Goals of the Constitution





I will now turn from the description of the polity to the key values of the quality to an inquiry into the key goals or purposes of the constitution. Broadly put these goals and purposes may be described in 4 parts - justice, liberty, equality and fraternity and these 4 parts, 4 goals of the constitution were described in further greater detail and bear some exploration and explanation.

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The slide features a dark blue background with the title "Justice - Social, Economic and Political" in white. Below the title, it says "Removing social imbalance. Equal social opportunities." To the left is a scan of a document titled "ANNIHILATION OF CASTE" by Dr. B. R. Ambedkar. To the right is a cartoon showing a man in a white dhoti and shirt being pulled down by a large, dark, shadowy figure labeled "SOCIAL INEQUALITY". The man's speech bubbles say "The only if I don't get the caste, I don't get the work" and "I don't get the work, I don't get the work". Below the cartoon, it says "Reducing inequalities in income. Equitable distribution amongst those contributing to production." In the bottom right corner, there is a small video inset showing a man speaking.

The pursuit of justice was multi-layered. The kind of justice the Constitution commits ourselves the Indian society, Indian polity truth is justice, social, economic and political. So social justice is broadly the pursuit of a form of fair and equal treatment that would ensure that no circumstances of birth and no forms of social organization should deprive any Indian citizens of opportunity and the benefits of a field public. Clearly, caste was the primary group around which mobilization had occurred in the constituent assembly.

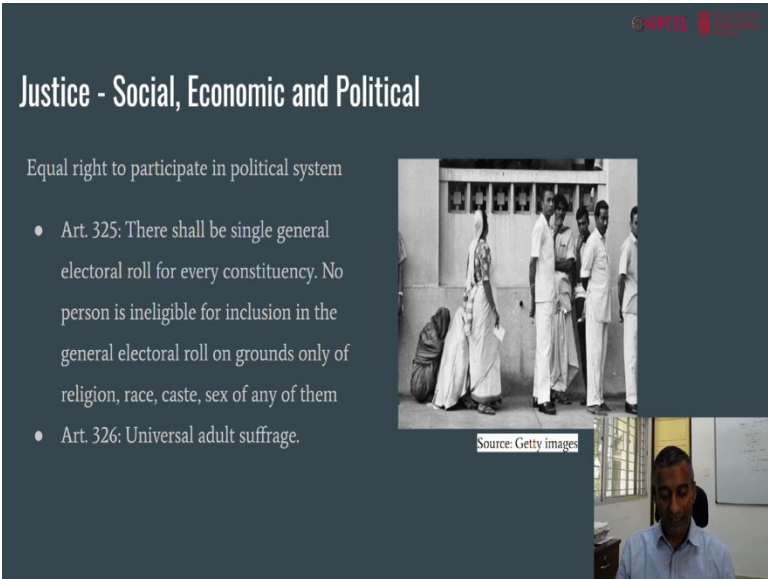
Dr. BR Ambedkar represented this position and his work on the annihilation of caste gives us a fair idea of the nature of social justice claims that were embedded in the Constitution. To be clear, gender and religion also played a part in discussions on social justice and in Constitution making and any interpretation of the Constitution must have these core goals in mind when we discuss the contours of social justice.

The Constitution also commits us to a form of economic justice. Then contemporary discussions on economic justice focus on the problem of inequality, inequality in income, inequality in asset

ownership and inequality in the benefits of a growing and developing society. Now while in the United States in recent years United States and Europe this has come to be seen as the problem of the 1 percent.

The Indian Constitution in the directive principles does not shape the problem of economic justice as just being a problem of you know extreme inequality. It sees the problem as being a problem of equitable distribution both of the means of production and the benefits of economic production. So, the model of economic justice embraced by the Indian constitution is a structural one as opposed to a purely individual focused model of economic justice.

