

CONSTITUTIONAL DEVELOPMENT & PREAMBLE

The history of the Constitutional development in India can be traced back to the Regulating Act of 1773, which for the first time made the provision for the post of Governor - General in India.

Since then a number of constitutional experiments were introduced aiming at streamlining the Indian Administration. However, the year 1858 serves as watershed when the Indian Administration came under the direct rule of the British Crown and the centralization of the administration was at its pinnacle.

Thus the period of British constitutional development experiment in India can be divided into two phases:

1. Constitutional experiments during the rule of the East India Company (1773-1857)
2. Constitutional experiments under the British Crown (1857-1947).

Constitutional Experiments During the Rule of The East India Company (1773-1857)

Regulating Act, 1773

- Subjected the Company's actions to the supervision of the British Govt.
- End of Dual government.
- Governor of Bengal to be the Governor-General of British territories of India.
- Establishment of Supreme Court in Calcutta.
- The servants of the Company were forbidden to engage in private trade, accept presents or bribes,

Pitts Act of 1784

- The commercial and political activities of the Company were now separated. Board of Control of six members (including two cabinet ministers) set-up to guide and supervise the affairs of the Company in India.
- Three members will be there in Governor-General's Executive Council.
- Secret Committee of three Directors was to look into political and military affairs. [Governor General and the council were forbidden to declare war and make treaties without the sanction of secret committee].
- Madras and Bombay Presidencies were subordinated to the Governor-General-in-Council of Bengal in all matters.
- This act gave the British Government a measure of control over the Company's affairs. In fact, the Company became a subordinate department of the State.

Act of 1786

Governor General given the power to over-ride the council and was made Commander-in- Chief also.

Charter Act of 1793

- Company given monopoly of trade for 20 more years.
- Expenses and salaries of the Board of Control to be charged on Indian revenue.
- The Governor General and the Governors could now over-ride the decisions of their respective Councils.
- All laws were to be translated in Indian languages.
- It laid the foundation of Govt. by written laws, interpreted by courts.

Charter Act of 1813

- Company deprived of its trade monopoly in India except in tea and trade with China.
- This made the Company more of an administrative body.
- All Englishmen could trade with India subject to few restrictions.
- A sum of 1 lakh earmarked annually for education of Indians.
- Further, Christian missionaries were also permitted to come to India and preach their religion.

Charter Act of 1833

- End of Company's monopoly even in tea and trade with China. Company was asked to close its commercial business at the earliest.
- All restrictions on European immigration into India and acquisition of land and property in India by them were removed, legalizing European colonization of India.
- Governor General of Bengal to be Governor General of India; all powers, administrative and financial, were centralized in the hands of the Governor-General - in - Council. (1st Governor General of India - Lord William Bentinck).
- President of Board of Control became the minister for Indian affairs. A law member (without power to vote) was added to the Executive Council of the Governor General.
- Macaulay was the first Law member. This increased the Council's strength to four. With it began the Indian Legislature. A law commission was constituted for codification of laws. The Act threw open to all, irrespective of religion, place of birth, descent and colour, services under the Company.

Charter Act of 1853

- The Act renewed the powers of the Company and allowed it to retain the possession of Indian territories in trust for the British Crown but not for any specified period.
- The number of members of the Court of Directors was reduced from 24 to 18 of which 6 were to be nominated by the Crown.
- The Law member was made a full member of the Governor General's Executive Council
- Legislation was treated for the first time as separate from executive functions.

- Questions could be asked and the policy of the Executive Council could be discussed, though the Executive Council could veto a bill of the Legislative Council.
- Recruitment to Civil Services was based on open annual competition examination (excluding Indians).

Constitutional Experiments Under the British Crown (1857-1947)

Government of India Act 1858

- Rule of Company in India ended and that of the Crown began
- Now, they could move resolutions on Budget and on some matters of public matters.
- An element of election was also introduced in the Central Legislative Council, but the official majority was maintained.
- The most notable and retrograde change introduced was that Muslims were given separate representation.
- Thus, communal representation was introduced.

