Fundamental Rights, Directive Principles and Fundamental Duties of India

The Fundamental Rights, Directive Principles of State Policy and Fundamental Duties are sections of the Constitution of India that prescribe the fundamental obligations of the State to its citizens and the duties of the citizens to the State. These sections comprise a constitutional bill of rights for government policy-making and the behaviour and conduct of citizens. These sections are considered vital elements of the constitution, which was developed between 1947 and 1949 by the Constituent Assembly of India.

The Fundamental Rights is defined as the basic human rights of all citizens. These rights, defined in Part III of the Constitution, apply irrespective of race, place of birth, religion, caste, creed, or gender. They are enforceable by the courts, subject to specific restrictions. The Directive Principles of State Policy are guidelines for the framing of laws by the government. These provisions, set out in Part IV of the Constitution, are not enforceable by the courts, but the principles on which they are based are fundamental guidelines for governance that the State is expected to apply in framing and passing law's.

The Fundamental Duties are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India. These duties, set out in Part IV–A of the Constitution, concern individuals and the nation. Like the Directive Principles, they are not enforceable by the law.

History
See also: Indian independence movement, Constituent Assembly of India, Constitution of India, and India

The Fundamental Rights and Directive Principles had their origins in the Indian independence movement, which strove to achieve the values of liberty and social welfare as the goals of an independent Indian state. The development of constitutional rights in India was inspired by historical documents such as England's Bill of Rights, the United States Bill of Rights and France's Declaration of the Rights of Man. The demand for civil liberties formed an important part of the Indian independence movement, with one of the objectives of the Indian National Congress (INC) being to end discrimination between the British rulers and their Indian subjects. This demand was explicitly mentioned in resolutions adopted by the INC between 1917 and 1919. The demands articulated in these resolutions included granting to Indians the rights to equality before law, free speech, trial by juries composed at least half of Indian members, political power, and equal terms for bearing arms as British citizens.

The experiences of the First World War, the unsatisfactory Montague-Chelmsford reforms of 1919, and the rise to prominence of M. K. Gandhi in the Indian independence movement marked a change in the attitude of its leaders towards articulating demands for civil rights. The focus shifted from demanding equality of status between Indians and the British to assuring liberty for all Indians. The Commonwealth of India Bill, drafted by Annie Beasant in 1925, specifically
included demands for seven fundamental rights – individual liberty, freedom of conscience, free expression of opinion, freedom of assembly, non-discrimination on the ground of sex, free elementary education and free use of public spaces. In 1927, the INC resolved to set up a committee to draft a "Swaraj Constitution" for India based on a declaration of rights that would provide safeguards against oppression. The 11-member committee, led by Motilal Nehru, was constituted in 1928. Its report made a number of recommendations, including proposing guaranteed fundamental rights to all Indians. These rights resembled those of the American Constitution and those adopted by post-war European countries, and several of them were adopted from the 1925 Bill. Several of these provisions were later replicated in various parts of the Indian Constitution, including the Fundamental Rights and Directive Principles.

In 1931, the Indian National Congress, at its Karachi session, adopted a resolution committing itself to the defence of civil rights and economic freedom, with the stated objectives of putting an end to exploitation, providing social security and implementing land reforms. Other new rights proposed by the resolution were the prohibition of State titles, universal adult franchise, abolition of capital punishment and freedom of movement. Drafted by Jawaharlal Nehru, the resolution, which later formed the basis for some of the Directive Principles, placed the primary responsibility of carrying out social reform on the State, and marked the increasing influence of socialism and Gandhian philosophy on the independence movement. The final phase of the Independence movement saw a reiteration of the socialist principles of the 1930s, along with an increased focus on minority rights – which had become an issue of major political concern by then – which were published in the Sapru Report in 1945. The report, apart from stressing on protecting the rights of minorities, also sought to prescribe a "standard of conduct for the legislatures, government and the courts".

During the final stages of the British raj, the 1946 Cabinet Mission to India proposed a Constituent Assembly to draft a Constitution for India as part of the process of transfer of power. The Constituent Assembly of India, composed of indirectly elected representatives from the British provinces and Princely states, commenced its proceedings in December 1946, and completed drafting the Constitution of India by November 1949. According to the Cabinet Mission plan, the Assembly was to have an Advisory Committee to advise it on the nature and extent of fundamental rights, protection of minorities and administration of tribal areas. Accordingly, the Advisory Committee was constituted in January 1947 with 64 members, and from among these a twelve-member sub-committee on Fundamental Rights was appointed under the chairmanship of J.B. Kripalani in February 1947. The sub-committee drafted the Fundamental Rights and submitted its report to the Committee by April 1947, and later that month the Committee placed it before the Assembly, which debated and discussed the rights over the course of the following year, adopting the drafts of most of them by, December 1948. The drafting of the Fundamental Rights was influenced by the adoption of the Universal Declaration of Human Rights by the U.N. General Assembly and the activities of the United Nations Human Rights Commission, as well as decisions of the U.S. Supreme Court in interpreting the Bill of Rights in the American Constitution. The Directive Principles, which were also drafted by the sub-committee on Fundamental Rights, expounded the socialist precepts of the Indian independence movement, and were inspired by similar principles contained in the Irish Constitution. The Fundamental Duties were later added to the Constitution by the 42nd Amendment in 1976.
**Fundamental Rights**

Main article: Fundamental Rights in India

The Fundamental Rights, embodied in Part III of the Constitution, guarantee civil rights to all Indians, and prevent the State from encroaching on individual liberty while simultaneously placing upon it an obligation to protect the citizens' rights from encroachment by society.[19] Seven fundamental rights were originally provided by the Constitution – right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights, right to property and right to constitutional remedies.[26] However, the right to property was removed from Part III of the Constitution by the 44th Amendment in 1978.[21][note 2]

The purpose of the Fundamental Rights is to preserve individual liberty and democratic principles based on equality of all members of society.[23] Dr Ambedkar said that the responsibility of the legislature is not just to provide fundamental rights but also and rather more importantly, to safeguard them.[24]

They act as limitations on the powers of the legislature and executive, under Article 13,[note 3] and in case of any violation of these rights the Supreme Court of India and the High Courts of the states have the power to declare such legislative or executive action as unconstitutional and void.[23] These rights are largely enforceable against the State, which as per the wide definition provided in Article 12, includes not only the legislative and executive wings of the federal and state governments, but also local administrative authorities and other agencies and institutions which discharge public functions or are of a governmental character.[25] However, there are certain rights – such as those in Articles 15, 17, 18, 23, 24 – that are also available against private individuals.[26] Further, certain Fundamental Rights – including those under Articles 14, 20, 21, 25 – apply to persons of any nationality upon Indian soil, while others – such as those under Articles 15, 16, 19, 30 – are applicable only to citizens of India.