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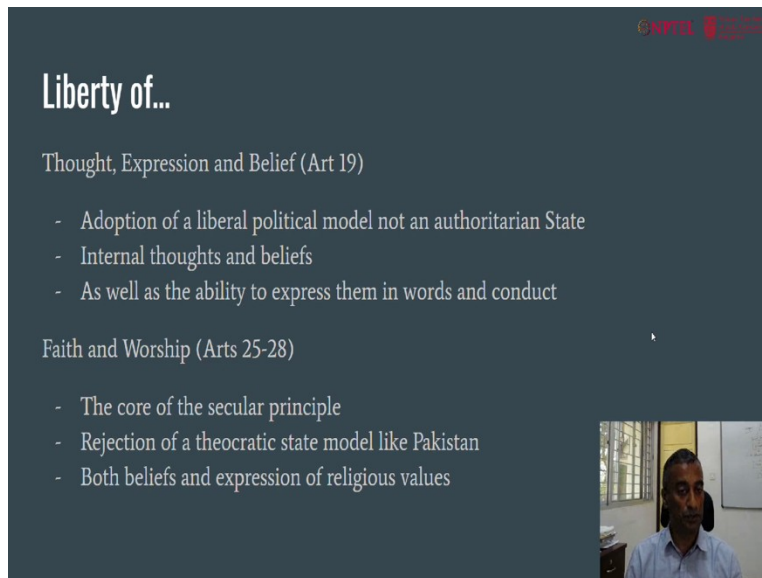
The slide features a dark blue background with white text. At the top right, there is a logo for NPTEL. The main title is 'Justice - Social, Economic and Political'. Below it, the text reads 'Equal right to participate in political system'. There are two bullet points: 'Art. 325: There shall be single general electoral roll for every constituency. No person is ineligible for inclusion in the general electoral roll on grounds only of religion, race, caste, sex of any of them' and 'Art. 326: Universal adult suffrage.' To the right of the text is a black and white photograph of a group of people, including a woman in a sari, standing in front of a building. Below the photograph is a small inset image of a man in a light blue shirt. A source credit 'Source: Getty images' is visible below the main photograph.

Political justice is the ability to ensure that all members of a political society have an equal right to participate in the political system. Now we generally recognize political justice to mean that every person has an equal vote. We discussed this in an earlier lecture and Article 325 makes it clear that there can be no discrete discrimination among those who vote in a general constituency for their leaders. And this is a remarkable political revolution that occurred in the period 47 to 50 and thereafter where India adopted universal adult suffrage even though it was a poor illiterate and underdeveloped economic system.

Political justice can have other meanings and other consequences in India for example, we adopt a form of reservation of seats for the schedule caste and the schedule tribes to ensure that some discrete and insular minorities find political representation through reservation system. Political

justice could have further meaning and extensions in our contemporary moment but for the moment we might understand this multi-dimensional form of justice that is captured in our preamble social economic and political.

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**Liberty of...**

Thought, Expression and Belief (Art 19)

- Adoption of a liberal political model not an authoritarian State
- Internal thoughts and beliefs
- As well as the ability to express them in words and conduct

Faith and Worship (Arts 25-28)

- The core of the secular principle
- Rejection of a theocratic state model like Pakistan
- Both beliefs and expression of religious values

The second value that the constitution commits us to, is the value liberty. For the ease of convenience and an explanation, we break the value of liberty into 2 parts. A liberty of thought, expression and belief, the placing of the liberty of thought, expression and belief. Right in the first page of the Constitution, the Preamble confirms that India adopts a liberal political model where individuals have freedoms of thought, expression and belief. No authoritarian state, not a communist state, not an authoritarian state of any other kind but a liberal political society that allows for actors to express themselves and to have thoughts and beliefs that might be unique to them or particular to their social circumstances.

We must notice that the scope of liberty includes both the internal thoughts and beliefs. Things we hold close to ourselves that we may or may not share with the world at large or with anyone at all. As well as the ability to express them in words in context, both dimensions of thought expression and belief are protected. The second liberty that the preamble assures us of is the liberty of faith and worship. We had a few minutes ago spoken about how the Indian, the Indian constitution and the new Indian state was forged on a commitment to the secular principles. This

secular principle finds expression right in the in the Preamble with the confirmation that all have the liberty of big conversion.

In the Indian constitutional making process as well as the freedom movement, the rejection of a theocratic religious state like Pakistan was a very clear commitment in the Indian freedom movement to divorce the salience of religion and political life. By including both faith and worship once again the Preamble anticipates that both the inner elements of belief and faith as well as its external practice elements whether they be ritualistic or otherwise are within the scope of protection and liberty of the new Indian state.