Government of India Act, 1919 or Montague-Chelmsford

Reforms

- Dyarchy system introduced in the provinces.
- It was considered to be a substantial step towards transfer of power to the Indians).
- The Provincial subjects of administration were to be divided into two categories:
- Transferred and Reserved. The Transferred subjects were to be administered by the Governor with the aid of ministers responsible to the Legislative Council.
- The Governor and the Executive Council were to administer the reserved subjects without any responsibility to the legislature.
- Devolution Rules: Subjects of administration were divided into two categories - Central and Provincial.
- Subjects of all India importance (like railways and finance) were brought under the category of Central, while matters relating to the administration of the provinces were classified as Provincial.
- The Provincial Legislature was to consist of one House only (Legislative Council).
- The number of Indians in the Governor General's Executive Council was raised to three in a Council of eight.
- The Indian members were entrusted with departments such as Law, Education, Labour, Health and Industries.
- The Centre was now to have a Bicameral Legislature for the first time. It actually happened after 1935 Act.
- Communal representation extended to Sikhs, Christians, Anglo-Indians, etc.

- Secretary of State to be henceforth paid salary out of the British revenue.

Government of India Act, 1935

- Provided for the establishment of All-India Federation consisting of the British provinces and the Princely States.
- The joining of Princely States was voluntary and as a result the federation did not come into existence.
- Dyarchy was introduced at the Centre (e.g., Department of Foreign Affairs and Defence were reserved for the Governor General).
- The other Federal subjects were to be administered by the Governor General with the assistance
- and advice of a Council of Ministers to be chosen by him (but to include representatives of
- System of Dual government ended. Court of Directors and Board of Control abolished and substituted them with a post of Secretary of State (a member of the British cabinet).
- He was assisted by a 15-member council (called Indian Council).
- He was to exercise the powers of the Crown.
- Secretary of State governed India through the Governor General.
- Governor General received the title of Viceroy.
- He represented Secretary of State and was assisted by an Executive Council, which consisted
- of high officials of the Govt.
- A unitary and highly centralized administrative structure was created.

Indian Council Act, 1861

- A fifth member, who was to be a jurist, was added to the Viceroy's Executive Council.
- 6-12 additional members to be added to the Executive Council for legislation purpose.
- This implied that Viceroy's Executive Council, which was so long composed of officials, would now include certain additional non-official members.
- Some of non-official seats were offered to natives of high ranks.
- Thus, a minute element of 'popular' participation was introduced in the legislative process.
- The additional members, though, had little powers.
- The Executive Council was now to be called Central Legislative Council.
- Viceroy could issue ordinances in case of emergency.

Indian Council Act, 1892

Two improvements in both the Central and the Provincial Legislative Councils were suggested:

- a. Though the majority of the official members was retained, the non-official

members were to be nominated by the Bengal Chamber of Commerce and Provincial Legislative Councils. [The non-official members of the Provincial Councils were to be nominated by certain local bodies such as universities, district boards, municipalities]. Indian leaders like G.K. Gokhale, Ashutosh Mukherjee, RasBihariGhosh and S.N. Banerjee found their way in the Legislative Council.

- b. The Councils were to have the powers to discuss the annual statement of revenue and expenditure (i.e. the budget) and of addressing questions to the Executive). They could also put questions, within certain limits, to the Government on matters of public interest after giving six days' notice.

Indian Council Act, 1909 or Morley-Minto Reforms

- Morley was the Secretary of State, while Minto was the Indian Viceroy.
- Legislative Councils, both at the Centre and in the Provinces, were expanded.
- With regard to Central Government, an Indian member was taken in the Executive Council of the Governor General.
- The size of the Provincial Legislative Councils were enlarged by including elected non-official members so that the official majority was gone. Their functions were also increased.

prevent a communal dispute, and to determine whether British India would be better-off unified or divided. The Congress party under Gandhi-Nehru nexus wanted to obtain a strong central government with more powers compared to state governments. The All India Muslim League under Jinnah, wanted to keep India united but with political safeguards provided to Muslims such as 'guarantee' of 'parity' in the legislatures. This stance of the League was backed up by the wide belief of Muslims that the British Raj was simply going to be turned in to a 'Hindu Raj' once the British departed; and since the Muslim League was the sole spokesman party of Indian Muslims, it was incumbent upon it to take the matter up with the Crown. After initial dialogue, the Mission proposed its plan over the composition of the new government on May 16, 1946:

Plan of May 16

Promulgated on 16 May 1946, the plan to create a united dominion of India as a loose confederation of provinces came to be known by the date of its announcement:

1. A united Dominion of India would be given independence.
2. Muslim-majority provinces would be grouped - Baluchistan, Sind, Punjab and North-West Frontier Province would form one group, and Bengal and Assam would form another.
3. Hindu-majority provinces in central and southern India would form another group.
4. The Central government would be empowered to run foreign affairs, defence and communications, while the rest of powers and responsibility would belong to the provinces, coordinated by groups.

Plan of June 16

The plan of May 16, 1946 had envisaged a united India in line with Congress

and Muslim League aspirations. But that was where the consensus between the two parties ended since Congress abhorred the idea of having groupings of Muslim majority provinces and that of Hindu majority provinces with the intention of 'balancing' each other at the Central Legislature. The Muslim League could not accept any changes to this plan since the same 'balance' or 'parity' that Congress was loath to accept formed the basis of Muslim demands of 'political safeguards' built in to post-British Indian laws so as to prevent absolute rule of Hindus over Muslims.

Reaching an impasse, the British proposed a second, alternative plan on June 16, 1946. This plan sought to arrange for India to be divided into Hindu-majority India and a Muslim-majority Pakistan, since Congress had vehemently rejected 'parity' at the Centre. A list of princely states of India that would be permitted to accede to either dominion or attain independence was also drawn up.

The Cabinet Mission arrived in India on March 23, 1946 and in Delhi on April 2, 1946. The announcement of the Plan on May 16, 1946 was preceded by the Simla Conference of 1946 in the first week of May.

Reactions and Acceptance

The approval of the plans would determine the composition of the new government. The Congress Working Committee had initially approved the plan. However, on 10 July, Jawaharlal Nehru, who later became the first prime minister of India, held a press conference in Bombay declaring that the Congress had agreed only to participate in the Constituent Assembly and "regards itself free to change or modify the Cabinet Mission Plan as it thought best."The Congress ruled out

Princely States and minorities, and to be responsible to the Central Legislature).

- Residuary powers were to be with the Governor General only.
- The Federal Legislature (Central Legislature) was to have two chambers (bicameral)-the Council of State and the Federal Assembly.
- The Council of State was to be a permanent body with one-third of its membership being vacated and renewed triennially.
- The Federal Assembly's duration was fixed for five years.
- It made a 3-fold division of powers: Federal (Central) Legislative List, Provincial Legislative List and the Concurrent Legislative List. Residuary legislative powers were subject to the discretion of the Governor General.
- Even if a bill was passed by the Federal Legislature, the Governor General could veto it, while even Acts assented to by the Governor General could be disallowed by the King-in-Council.
- Provincial autonomy replaced Dyarchy in Provinces i.e., the distinction between Reserved and Transferred subjects was abolished and full responsible government was established, subject to certain safeguards. They were granted separate legal identity.
- The Governor was the head of the Provincial Executive and was expected to be guided by the advice of the popular ministries. However, the Act gave arbitrary

powers to the Governors to act in their 'discretion' in certain matters.

- The Act also provided for a Federal Court (which was established in 1937), with original and appellate powers) to interpret the Constitution.
- A Federal Bank (the Reserve Bank of India) was also established. The Indian Council of Secretary of State was abolished.
- Principle of separate electorate was extended to include Anglo-Indians, Indian Christians and Europeans.
- Burma (now Myanmar) and Aden were separated from India and two new provinces-Orissa and Sind - were created.

Cabinet Mission

The British Cabinet Mission of 1946 to India aimed to discuss and plan for the transfer of power from the British Raj to Indian leadership, providing India with independence under Dominion status in the Commonwealth of Nations. Formulated at the initiative of Clement Attlee, the Prime Minister of the United Kingdom, the mission consisted of Lord Pethick-Lawrence, the Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and A. V. Alexander, the First Lord of the Admiralty. Lord Wavell, the Viceroy of India, did not participate. The Mission's purpose was:

- 1- Hold preparatory discussions with elected representatives of British India and the Indian states in order to secure agreement as to the method of framing the constitution.
- 2- Set up a constitution body.
- 3- Set up an Executive Council with the support of the main Indian parties.