The Fundamental Rights are not absolute and are subject to reasonable restrictions as necessary for the protection of public interest.[25] In the Kesavananda Bharati v. State of Kerala case in 1973,[note 4] the Supreme Court, overruling a previous decision of 1967, held that the Fundamental Rights could be amended, subject to judicial review in case such an amendment violated the basic structure of the Constitution.[29] The Fundamental Rights can be enhanced, removed or otherwise altered through a constitutional amendment, passed by a two-thirds majority of each House of Parliament.[30] The imposition of a state of emergency may lead to a temporary suspension any of the Fundamental Rights, excluding Articles 20 and 21, by order of the President.[31] The President may, by order, suspend the right to constitutional remedies as well, thereby barring citizens from approaching the Supreme Court for the enforcement of any of the Fundamental Rights, except Articles 20 and 21, during the period of the emergency.[32] Parliament may also restrict the application of the Fundamental Rights to members of the Indian Armed Forces and the police, in order to ensure proper discharge of their duties and the maintenance of discipline, by a law made under Article 33.[33]
Right to Equality

The Right to Equality is one of the chief guarantees of the Constitution. It is embodied in Articles 14–16, which collectively encompass the general principles of equality before law and non-discrimination, and Articles 17–18 which collectively encompass further the philosophy of social equality. Article 14 guarantees equality before law as well as equal protection of the law to all persons within the territory of India. This includes the equal subjection of all persons to the authority of law, as well as equal treatment of persons in similar circumstances. The latter permits the State to classify persons for legitimate purposes, provided there is a reasonable basis for the same, meaning that the classification is required to be non-arbitrary, based on a method of intelligible differentiation among those sought to be classified, as well as have a rational relation to the object sought to be achieved by the classification.

Article 15 prohibits discrimination on the grounds only of religion, race, caste, sex, place of birth, or any of them. This right can be enforced against the State as well as private individuals, with regard to free access to places of public entertainment or places of public resort maintained partly or wholly out of State funds. However, the State is not precluded from making special provisions for women and children or any socially and educationally backward classes of citizens, including the Scheduled Castes and Scheduled Tribes. This exception has been provided since the classes of people mentioned therein are considered deprived and in need of special protection. Article 16 guarantees equality of opportunity in matters of public employment and prevents the State from discriminating against anyone in matters of employment on the grounds only of religion, race, caste, sex, descent, place of birth, place of residence or any of them. It creates exceptions for the implementation of measures of affirmative action for the benefit of any backward class of citizens in order to ensure adequate representation in public service, as well as reservation of an office of any religious institution for a person professing that particular religion.

The practice of untouchability has been declared an offence punishable by law under Article 17, and the Protection of Civil Rights Act, 1955 has been enacted by the Parliament to further this objective. Article 18 prohibits the State from conferring any titles other than military or academdistinctions, and the citizens of India cannot accept titles from a foreign state. Thus, Indian aristocratic titles and title of nobility conferred by the British have been abolished. However, awards such as the Bharat Ratna have been held to be valid by the Supreme Court on the ground that they are merely decorations and cannot be used by the recipient as a title.

Right to Freedom

The Right to Freedom is covered in Articles 18-22, with the view of guaranteeing individual rights that were considered vital by the framers of the Constitution, and these Articles also include certain restrictions that may be imposed by the State on individual liberty under specified conditions. Article 19 guarantees six freedoms in the nature of civil rights, which are available only to citizens of India. These include the freedom of speech and expression, freedom of assembly without arms, freedom of association, freedom of movement throughout the territory of our country, freedom to reside and settle in any part of the country of India and the freedom to practise any profession. All these freedoms are subject to reasonable restrictions that may
imposed on them by the State, listed under Article 19 itself. The grounds for imposing these restrictions vary according to the freedom sought to be restricted, and include national security, public order, decency and morality, contempt of court, incitement to offences, and defamation. The State is also empowered, in the interests of the general public to nationalise any trade, industry or service to the exclusion of the citizens.\footnote{45}

The freedoms guaranteed by Article 19 are further sought to be protected by Articles 20–22.\footnote{46} The scope of these articles, particularly with respect to the doctrine of due process, was heavily debated by the Constituent Assembly. It was argued, especially by Benegal Narsing Rau, that the incorporation of such a clause would hamper social legislation and cause procedural difficulties in maintaining order, and therefore it ought to be excluded from the Constitution altogether.\footnote{47} The Constituent Assembly in 1948 eventually omitted the phrase "due process" in favour of "procedure established by law".\footnote{48} As a result, Article 21, which prevents the encroachment of life or personal liberty by the State except in accordance with the procedure established by law, was, until 1978, construed narrowly as being restricted to executive action. However, in 1978, the Supreme Court in the case of\textit{Maneka Gandhi v. Union of India} extended the protection of Article 21 to legislative action, holding that any law laying down a procedure must be just, fair and reasonable,\footnote{49} and effectively reading due process into Article 21.\footnote{50} In the same case, the Supreme Court also ruled that "life" under Article 21 meant more than a mere "animal existence"; it would include the right to live with human dignity and all other aspects which made life "meaningful, complete and worth living".\footnote{51} Subsequent judicial interpretation has broadened the scope of Article 21 to include within it a number of rights including those to livelihood, good health, clean environment, water,\footnote{52} speedy trial\footnote{53} and humanitarian treatment while imprisoned.\footnote{54}\footnote{55} The right to education at elementary level has been made one of the Fundamental Rights under Article 21A by the 86th Constitutional amendment of 2002.\footnote{56}

Article 20 provides protection from conviction for offences in certain respects, including the rights against ex post facto laws, double jeopardy and freedom from self-incrimination.\footnote{58} Article 22 provides specific rights to arrested and detained persons, in particular the rights to be informed of the grounds of arrest, consult a lawyer of one's own choice, be produced before a magistrate within 24 hours of the arrest, and the freedom not to be detained beyond that period without an order of the magistrate.\footnote{59} The Constitution also authorizes the State to make laws providing for preventive detention, subject to certain other safeguards present in Article 22.\footnote{60} The provisions pertaining to preventive detention were discussed with skepticism and misgivings by the Constituent Assembly, and were reluctantly approved after a few amendments in 1949.\footnote{61} Article 22 provides that when a person is detained under any law of preventive detention, the State can detain such person without trial for only three months, and any detention for a longer period must be authorised by an Advisory Board. The person being detained also has the right to be informed about the grounds of detention, and be permitted to make a representation against it, at the earliest opportunity.
Right against Exploitation