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The slide features a dark blue background with white text. At the top right, there is a logo for NPTEL (National Programme on Technology Enhanced Learning) and the Indian Institute of Technology (IIT) Bombay. The main title is 'Equality of Status and Opportunity...'. On the left, a white scroll-like graphic contains a quote from B.R. Ambedkar: 'We must make our political democracy a social democracy as well... What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life. These principles are not to be treated as separate items but in a trinity'. Below the quote is the attribution: '- B.R. Ambedkar, 25 November 1949 CAD (11.165.365)'. To the right of the scroll, a list of constitutional provisions is provided: 'Equality before law and equal protection of laws [Art. 14]', 'No discrimination on grounds of religion, race, caste, sex or place of birth [Art. 15]', 'Equality of opportunity in public employment [Art. 16]', 'State to ensure all citizens (men and women) have equal right to adequate livelihood, ownership and control over material resources, equal pay for equal work. Prevent concentration of wealth and means of production in hands of a few to the detriment of others [Art. 39, DPSP]', and 'Abolition of untouchability [Art. 17], Abolition of titles [Art. 18]'. In the bottom right corner, there is a small inset video frame showing a man in a light blue shirt speaking.

The third value that I will turn to is the equality of status and of opportunity. Now readers of the Indian constitution know that we have an elaborate equality provisions. Article 14 instantiates a general principle of the equality before law and equal protection of laws, 15 talks about an anti-discrimination principle on the basis of religion, race, caste, sex or place. But we will spend a little bit of time on these and discuss some of these cases later in this course. But at the moment you can understand broadly that Article 39 ensures that we have we have an equal right to adequate livelihood and equal pay for equal work and other kinds of economic equality.

But these this entire chart of equality provisions is captured in the preamble through a very short phrase, the quality of status and the opportunity. Now how might we distinguish between the two equalities and equality of status and opportunity? In a medieval and feudalistic and castes society

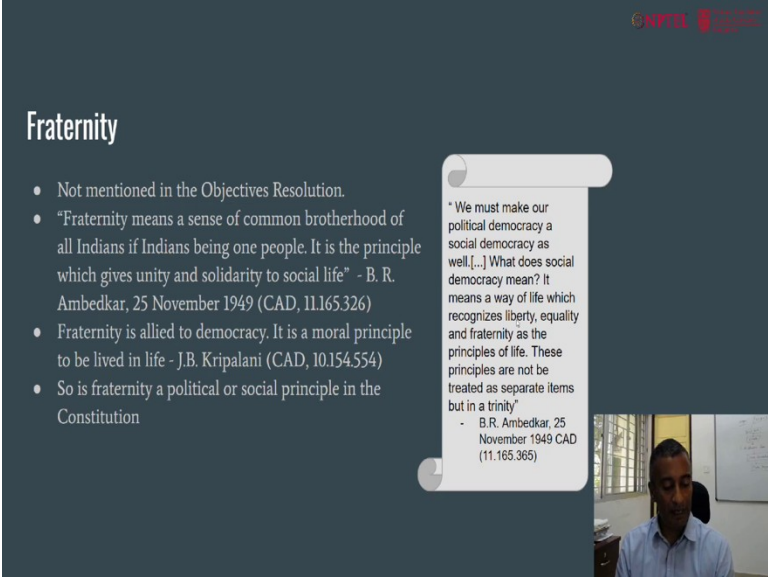
distinctions of status and colonial society, distinctions of status were endemic there were all kinds of distinct, distinctions of status that ensured that certain groups and certain individuals were placed in perpetually inferior positions either by birth or by the nature of the relationships they had in society.

The Constitution makes a clear departure from those pre-existing social and legal and political arrangements and confirms that all of us are happy quality of states. It also confirms that no matter what our place and station of birth that all of us are guaranteed in quality of opportunity. An equality of opportunity to do what is not spelt out in the Preamble but it makes clear the Preamble makes clear that equality of opportunity which is that no opportunities must be foreclosed to particular individuals for any irrelevant reason.

This critical commitment finds its way in our preamble. Ambedkar talks about why in the brief court in the text box which I which I would like to read talks about the relationship between equality and liberty and the next value that we will discuss fraternity. Let me read that: “We must make a political democracy a social democracy as well. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life. These principles are not to be treated as separate terms but in a trinity.” Ambedkar’s confirmation of the interrelatedness of these social values is critical for us to better understand the ways in which we must read the various components of the Preamble.

Let us close out with an understanding of fraternity which is a slightly more complicated and maybe more difficult value to understand before we look at the interrelationship between these values.