The Mission held talks with the representatives of the Indian National Congress and the All-India Muslim League, the two largest political parties in the Constituent Assembly of India. The two parties planned to determine a power-sharing arrangement between Hindus and Muslims to

the June 16 plan, seeing it as the division of India into small states. Moreover, the Congress was a Centralist party. Intellectuals like Kanji Dawarkadas criticized the Cabinet Plan. Congress was against decentralization and it had been under pressure from Indian capitalists who wanted a strong Center. The plan's strongest opponent was the principal Indian leader Mohandas Gandhi, due to the reason that the territories had been grouped together on the basis of religion.

The Muslim League gave its approval to the plan. There was an impression that the Congress also had accepted the scheme and the Plan would be the basis of the future constitution of India

.Jinnah, in his speech to the League Council, clearly stated that he recommended acceptance only because nothing better could be obtained. However, on declaration from the Congress President that the Congress could change the scheme through its majority in the Constituent Assembly, this meant that the minorities would be placed at the mercy of the

majority. The Muslim League Council met at Bombay on 27 July. "Mr. Jinnah in his opening speech reiterated the demand for Pakistan as the only course left open to the Muslim League. After three days' discussion, the Council passed a resolution rejecting the Cabinet Mission Plan. It also decided to resort to direct action for the achievement of Pakistan."

However, the plan had its advocates. Maulana Azad, a nationalist Muslim leader, said that while the groupings were a major concession to the theme of religious separatism, it would also force the League to accept a framework for a united India. While assuring minority rights and participation, an independent India would be free to do away eventually with the groupings arrangement. Gandhi criticized the Maulana's views for ignoring practical considerations and League ambitions.

Formation of a Government

The Viceroy began organizing the transfer of power to a Congress-League coalition. But League president Muhammad Ali Jinnah denounced the hesitant and conditional approval of the Congress and rescinded League approval of both plans. Thus Congress leaders entered the newly styled Viceroy's Executive Council: Jawaharlal Nehru became the head - vice president in title, but possessing the executive authority. Vallabhbhai Patel became the Home member - responsible for internal security and government agencies. Congress-led governments were formed in most provinces - including in the NWFP, in Punjab (a coalition with the Shiromani Akali Dal and the Unionist Muslim League). The League led governments in Bengal and Sind. The Constituent Assembly was instructed to begin work to write a new constitution for India.

Coalition and Breakdown

Jinnah and the League condemned the new government, and vowed to agitate for Pakistan by any means possible. Disorder arose in Punjab and Bengal, including the cities of Delhi, Bombay and Calcutta. On the League-organized Direct Action Day, over 5,000 people were killed across India, and Hindu, Sikh and Muslim mobs began clashing routinely. Viceroy Wavell stalled the Central government's efforts to stop the disorder, and the provinces were instructed to leave this to the governors, who did not undertake any major action. To end the disorder and rising bloodshed, Wavell encouraged Nehru to ask the League to enter the government. While Patel and most Congress leaders were opposed to conceding to a party that was organizing disorder, Nehru conceded in hope of preserving communal peace.

League leaders entered the council under the leadership of Liaquat Ali Khan, the future first Prime Minister of Pakistan who became the finance minister. But the council did not function in harmony - separate meetings were not held by League ministers, and both parties vetoed the major initiatives proposed by the other, highlighting their ideological differences and political antagonism. At the arrival of the new (and proclaimed as the last) viceroy, Lord Mountbatten of Burma in early 1947, Congress leaders expressed the view that the coalition was unworkable. This led to the eventual proposal, and acceptance of the partition of India. Cabinet mission arrived in Delhi in March, it had three members, Cripps, A.V. Alexander

The Constituent Assembly of India was elected to write the Constitution of India, and served as its first Parliament as an independent nation.