The Right against Exploitation, contained in Articles 23–24, lays down certain provisions to prevent exploitation of the weaker sections of the society by individuals or the State. Article 23 prohibits human trafficking, making it an offence punishable by law, and also prohibits forced labour or any act of compelling a person to work without wages where he was legally entitled not to work or to receive remuneration for it. However, it permits the State to impose compulsory service for public purposes, including conscription and community service. The Bonded Labour system (Abolition) Act, 1976, has been enacted by Parliament to give effect to this Article. Article 24 prohibits the employment of children below the age of 14 years in factories, mines and other hazardous jobs. Parliament has enacted the Child Labour (Prohibition and Regulation) Act, 1986, providing regulations for the abolition of, and penalties for employing, child labour, as well as provisions for rehabilitation of former child labourers.

Right to Freedom of Religion

The Right to Freedom of Religion, covered in Articles 25–28, provides religious freedom to all citizens and ensures a secular state in India. According to the Constitution, there is no official State religion, and the State is required to treat all religions impartially and neutrally. Article 25 guarantees all persons the freedom of conscience and the right to preach, practice and propagate any religion of their choice. This right is, however, subject to public order, morality and health, and the power of the State to take measures for social welfare and reform. The right to propagate, however, does not include the right to convert another individual, since it would amount to an infringement of the other's right to freedom of conscience. Article 26 guarantees all religious denominations and sects, subject to public order, morality and health, to manage their own affairs in matters of religion, set up institutions of their own for charitable or religious purposes, and own, acquire and manage property in accordance with law. These provisions do not derogate from the State's power to acquire property belonging to a religious denomination. The State is also empowered to regulate any economic, political or other secular activity associated with religious practice. Article 27 guarantees that no person can be compelled to pay taxes for the promotion of any particular religion or religious institution. Article 28 prohibits religious instruction in a wholly State-funded educational institution, and educational institutions receiving aid from the State cannot compel any of their members to receive religious instruction or attend religious worship without their (or their guardian's) consent.

Cultural and Educational Rights

See also: Eighty-sixth Amendment of the Constitution of India and Right of Children to Free and Compulsory Education Act

The Cultural and Educational rights, given in Articles 29 and 30, are measures to protect the rights of cultural, linguistic and religious minorities, by enabling them to conserve their heritage
and protecting them against discrimination. Article 29 grants any section of citizens having a distinct language, script culture of its own, the right to conserve and develop the same, and thus safeguards the rights of minorities by preventing the State from imposing any external culture on them. It also prohibits discrimination against any citizen for admission into any educational institutions maintained or aided by the State, on the grounds only of religion, race, caste, language or any of them. However, this is subject to reservation of a reasonable number of seats by the State for socially and educationally backward classes, as well as reservation of up to 50 percent of seats in any educational institution run by a minority community for citizens belonging to that community.

Article 30 confers upon all religious and linguistic minorities the right to set up and administer educational institutions of their choice in order to preserve and develop their own culture, and prohibits the State, while granting aid, from discriminating against any institution on the basis of the fact that it is administered by a religious or cultural minority. The term "minority", while not defined in the Constitution, has been interpreted by the Supreme Court to mean any community which numerically forms less than 50% of the population of the state in which it seeks to avail the right under Article 30. In order to claim the right, it is essential that the educational institution must have been established as well as administered by a religious or linguistic minority. Further, the right under Article 30 can be availed of even if the educational institution established does not confine itself to the teaching of the religion or language of the minority concerned, or a majority of students in that institution do not belong to such minority. This right is subject to the power of the State to impose reasonable regulations regarding educational standards, conditions of service of employees, fee structure, and the utilisation of any aid granted by it.

Right to Constitutional Remedies

The Right to Constitutional Remedies empowers citizens to approach the Supreme Court of India to seek enforcement, or protection against infringement, of their Fundamental Rights. Article 32 provides a guaranteed remedy, in the form of a Fundamental Right itself, for enforcement of all the other Fundamental Rights, and the Supreme Court is designated as the protector of these rights by the Constitution. The Supreme Court has been empowered to issue writs, namely habeas corpus, mandamus, prohibition, certiorari and quo warranto, for the enforcement of the Fundamental Rights, while the High Courts have been empowered under Article 226 – which is not a Fundamental Right in itself – to issue these prerogative writs even in cases not involving the violation of Fundamental Rights. The Supreme Court has the jurisdiction to enforce the Fundamental Rights even against private bodies, and in case of any violation, award compensation as well to the affected individual. Exercise of jurisdiction by the Supreme Court can also be suo motu or on the basis of a public interest litigation. This right cannot be suspended, except under the provisions of Article 359 when a state of emergency is declared.

The Supreme Court recently held that Right to Privacy is another fundamental right

Directive Principles of State Policy

Main article: Directive Principles in India
The Directive Principles of State Policy, embodied in Part IV of the Constitution, are directions
given to the state to guide the establishment of an economic and social democracy, as proposed
by the Preamble. They set forth the humanitarian and socialist instructions that were the aim
of social revolution envisaged in India by the Constituent Assembly. The state is expected to
keep these principles in mind while framing laws and policies, even though they are non-
justiciable in nature. The Directive Principles may be classified under the following categories:
ideals that the state ought to strive towards achieving; directions for the exercise of legislative
and executive power; and rights of the citizens which the State must aim towards securing.

Despite being non-justiciable, the Directive Principles act as a check on the state; theorised as a
yardstick in the hands of the electorate and the opposition to measure the performance of a
government at the time of an election. Article 37, while stating that the Directive Principles
are not enforceable in any court of law, declares them to be “fundamental to the governance of
the country” and imposes an obligation on the State to apply them in matters of legislation.
Thus, they serve to emphasise the welfare state model of the Constitution and emphasise the
positive duty of the state to promote the welfare of the people by affirming social, economic and
political justice, as well as to fight income inequality and ensure individual dignity, as mandated
by Article 38.