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**Fraternity**

- Not mentioned in the Objectives Resolution.
- “Fraternity means a sense of common brotherhood of all Indians if Indians being one people. It is the principle which gives unity and solidarity to social life” - B. R. Ambedkar, 25 November 1949 (CAD, 11.165.326)
- Fraternity is allied to democracy. It is a moral principle to be lived in life - J.B. Kripalani (CAD, 10.154.554)
- So is fraternity a political or social principle in the Constitution

\* We must make our political democracy a social democracy as well.[...] What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life. These principles are not be treated as separate items but in a trinity”  
- B.R. Ambedkar, 25 November 1949 CAD (11.165.365)

The Constitution confirms that we have fraternity and I lead from the Constitution assuring the dignity of the individual and by further amendment was inserted the phrase “and the unity and integrity of the nation.” Now what is striking about the value of fraternity is that it does not find a sharp mention in the debate on the objectives resolution. Nehru piloted the objectives resolution and Ambedkar's emphasis on the value of fraternity comes at a much later part of the debates on the making of the Constitution.

So, one must turn to Ambedkar to better appreciate the place of fraternity in the Indian Preamble and in the Indian constitutional figure. I quote, fraternity means a sense of common brotherhood of all Indians Indian’s out one people. It is the principle which gives unity and solidarity to social life. JB Kripalani in a slightly different debate added a different texture to the value of fraternity. He observes fraternities allied to democracy. It is a moral principle to be lived in life. This insertion of the fraternity value into the preamble calls for a better understanding of what fraternity means and its relationship with the other values in the constitution.

Fraternity is often presented as if it were a social principle, a social principle of common dining common marriage and other forms of social interaction that allows for a community to come into existence, a breaking of primordial forms of community and the creation of a modern form of community, one that is built on the principles of equal citizenship and equal moral value. Is this a social principle meaning that, it has only a social practice or is this a political principle that must

find its way in the way we design political institutions or in the way that courts interpret Constitution arguably it is both.

And we get some clue of this conclusion from the text of the Preamble itself. The text goes something like this and I will paraphrase a deep. It secure to all its citizens the Preamble tells us justice, liberty, equality and to promote among them all fraternity. Now you might say them all is a reference to the citizens or to the values of justice, liberty and equality. So, fraternity appears as if it was a cross-cutting value. A value that infuses meaning to justice, liberty and equality and one that must be a common practice of citizens.

In the quotation in the text box which I read out on the previous slide, Ambedkar seems to suggest as much and we might do well to understand fraternity as this kind of cross-cutting concept that the constitution commits us to at once to a social and to a political policy.

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So much for the goals of the constitution in the next part I will turn to how we might interpret the preamble. In particular we want to understand what its political meaning might be and what its legal meaning might be and these might these might intersect but not always.



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The slide features a dark blue background with white text. At the top right, there is a logo for NPTEL (National Programme on Technology Enhanced Learning) and IIT Madras. The main title is 'Do hereby adopt, enact and give to ourselves'. Below the title, there are two sections of text. The first section is 'We, the people of India,... In Our Constituent Assembly' followed by a bullet point: '- The language of the Preamble emphasizes the special representative claim of the Constituent Assembly'. The second section is 'Adopt, Enact and Give unto Ourselves' followed by three bullet points: '- Meaning distinct from ordinary legislation which only says a statute is 'enacted'', '- A constitution adopted by the people and for the people suggests a political bootstrapping', and '- So the authority for the Constitution is the people themselves'. In the bottom right corner of the slide, there is a small inset video frame showing a man in a light blue shirt speaking.

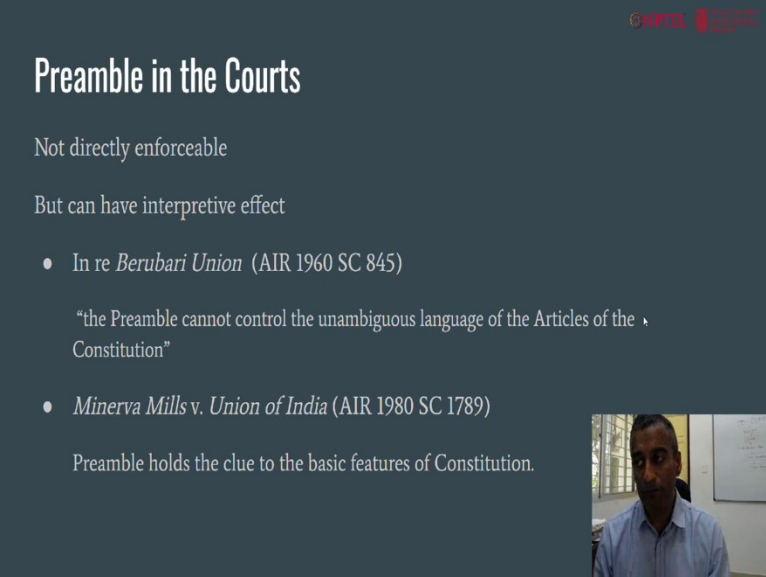
So, we had in at the start of this lecture in week 3, paid some attention to how we the people of India in our constituent assembly have given ourselves a Constitution. The language of the preamble clearly emphasizes the special representative claim of the constituent assembly. The constituent assembly through its deliberative and consultative processes speaks for we the people of India. So, what do we the people of India do in the Preamble? We adopt enact and give up unto ourselves this constitution.