Election

The Constituent Assembly of India was set up as a result of negotiations between the Indian leaders and members of the British Cabinet Mission. The constituent assembly was elected indirectly by the members of the Provincial legislative assembly. The Congress secured an overwhelming majority in the general seats while the Muslim League managed to sweep almost all the seats reserved for Muslims. The Congress had a majority of 69%. There were also members from smaller parties like the Scheduled Caste Federation, the Communist Party of India and the Unionist Party.

It first met on December 9, 1946 in Delhi, while India was still under British rule. It originally included the provinces that now compose Pakistan and Bangladesh, and the representation of the princely states of India. In June 1947, the delegations from the provinces of Sindh, East Bengal, Baluchistan, West Punjab and the North West Frontier Province formed the Constituent Assembly of Pakistan in Karachi.

The Constituent Assembly had two hundred and seven representatives, including fifteen women. Only 28 members of the Muslim League finally joined the Indian Assembly. Later, 93 members were nominated from the princely states. The Congress thus secured a majority of 82%. The Interim Government of India was formed on 2 September 1946 from the newly-elected Constituent Assembly.

On August 15, 1947, India became an independent nation, and the Constituent Assembly became India's Parliament.

Organization

Dr. Sachchidananda Sinha was the first president (temporary Chairman of the Assembly) of the Constituent Assembly when it met on December 9, 1946. Dr. Rajendra Prasad then became the President of the Constituent Assembly, and would later become the first President of India. The Vice President of the Constituent Assembly was Professor Harendra Kumar Mukherjee, former Vice-Chancellor of Calcutta University and a prominent Christian from Bengal who also served as the Chairman of the Minorities Committee of the Constituent Assembly. He was appointed Governor of West Bengal after India became a republic.

Constitution and Elections

The Assembly approved the Constitution on November 26, 1949, making it official. On January 26, 1950, the Constitution took effect - a day now commemorated as Republic Day nationwide.

At this point, the Constituent Assembly became the Provisional Parliament of India, until the first elections under the new Constitution took place in 1952.

Committees Under the Constituent Assembly

- Committee on the Rules of procedure - Rajendra Prasad
- Drafting Committee B. R. Ambedkar
- Steering Committee Rajendra Prasad
- Finance and Staff Committee Anugrah Narayan Sinha
- Credential Committee AlladiKrishnaswamyIyer
- House Committee B. PattabhiSitaramayya
- Order of Business Committee K. M. Munshi
- Ad hoc Committee on the National Flag Rajendra Prasad
- Committee on the Functions of the Constituent Assembly G. V.Mavalankar
- States Committee Jawaharlal Nehru
- Advisory Committee on Fundamental Rights, Minorities
- Tribal and Excluded Areas Vallabhbhai Patel
- Minorities Sub-Committee H. C. Mukherjee
- Fundamental Rights Sub-Committee J. B. Kripalani
- North-East Frontier Tribal Areas and Assam. Excluded & Partially Excluded Areas Sub- Committee GopinathBardoloi
- Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee A.V. Thakkar
- Union Powers Committee Jawaharlal Nehru
- Union Constitution Committee Jawaharlal Nehru

Members of the Indian Constituent Assembly Indian National Congress

- Pandit Jawaharlal Nehru, 1st Prime Minister
- SardarVallabhbhaiPatel,Deputy Prime Minister cum Home Minister
- BhimraoRamjiAmbedkar, Minister for Law,Chairman of Drafting committee
- Maulana Azad, Minister for Education,
- Dr. Rajendra Prasad, Chairman of the Assembly
- C. Rajagopalachari, Governor General
- Sri Krishna Sinha, Chief Minister,Bihar
- Anugrah Narayan Sinha,Deputy Chief Minister cum Finance Minister,Bihar
- Syama Prasad Mookerjee, President, Hindu Mahasabha

- Rajkumari Amrit Kaur, Minister for Health
- Hansa Mehta, President, All India Women's Conference

The idea to have Constitution was given by M.N. Roy (A pioneer of Communist Movement in India).

The present constitution was framed by the Constituent Assembly of India setup under Cabinet

Mission Plan of May 16, 1946.