Article 39 lays down certain principles of policy to be followed by the State, including providing
an adequate means of livelihood for all citizens, equal pay for equal work for men and women,
proper working conditions, reduction of the concentration of wealth and means of production
from the hands of a few, and distribution of community resources to “subserve the common
good”. These clauses highlight the Constitutional objectives of building an egalitarian social
order and establishing a welfare state, by bringing about a social revolution assisted by the State,
and have been used to support the nationalisation of mineral resources as well as public
utilities. Further, several legislation pertaining to agrarian reform and land tenure have been
enacted by the federal and state governments, in order to ensure equitable distribution of land
resources.

Articles 41–43 mandate the State to endeavour to secure to all citizens the right to work, a living
wage, social security, maternity relief, and a decent standard of living. These provisions aim at
establishing a socialist state as envisaged in the Preamble. Article 43 also places upon the
State the responsibility of promoting cottage industries, and the federal government has, in
furtherance of this, established several Boards for the promotion of khadi, handlooms etc., in
coordination with the state governments. Article 39A requires the State to provide free legal
aid to ensure that opportunities for securing justice are available to all citizens irrespective of
economic or other disabilities. Article 43A mandates the State to work towards securing the
participation of workers in the management of industries. The State, under Article 46, is also
mandated to promote the interests of and work for the economic uplift of the scheduled castes
and scheduled tribes and protect them from discrimination and exploitation. Several enactments,
including two Constitutional amendments, have been passed to give effect to this provision.

Article 44 encourages the State to secure a uniform civil code for all citizens, by eliminating
discrepancies between various personal laws currently in force in the country. However, this has
remained a "dead letter" despite numerous reminders from the Supreme Court to implement the
Article 45 originally mandated the State to provide free and compulsory education to children between the ages of six and fourteen years, but after the 86th Amendment in 2002, this has been converted into a Fundamental Right and replaced by an obligation upon the State to secure childhood care to all children below the age of six. Article 47 commits the State to raise the standard of living and improve public health, and prohibit the consumption of intoxicating drinks and drugs injurious to health. As a consequence, partial or total prohibition has been introduced in several states, but financial constraints have prevented its full-fledged application. The State is also mandated by Article 48 to organise agriculture and animal husbandry on modern and scientific lines by improving breeds and prohibiting slaughter of cattle. Article 48A mandates the State to protect the environment and safeguard the forests and wildlife of the country, while Article 49 places an obligation upon the State to ensure the preservation of monuments and objects of national importance. Article 50 requires the State to ensure the separation of judiciary from executive in public services, in order to ensure judicial independence, and federal legislation has been enacted to achieve this objective. The State, according to Article 51, must also strive for the promotion of international peace and security, and Parliament has been empowered under Article 253 to make laws giving effect to international treaties.

Fundamental Duties

The Fundamental Duties of citizens were added to the Constitution by the 42nd Amendment in 1976, upon the recommendations of the Swaran Singh Committee that was constituted by the government earlier that year. Originally ten in number, the Fundamental Duties were increased to eleven by the 86th Amendment in 2002, which added a duty on every parent or guardian to ensure that their child or ward was provided opportunities for education between the ages of six and fourteen years. The other Fundamental Duties obligate all citizens to respect the national symbols of India, including the Constitution, to cherish its heritage, preserve its composite culture and assist in its defense. They also obligate all Indians to promote the spirit of common brotherhood, protect the environment and public property, develop scientific temper, abjure violence, and strive towards excellence in all spheres of life. However, many of these are non-justifiable, without any legal sanction in case of their violation or non-compliance. There is reference to such duties in international instruments such as the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, and Article 51A brings the Indian Constitution into conformity with these treaties.

The Fundamental Duties noted in the constitution are as follows:

It shall be the duty of every citizen of India —

- To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- To cherish and follow the noble ideals which inspired our national struggle for freedom;
- To uphold and protect the sovereignty, unity and integrity of India;
- To defend the country and render national service when called upon to do so;
To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- To value and preserve the rich heritage of our composite culture;
- To protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures;
- To develop the scientific temper, humanism and the spirit of inquiry and reform;
- To safeguard public property and to abjure violence;
- To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement;
- Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of six to fourteen years.

(This fundamental duty has been added to the Constitution of India by the 86th constitutional amendment in 2002)

Criticism and analysis
Main article: Directive Principles

Fewer children are now employed in hazardous environments, but their employment in non-hazardous jobs, prevalently as domestic help, violates the spirit of the constitution in the eyes of many critics and human rights advocates. More than 16.5 million children are in employment. India was ranked 88 out of 159 countries in 2005, according to the degree to which corruption is perceived to exist among public officials and politicians. The year 1990–1991 was declared as the "Year of Social Justice" in the memory of B.R. Ambedkar. The government provides free textbooks to students belonging to scheduled castes and tribes pursuing medicine and engineering courses. During 2002–2003, a sum of Rs. 4.77 crore (47.7 million) was released for this purpose. In order to protect scheduled castes and tribes from discrimination, the government enacted the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, prescribing severe punishments for such actions.

The Minimum Wages Act of 1948 empowers government to fix minimum wages for people working across the economic spectrum. The Consumer Protection Act of 1986 provides for the better protection of consumers. The Equal Remuneration Act of 1976 provides for equal pay for equal work for both men and women. The Sampoorna Grameen Rozgar Yojana (Universal Rural Employment Program) was launched in 2001 to attain the objective of providing gainful employment for the rural poor. The program was implemented through the Panchayati Raj institutions.

A system of elected village councils, known as Panchayati Raj covers almost all states and territories of India. One-third of the total number of seats have been reserved for women in Panchayats at every level; and in the case of Bihar, half the seats have been reserved for women. The judiciary has been separated from the executive "in all the states and territories except Jammu and Kashmir and Nagaland." India's foreign policy has been influenced by the Directive Principles. India supported the United Nations in peace-keeping activities, with the Indian Army having participated in 37 UN peace-keeping operations.
The implementation of a uniform civil code for all citizens has not been achieved owing to widespread opposition from various religious groups and political parties. The Shah Bano case (1985–86) provoked a political firestorm in India when the Supreme Court ruled that Shah Bano, a Muslim woman who had been divorced by her husband in 1978 was entitled to receive alimony from her former husband under Indian law applicable for all Indian women. This decision evoked outrage in the Muslim community, which sought the application of the Muslim personal law and in response the Parliament passed the Muslim Women (Protection of Rights on Divorce) Act, 1986 overturning the Supreme Court's verdict.[121] This act provoked further outrage, as jurists, critics and politicians alleged that the fundamental right of equality for all citizens irrespective of religion or gender was being jettisoned to preserve the interests of distinct religious communities. The verdict and the legislation remain a source of heated debate, with many citing the issue as a prime example of the poor implementation of Fundamental Rights.[121]