Now an ordinary legislation, ordinary statute would only say that a statute is enacted by a particular parliament. That is the normal or a particular legislature of the state the state the legislature state of Karnataka hereby enacts a particular law. What is clear by the Preamble to the Constitution is that the meaning of adopt enacted given to ourselves makes it clear that the Constitution is different from all ordinary statutes.

A Constitution, it suggests is adopted by the people, adopted and for the people because we give it and to ourselves a form of political bootstrapping. There is no one else, no British parliament to give us this Constitution, no other authority. So, the people adopt and give onto themselves a Constitution the rules of the game that they will follow in their future democratic life. This conclusive affirmation that the authority for the Constitution is the people themselves is a form of political discourse and a form of political framing that emerged with the US Constitution and one that the Indian Constitution framers completely adopted.

This for further understanding of what this kind of popular affirmation of a constitution might mean, one must turn to the US debates and I would encourage many of you who are very interested in this part of our political history to do so.

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The slide is titled "Preamble in the Courts" and features the NPTEL logo in the top right corner. The text on the slide reads: "Not directly enforceable", "But can have interpretive effect", and lists two cases: "In re Berubari Union (AIR 1960 SC 845)" with the quote "the Preamble cannot control the unambiguous language of the Articles of the Constitution" and "Minerva Mills v. Union of India (AIR 1980 SC 1789)". It concludes with "Preamble holds the clue to the basic features of Constitution." A small video inset in the bottom right shows a man speaking.

How does the Preamble travel in the courts? The first and important idea that we must understand is that the Preamble is not directly enforceable. So, no citizen of India may find themselves in a court and say I seek social justice and here is what I think social justice means. Now give it to me this kind of a legal action a legal enforcement of the Preamble is not anticipated in the Constitution and not applied.

So, the first point about legal meaning that we must appreciate is that the Preamble is not directly enforceable. But enforceability or the bar on enforceability should not be taken to lead us to the conclusion that the Preamble has no legal effect because the Preamble as the early part of the constitution can have significant interpretive effects. In an early case the *Berubari Union case* in the 1960s, the Supreme Court clarified that the Preamble cannot dislodge the ordinary and unambiguous language of the articles of the Constitution.

So, you cannot say and cannot plead before a court that why cannot you simply give me social justice here. No matter what the other provisions of the Constitution say or what other ordinary statutes say just you know give me unambiguous social justice and the Supreme Court or the

High Courts will not engage such a claim. However, the preamble serves as an interpretive guide in several other ways.

It communicates to future interpreters as the *Minerva Mills case* in the 1980s confirms that future interpreters would do well to recognize the preamble as a repository of some of the core values of the constitution. So, insofar as ambiguity arises in the interpretation of the text of the constitution and courts are placed in the condition of doubt trying to figure out whether they should take x or y approach.

The Preamble is a critical clue that must guide future interpreters of the Constitution. So, the Preamble we know and we need to have no doubt that our Constitution is committed to a form of social justice a deep and enduring form. And hence future interpreters while interpreting statutes and a constitutional text would do well to remember this and incorporate this critical perspective into their constitutional interpretation.

So, I have tried to conclude this section on the legal meaning legal and political meaning of Preamble in the courts by clarifying that while the political meaning of the Preamble is rising significantly with a constant public invocation pledges of reading the Preamble in public spaces a act that would gladden the hearts of constitutional law teachers and constitutional law enthusiasts around the country to it is rather modest legal meaning.

Not one that will displace the legal the strict legal construction of the articles of the constitution but one that supplements it in significant and important ways. So, let us close with that. This week we have covered a broad introduction to the Preamble and I trust that in through these 2 lectures you have come to appreciate the place of the Preamble in the Constitution of India in new and refreshing ways. Thank you and see you next week.