Composition of Constituent Assembly

- The Constituent Assembly consisted of 389 members, of which 292 were elected by the elected members of the Provincial Legislative Assemblies while 93 members were nominated by the Princely States.
- A representative from each of the four Chief Commissioners Provinces of Delhi, Ajmer-Marwar, Coorg and British Baluchistan was also added.
- Each Province and each Indian State or group of States were allotted the total number of seats proportional to their respective population roughly in the ratio of one to a million.
- The seats in each province were distributed among the three main communities - Muslim, Sikh and General, in proportion to their respective populations.
- Members of each community in the Provincial Legislative Assembly elected their own representatives by the method of proportional representation with single transferable vote.
- The method of selection in the case of representatives of Indian States was to be determined by consultation.

But when the Muslim League decided to withdraw its members from the Constituent Assembly of India and with the creation of a separate Constituent Assembly for Pakistan on July 16, 1947, the membership of the then nominated by the Princely states.

CONSTITUENT ASSEMBLY

The Constituent Assembly of India was set up as a result of negotiations between the Indian leaders and members of the British Cabinet Mission. The constituent assembly was elected indirectly by the members of the Provincial legislative assembly. The Congress secured an overwhelming majority in the general seats while the Muslim League managed to sweep almost all the seats reserved for Muslims. The Congress had a majority of 69%. There were also members from smaller parties like the Scheduled Caste Federation, the Communist Party of India and the Unionist Party.

It first met on December 9, 1946 in Delhi, while India was still under British rule. It originally included the provinces that now compose Pakistan and Bangladesh, and the representation of the princely states of India. In June 1947, the delegations from the provinces of Sindh, East Bengal, Baluchistan, West Punjab and the North West Frontier Province formed the Constituent Assembly of

Pakistan in Karachi.

The Constituent Assembly had two hundred and seven representatives, including fifteen women. Only 28 members of the Muslim League finally joined the Indian Assembly. Later, 93 members were nominated from the princely states. The Congress thus secured a majority of 82%. The Interim Government of India was formed on 2 September 1946 from the newly- elected Constituent Assembly.

On August 15, 1947, India became an independent nation, and the Constituent Assembly became India's Parliament.

Dr. Sachchidananda Sinha was the first president (temporary Chairman of the Assembly) of the Constituent Assembly when it met on December 9, 1946. Dr. Rajendra Prasad then became the President of the Constituent Assembly, and would later become the first President of India. The Vice President of the Constituent Assembly was Professor Harendra Kumar Mukherjee, former Vice-Chancellor of Calcutta University and a prominent Christian from Bengal who also served as the Chairman of the Minorities Committee of the Constituent Assembly. He was appointed Governor of West Bengal after India became a republic.

The Assembly approved the Constitution on November 26, 1949, making it official. On January 26, 1950, the Constitution took effect - a day now commemorated as Republic Day nationwide.

At this point, the Constituent Assembly became the Provisional Parliament of India, until the first elections under the new Constitution took place in 1952.

- *Committee on the Rules of procedure - Rajendra Prasad*
- *Drafting Committee B. R. Ambedkar*
- *Steering Committee Rajendra Prasad*
- *Finance and Staff Committee Anugrah Narayan Sinha*
- *Credential Committee Alladi Krishnaswamy Iyer*
- *House Committee B. Pattabhi Sitaramayya*
- *Order of Business Committee K. M. Munshi*
- *Ad hoc Committee on the National Flag Rajendra Prasad*
- *Committee on the Functions of the Constituent Assembly G. V. Mavalankar*
- *States Committee Jawaharlal Nehru*
- *Advisory Committee on Fundamental Rights, Minorities*
- *Tribal and Excluded Areas Vallabh bhai Patel*
- *Minorities Sub-Committee H. C. Mukherjee*
- *Fundamental Rights Sub-Committee J. B. Kripalani*
- *North-East Frontier Tribal Areas and Assam. Excluded & Partially Excluded Areas Sub- Committee Gopinath Bardoloi*
- *Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee A.V. Thakkar*

- *Union Powers Committee Jawaharlal Nehru*
- *Union Constitution Committee Jawaharlal Nehru*

PREAMBLE

The preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document.