Per Article 38 (1), prompt rendering of the justice by courts is part of animating judiciary.[122] Rendering prompt justice is the foremost purpose of the constitution as enshrined in the Preamble to the constitution also. However the judiciary is failing dismally in this respect by causing inordinate delay considering time of rendering justice in a case arbitrarily is its constitutional liberty.[123]

**Relationship between the Fundamental Rights, Directive Principles and Fundamental Duties**

The Directive Principles have been used to uphold the Constitutional validity of legislations in case of a conflict with the Fundamental Rights. Article 31C, added by the 25th Amendment in 1971, provided that any law made to give effect to the Directive Principles in Article 39(b)–(c) would not be invalid on the grounds that they derogated from the Fundamental Rights conferred by Articles 14, 19 and 31. The application of this article was sought to be extended to all the Directive Principles by the 42nd Amendment in 1970, but the Supreme Court struck down the extension as void on the ground that it violated the basic structure of the Constitution.[124] The Fundamental Rights and Directive Principles have also been used together in forming the basis of legislation for social welfare.[125] The Supreme Court, after the judgement in the Kesavananda Bharati case, has adopted the view of the Fundamental Rights and Directive Principles being complementary to each other, each supplementing the other's role in aiming at the same goal of establishing a welfare state by means of social revolution.[126] Similarly, the Supreme Court has used the Fundamental Duties to uphold the Constitutional validity of statutes which seeks to promote the objects laid out in the Fundamental Duties.[127] These Duties have also been held to be obligatory for all citizens, subject to the State enforcing the same by means of a valid law.[105] The Supreme Court has also issued directions to the State in this regard, with a view towards making the provisions effective and enabling a citizens to properly perform their duties.[127]
Constitution of India

The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers and duties of government institutions and sets out fundamental rights, directive principles and the duties of citizens. It is the longest written constitution of any sovereign country in the world. B. R. Ambedkar, the chairman of the Drafting Committee, is widely considered to be its chief architect.

It imparts constitutional supremacy and not parliamentary supremacy, as it is not created by the Parliament but, by a constituent assembly, and adopted by its people, with a declaration in its preamble. Parliament cannot override the constitution.

It was adopted by the Constituent Assembly on 26 November 1949, and came into effect on 26 January 1950. With its adoption, the Union of India became the modern and contemporary Republic of India replacing the Government of India Act, 1935 as the country's fundamental governing document. To ensure constitutional autochthony, the framers of the constitution repealed the prior Acts of the British Parliament via Article 395 of the constitution. India celebrates its coming into force on 26 January each year, as Republic Day.

It declares India a sovereign, socialist, secular, democratic republic, assuring its citizens of justice, equality, and liberty, and endeavours to promote fraternity among them.

The major portion of the Indian subcontinent was under British rule from 1857 to 1947. When the Constitution of India came into force on 26 January 1950, it repealed the Indian Independence Act. India ceased to be a dominion of the British Crown and became a sovereign democratic republic. The date of 26 January was chosen to commemorate the Purna Swaraj declaration of independence of 1930.

Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392, 393 and 394 of the Constitution came into force on 26 November 1949 and the remaining articles on 26 January 1950.

Previous legislation used as sources

It is drawn from many sources. Keeping in mind the needs and conditions of India its framers borrowed different features freely from previous legislation viz. Government of India Act 1858, Indian Councils Act 1861, Indian Councils Act 1892, Indian Councils Act 1909, Government of India Act 1919, Government of India Act 1935 and the Indian Independence Act 1947. The last legislation which led to the creation of the two independent nations of India and Pakistan provided for the division of the erstwhile Constituent Assembly into two, with each new assembly having sovereign powers transferred to it, to enable each to draft and enact a new constitution, for the separate states.
The Constituent Assembly of India, 1950 CE

It was drafted by the Constituent Assembly, which was elected by elected members of the provincial assemblies. The 389 member Constituent Assembly took almost three years (two years, eleven months and eighteen days to be precise) to complete its historic task of drafting the Constitution for independent India, during which, it held eleven sessions over 165 days. Of these, 114 days were spent on the consideration of the draft Constitution. On 29 August 1947, the Constituent Assembly set up a Drafting Committee under the Chairmanship of Dr. B.R. Ambedkar to prepare a draft Constitution for India. While deliberating upon the draft Constitution, the assembly moved, discussed and disposed of as many as 2,473 amendments out of a total of 7,635 tabled. Dr. B.R. Ambedkar, Sanjay Phakey, Jawaharlal Nehru, C. Rajagopalachari, Rajendra Prasad, Sardar Vallabhbhai Patel, Kanaiyalal Munshi, Ganesh Vasudev Mavalankar, Sandipkumar Patel, Maulana Abul Kalam Azad, Shyama Prasad Mukherjee, Nalini Ranjan Ghosh, and Balwantrai Mehta were some important figures in the assembly. There were more than 30 members of the scheduled classes. Frank Anthony represented the Anglo-Indian community, and the Parsis were represented by H. P. Modi. The Chairman of the Minorities Committee was Harendra Coomar Mookerjee, a distinguished Christian who represented all Christians other than Anglo-Indians. Ari Bahadur Gurung represented the Gorkha Community.

Prominent jurists like Alladi Krishnaswamy Iyer, Benegal Narsing Rau and K. M. Munshi, Ganesh Mavlankar were also members of the Assembly. Sarojini Naidu, Hansa Mehta, Durgabai Deshmukh, Rajkumari Amrit Kaur and Vijayalakshmi Pandit were important women members.

The first temporary 2-day president of the Constituent Assembly was Dr. Sachchidananda Sinha. Later, Rajendra Prasad was elected president of the Constituent Assembly. The members of the Constituent Assembly met for the first time on 9 December 1946.

Drafting

B. N. Rau was appointed as the Constitutional Adviser to the Constituent Assembly in formulating the Indian Constitution in 1946. He was responsible for the general structure of its democratic framework of the Constitution and prepared its initial draft in February 1948. This draft was debated, revised and finally adopted by the Constituent Assembly of India on 26 November 1949.
On 14 August 1947 meeting of the Assembly, a proposal for forming various committees was presented. Such committees included a Committee on Fundamental Rights, the Union Powers Committee and Union Constitution Committee. On 29 August 1947, the Drafting Committee was appointed, with Dr B. R. Ambedkar as the Chairman along with six other members assisted by a constitutional advisor. These members were Pandit Govind Ballabh Pant, Kaniyalal Manecklal Munshi (K M Munshi, Ex- Home Minister, Bombay), Alladi Krishnaswamy Iyer (Ex- Advocate General, Madras State), N Gopalaswami Ayengar (Ex-Prime Minister, J&K and later member of Nehru Cabinet), B L Mitter (Ex-Advocate General, India), Md. Saadullah (Ex- Chief Minister of Assam, Muslim League member) and D P Khaitan (Scion of Khaitan Business family and a renowned lawyer). The constitutional advisor was Sir Benegal Narsing Rau (who became First Indian Judge in International Court of Justice, 1950-54). Later B L Mitter resigned and was replaced by Madhav Rao (Legal Advisor of Maharaja of Vadodara). On D P Khaitan's death, T T Krishnamachari was included in the drafting committee. A draft Constitution was prepared by the committee and submitted to the Assembly on 4 November 1947, which was debated and over 2000 amendments were moved over a period of two years. Finally on 26 November 1949, the process was completed and the Constituent Assembly adopted the Constitution. 284 members signed the document and the process of constitution making was complete. This day is celebrated as National Law Day or Constitution Day.

The assembly met in sessions open to the public, for 166 days, spread over a period of 2 years, 11 months and 18 days before adopting the Constitution, the 308 members of the assembly signed two copies of the document (one each in Hindi and English) on 24 January 1950. The original Constitution of India is hand-written with beautiful calligraphy, each page beautified and decorated by artists from Shantiniketan including Beohar Rammanohar Sinha and Nandalal Bose. The illustrations on the cover and pages represent styles from the different civilisations of the subcontinent, ranging from the prehistoric Mohenjodaro civilisation, in the Indus Valley, to the present. The calligraphy in the book was done by Prem Behari Narain Raizada. It was published in Dehra Dun, and photolithographed at the offices of Survey of India. The entire exercise to produce the original took nearly five years. Two days later, on 26 January 1950, the Constitution of India became the law of all the States and territories of India. Rs.1,00,00,000 was official estimate of expenditure on constituent assembly. It has undergone many amendments since its enactment.

The original 1950 Constitution of India is preserved in helium cases in the Parliament house, New Delhi. There are two original versions of this – one in Hindi and the other in English. The original constitution can be viewed here.

Influence of other constitutions

Structure

The Indian constitution is the world's longest. At its commencement, it had 395 articles in 22 parts and 8 schedules. It is made up of approximately 145,000 words, making it the second largest active constitution in the world. In its current form (September 2012), it has a preamble, 25 parts with 448 articles, 12 schedules, 5 appendices and 101 amendments, the latest of which came into force on 8 September 2016.
Parts

The individual articles of the constitution are grouped together into the following parts:

- **Preamble**[^26] with the words "socialist" and "secular" added to it in 1976 by the 42nd constitutional amendment.

- **Part I**[^29] – Union and its Territory
- **Part II**[^50] – Citizenship.
- **Part III** – Fundamental Rights
- **Part IV[^41]** – Directive Principles of State Policy
- **Part V**[^52] – The Union
- **Part VI**[^53] – The States
- **Part VII**[^54] – States in the B part of the First schedule (repealed)
- **Part VIII** – The Union Territories
- **Part IX**[^55] – The Union
- **Part IXA** – The Municipalities
- **Part IXB** – The Co-operative Societies[^18]
- **Part X** – The scheduled and Tribal Areas
- **Part XI** – Relations between the Union and the States
- **Part XII** – Finance, Property, Contracts and Suits
- **Part XIII** – Trade and Commerce within the territory of India
- **Part XIV** – Services Under the Union, the States
- **Part XIVA** – Tribunals
- **Part XV** – Elections
- **Part XVI** – Special Provisions Relating to certain Classes
- **Part XVII** – Languages
- **Part XVIII** – Emergency Provisions
- **Part XIX** – Miscellaneous
- **Part XX** – Amendment of the Constitution
- **Part XXI** – Temporary, Transitional and Special Provisions
- **Part XXII** – Short title, date of commencement, Authoritative text in Hindi and Repeals.

Schedules

Schedules are lists in the Constitution that categorise and tabulate bureaucratic activity and policy of the Government.

- **First Schedule** (Articles 1 and 4) – This lists the states and territories of India, lists any changes to their borders and the laws used to make that change.
- **Second Schedule** (Articles 59(3), 65(3), 75(6), 97, 125, 148(3), 158(3), 164(5), 186 and 221) – This lists the salaries of officials holding public office, judges, and Comptroller and Auditor General of India.
- **Third Schedule** (Articles 75(4), 99, 124(6), 148(2), 164(3), 188 and 219) – Forms of Oaths – This lists the oaths of offices for elected officials and judges.
- **Fourth Schedule** (Articles 4(1) and 80(2)) – This details the allocation of seats in the Rajya Sabha (the upper house of Parliament) per State or Union Territory.
- **Fifth Schedule** (Article 244(1)) – This provides for the administration and control of Scheduled Areas[^5] and Scheduled Tribes[^6] (areas and tribes needing special protection due to disadvantageous conditions).
- **Sixth Schedule** (Articles 244(2) and 275(1)) – Provisions made for the administration of tribal areas in Assam, Meghalaya, Tripura, and Mizoram.
• **Seventh Schedule** (Article 246) — The union (central government), state, and concurrent lists of responsibilities.
• **Eighth Schedule** (Articles 344(1) and 351) — The official languages.
• **Ninth Schedule** (Article 31-B) — Validation of certain Acts and Regulations.
• **Tenth Schedule** (Articles 102(2) and 191(2)) — "Anti-defection" provisions for Members of Parliament and Members of the State Legislatures.
• **Eleventh Schedule** (Article 243-G) — Panchayat Raj (rural local government),
• **Twelfth Schedule** (Article 243-W) — Municipalities (urban local government).

**Appendices**

• **Appendix II** — Re-statement, with reference to the present text of the Constitution, of the exceptions and modifications subject to which the Constitution applies to the State of Jammu and Kashmir.
• **Appendix III** — Extracts from the Constitution (Forty-fourth Amendment) Act, 1978.
• **Appendix IV** — The Constitution (Eighty-sixth Amendment) Act, 2002.