The preamble is not an integral part of the Indian constitution to be enforceable in a court of law. However, Supreme Court of India has, in the Kesavananda case, recognised that the preamble may be used to interpret ambiguous areas of the constitution where differing interpretations present themselves.

As originally enacted the preamble described the state as a "sovereign democratic republic". In 1976 the Forty-second Amendment changed this to read "sovereign socialist secular democratic republic".

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a

SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and 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;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, **DO HERE BY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."**

Enacting Formula

The enacting words "We, the people of India ...in our constituent assembly ...do here by adopt, enact and give to ourselves this constitution", signifies the democratic principle that power is ultimately vested in the hands of the people. It also emphasises that the constitution is made by and for the Indian people and not given to them by any outside power (such as the British Parliament). The wording is close to the preamble to the Constitution of Ireland, which had been adopted in 1937; it reads "We, the people of Éire [Ireland] ...Do hereby adopt, enact, and give to ourselves this Constitution".

Sovereign

The word sovereign means supreme or independent. India is internally and externally sovereign - externally free from the control of any foreign power and internally, it has a free government which is directly elected by the people and makes laws that govern the people. She allies in peace and war. The Popular sovereignty is also one of the basic structure of constitution of India. Hence, Citizens of India also enjoys sovereign power to elect their representatives in elections held for parliament, state legislature and local bodies as well. there is no any discrimination on any ground.

Socialist

The word socialist was added to the Preamble by the Forty-second Amendment. It implies social and economic equality.

Social equality in this context means the absence of discrimination on the grounds only of caste, colour, creed, sex, religion, or language. Under social equality, everyone has equal status and opportunities.

Economic equality in this context means that the government will endeavor to make the distribution of wealth more equal and provide a decent standard of living for all. This is in effect emphasized a commitment towards the formation of a welfare state. India has adopted a socialistic and mixed economy and the government has framed many laws to achieve the aim.

This view of socialism has been so-far-unsuccessfully challenged since 1994 in the many courts in India. The reservation on various grounds is not against the basic principle of socialism. However, the reservation is one of the opportunities given to the socially backward classes to uplift with the society. the reservation is not a basic right.

Secular

The word secular was also inserted into the preamble by the Forty-second Amendment.(1976) It implies equality of all religions and religious tolerance. India, therefore does not have an official state religion. Every person has the right to preach, practice and propagate any religion they choose. The government must not favour or discriminate against any religion. It must treat all religions with equal respect. All citizens, irrespective of their religious beliefs are equal in the eyes of law. No religious instruction is imparted in government or government-aided schools. Nevertheless, general information about all established world religions is imparted as part of the course in Sociology, without giving any importance to any one religion or the others. The content presents the basic/fundamental information with regards to the fundamental beliefs, social values and main practices and festivals of each established world religions. The Supreme Court in S.R Bommai v. Union of India held that secularism was an integral part of the basic structure of the constitution.

Democratic

The first part of the preamble "We, the people of India" and, its last part "give to ourselves this Constitution" clearly indicate the democratic spirit involved even

in the Constitution. India is a democracy. The people of India elect their governments at all levels (Union, State and local) by a system of universal adult suffrage; popularly known as "one man one vote". Every citizen of India, who is 18 years of age and above and not otherwise debarred by law, is entitled to vote. Every citizen enjoys this right without any discrimination on the basis of caste, creed, colour, sex, religion or education.

Republic

As opposed to a monarchy, in which the head of state is appointed on hereditary basis for a lifetime or until he abdicates from the throne, a democratic republic is an entity in which the head of state is elected, directly or indirectly, for a fixed tenure. The President of India is elected by an electoral college for a term of five years. The post of the President Of India is not hereditary. Every citizen of India is eligible to become the President of the country.

Forty-Second Amendment

On 18 December 1976, during the Emergency in India, the Indira Gandhi government pushed through several changes in the Forty-second Amendment of the constitution. A committee under the chairmanship of Sardar Swaran Singh recommended that this amendment be enacted after being constituted to study the question of amending the constitution in the light of past experience. Through this amendment the words "socialist" and "secular" were added between the words "sovereign" and "democratic" and the words "unity of the Nation" were changed to "unity and integrity of the Nation".