**The constitution and the government**

Institutions of governance – the Parliament, the President, the Judiciary, the Executive, etc. get their power from the Constitution and are bound by it. With the aid of the Constitution, India is governed by a parliamentary system of government with the executive directly accountable to the legislature. It states that there shall be a President of India who shall be the head of the executive, under Articles 52 and 53. The President's duty is to preserve, protect and defend the constitution and the law under Article 60 of the Indian constitution. Article 74 provides that there shall be a Prime Minister as the head of union cabinet which would aid and advise the President in performing his constitutional duty. Union cabinet is collectively responsible to the House of the People per Article 75(3).

The Constitution of India is federal in nature but unitary in spirit. The common features of a federation such as written Constitution, supremacy of Constitution, rigidity of Constitution, two government, division of powers, bicameralism and independent judiciary as well as unitary features like single Constitution, single citizenship, integrated judiciary, flexible Constitution, a strong Centre, appointment of state governor by the Centre, All-India Services, Emergency Provisions etc. can be seen in Indian Constitution. This unique combination makes it quasi-federal in form.

Each state and each Union territory of India has its own government. Analogous to President and Prime Minister, each has a Governor (in case of states) or Lieutenant Governor (in the case of Union territories) and a Chief Minister. Article 356 permits the President to dismiss a state government and assume direct authority when a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution. This power, known as President's rule, was abused earlier as state governments came to be dismissed on the flimsiest of grounds, and more due to the political discomfiture of the party in power at the
centre. Post – *Bommai judgment*, such a course of action has been rendered rather difficult, as the courts have asserted their right to review it. Consequently, very few state governments have been disbanded since.

The 73rd and 74th Amendment Act also introduced the system of *Panchayati Raj* in rural areas and *Municipality* in urban areas. Also, *Article 370* of the Constitution gives special status to the State of *Jammu and Kashmir*.

**The constitution and the legislature**

Main article: [Amendment of the Constitution of India](https://en.wikipedia.org/wiki/Amendment_of_the_Constitution_of_India)

See also: [List of amendments of the Constitution of India](https://en.wikipedia.org/wiki/List_of_amendments_of_the_Constitution_of_India)

**Amendment**

The process of addition, variation or repeal of any part of the constitution by the parliament under its constituent powers, is called amendment of the constitution. The procedure is laid out in *Article 368*. An amendment bill must be passed by each House of the Parliament by a majority of the total membership of that House when at least two-thirds members are present and voted. In addition to this, certain amendments which pertain to the federal nature of the Constitution must be ratified by a majority of state legislatures. Unlike the ordinary bills under legislative powers of Parliament as per *Article 245* (with exception to money bills), there is no provision for joint sitting of the two houses (*Lok Sabha* and *Rajya Sabha*) of the parliament to pass a constitutional amendment bill. During recess of Parliament, President can not promulgate ordinances under his legislative powers per *Article 123*, Chapter III which needs constitutional amendment. Deemed amendments to the constitution which can be passed under legislative powers of Parliament, are no more valid after the addition of *Article 368 (1)* by Twenty-fourth Amendment of the Constitution of India.

As of September 2015, there have been 120 amendment bills presented in the parliament, out of which 100 have been passed to become Amendment Acts. Despite the supermajority requirement for amendments to pass, the Constitution of India is the most frequently amended national governing document in the world. The Constitution is so specific in spelling out government powers that many of these amendments address issues dealt with by ordinary statute in other democracies. As a result, the document is amended roughly twice a year, and three times every two years.

In 2000, the National Commission to Review the Working of the Constitution (NCRWC) was set up to look into updating the constitution. Government of India, establishes term based law commissions to recommend law reforms for maximising justice in society and for promoting good governance under the rule of law.

**Limitations**

Main article: [Basic structure doctrine](https://en.wikipedia.org/wiki/Basic_structure_doctrine)
The Supreme Court has ruled in Kesavananda Bharati v. State of Kerala case that an amendment cannot destroy what it seeks to modify, which means, while amending anything in the Constitution, it cannot tinker with the "basic structure" or its framework, which is immutable. Such an amendment will be declared invalid even though no part of the constitution is explicitly prevented from being amended, nor does the basic structure doctrine protect any single provision of the Constitution. Yet, this "doctrine of basic features" lays down that, the Constitution when "read as a whole", that what comes to be understood as its basic features cannot be abridged, deleted or abrogated. What these "basic features" are, have not been defined exhaustively anywhere, and whether a particular provision of the Constitution of India is a "basic feature" is decided as and when an issue is raised before a court in an instant case.

The judgment in the Kesavananda Bharati v. State of Kerala case laid down the following as the basic structure of the constitution of India:

1. The Supremacy of the Constitution
2. Republican and Democratic form of the Government
3. Secular Character of the Constitution
4. Maintenance of Separation of powers
5. The Federal Character of the Constitution

This implies that the Parliament, while amending the Constitution, can only amend it to the extent so as to not destroy any of the aforesaid characters. The Supreme Court/High Court(s) may declare the amendment null and void if this is violated, by performing Judicial review. This is typical of Parliamentary governments, where the Judiciary has to exercise an effective check on the exercise of the powers of the Parliament, which in many respects is supreme.

In the Golak Nath v. State of Punjab case of 1967, the Supreme Court ruled that the State of Punjab could not restrict any of the Fundamental rights protected by the basic structure doctrine. Extent of land ownership and practice of profession, in this case, were held to be a fundamental right. The ruling of the Golak Nath v. State of Punjab case was eventually overturned with the ratification of the 24th Amendment in 1971.

The constitution and the judiciary

The Judiciary interprets the Constitution as its final arbiter. It is its duty as mandated by the Constitution, to be its watchdog, by calling for scrutiny any act of the legislature or the executive, who otherwise, are free to enact or implement these, from overstepping bounds set for them by the Constitution. It acts like a guardian in protecting the fundamental rights of the people, as enshrined in the Constitution, from infringement by any organ of the state. It also balances the conflicting exercise of power between the centre and a state or among states, as assigned to them by the Constitution.

While pronouncing decisions under its constitutional mandate, it is expected to remain unaffected by pulls and pressures exerted by other branches of the state, citizens or interest groups. And crucially, independence of the judiciary has been held to be a basic feature of the
Constitution, and which being inalienable, has come to mean – that which cannot be taken away from it by any act or amendment by the legislature or the executive. 

Judicial review

Judicial review is adopted in the Constitution of India from judicial review in the United States. In the Indian constitution, Judicial review is dealt with under Article 13. Judicial Review refers that the Constitution is the supreme power of the nation and all laws are under its supremacy. Article 13 states that:

1. All pre-constitutional laws, if in part or completely in conflict with the Constitution, shall have all conflicting provisions deemed ineffective until an amendment to the Constitution ends the conflict. In such situation the provision of that law will again come into force, if it is compatible with the constitution as amended. This is called the Doctrine of Eclipse.
2. In a similar manner, laws made after adoption of the Constitution by the Constituent Assembly must be compatible with the constitution, otherwise the laws and amendments will be deemed to be void ab initio.
3. In such situations, the Supreme Court or High Court interprets the laws to decide if they are in conformity with the Constitution. If such an interpretation is not possible because of inconsistency, and where a separation is possible, the provision that is inconsistent with constitution is considered to be void. In addition to article 13, articles 32, 226 and 227 provide a constitutional basis to judicial review in India.

Due to the adoption of the thirty-eighth amendment, the Indian Supreme Court was not allowed to preside over any laws adopted during a state of emergency that infringes upon fundamental rights under article 32 i.e. Right to Constitutional Remedies. Later with the Forty-second Amendment of the Constitution of India, article 31 C was widened and article 368(4) and 368(5) were added, which stated that any law passed by the parliament can't be challenged in the court on any ground. The Supreme court in the Minerva Mills v. Union of India case said that Judicial Review is one of the basic character of the constitution and therefore can't be taken away quashing Article 368(4)&(5) as well as 31 C.

The constitution – a living document

"The Indian Constitution is first and foremost a social document, and is aided by its Parts III & IV (Fundamental Rights & Directive Principles of State Policy, respectively) acting together, as its chief instruments and its conscience, in realising the goals set by it for all the people." 

The Constitution's provisions have consciously been worded in generalities, though not in vague terms, instead of making them rigid and static with a fixed meaning or content as in an ordinary statute, so that they may be interpreted by coming generations of citizens with the onward march of time, to apply to new and ever-changing and demanding situations, making the Constitution a living and an organic document. Justice Marshall asserts: “It is the nature of (a) Constitution that only its great outlines be marked”. It is a document intended “to endure for ages” and therefore, it has to be interpreted not merely on the basis of the intention and understanding of
the its framers but on the experience of its working effectively, in the existing social and political context.

For instance, "right to life" as guaranteed under Article 21, [nb 1] has by interpretation been expanded to progressively mean a whole lot of human rights [nb 2].

In the conclusion of his *Making of India's Constitution*, Justice Khanna writes:

"If the Indian constitution is our heritage bequeathed to us by our founding fathers, no less are we, the people of India, the trustees and custodians of the values which pulsate within its provisions! A constitution is not a parchment of paper, it is a way of life and has to be lived up to. Eternal vigilance is the price of liberty and in the final analysis, its only keepers are the people."
Preamble to the Constitution of India

The original text of the Preamble, (before the 42nd Amendment) of the Constitution

Preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document, and it indicates the source from which the document derives its authority, meaning, the people. The hopes and aspirations of the people as well as the ideals before our nation are described in the preamble in clear words. It may be considered as the heart and soul of Constitution. The preamble can be referred to as the preface which highlights the entire Constitution. It was adopted on 26 November 1949 by the Constituent Assembly and came into effect on 26th January 1950, secularism was included in the preamble of India on 18th March.

Historic background

The preamble is based on the Objectives which was drafted and moved in the Constituent Assembly by Jawaharlal Nehru on 13 December 1946. B. R. Ambedkar said about the preamble:

It was, indeed, a way of life, which recognizes liberty, equality, and fraternity as the principles of life and which cannot be divorced from each other: Liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things.

The Supreme Court of India originally stated in the BeruBari case presidential reference that the preamble is not an integral part of the Indian constitution, and therefore it is not enforceable in a court of law. However, the same court, in the 1973 Kesavananda case, overruled earlier decisions and recognised that the preamble may be used to interpret ambiguous areas of the constitution where differing interpretations present themselves. In the 1995 case of Union Government Vs LIC of India, the Supreme Court once again held that the Preamble is an integral part of the Constitution.

As originally enacted the preamble described the state as a "sovereign democratic republic", to which the terms "Secular" and "Socialist" were later added by the 42nd Amendment.

The preamble-page, along with other pages of the original Constitution of India, was designed and decorated by the renowned painter Beohar Rammanohar Sinha of Jabalpur who was at Shantiniketan with acharya Nandalal Bose at that time. Nandalal Bose endorsed Beohar Rammanohar Sinha's artwork without any alteration whatsoever. As such, the page bears Beohar Rammanohar Sinha's short signature Ram in Devanagari lower-right corner. The calligraphy was done by Prem Behari Narain Raizada.
Preamble

“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 26th day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Sovereign

Government has supreme right to make decisions on internal as well as external matters. No external power can dictate the government of India.

Socialist

Before the term was added by the 42nd Amendment in 1976, the Constitution had a socialist content in the form of certain Directive Principles of State Policy. The term socialist here means democratic socialism i.e. achievement of socialistic goals through democratic, evolutionary and non-violent means. Socialist basically means that wealth is generated socially and should be shared equally by society. Government should regulate the ownership of land and industry to reduce socio-economic inequalities.

Secular

Secular means the relationship between the government and the people which is determined according to constitution and law. By the 42nd Amendment in 1976, the term "Secular" was also incorporated in the Preamble. Explaining the meaning of secularism as adopted by India, Alexander Owics has written, "Secularism is a part of the basic of the Indian Constitution and it means equal freedom and respect for all religions."
Democratic

The people of India elect their governments at l) by a system of universal adult franchise; popularly known as "one man one vote". Every citizen of India, 18 years of age and above and not otherwise debarred by law, is entitled to vote. The word 'democratic' not only refers to political but also to social & economic democracy.

Republic

In a republic form of government, the head of the state is an elected person and not a heredity monarch. This word denotes a government where no one holds a public power as proprietary right. 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.

Justice

India seeks to secure social, economic and political justice for its people.

(i) Social Justice:

Social Justice means the absence of socially privileged classes in the society and no discrimination against any citizen on grounds of caste, creed, colour, religion, sex or place of birth. India stands for eliminating all forms of exploitations from the society.

(ii) Economic Justice:

Economic Justice means no discrimination between man and woman on the basis of income, wealth and economic status. It stands for equitable distribution of wealth, economic equality, end of monopolistic control over means of production and distribution, decentralisation of economic resources, and securing of adequate opportunities to all for earning their living.

(iii) Political Justice:

Political Justice means equal, free and fair opportunities to the people for participation in the political process. It stands for the grant of equal political rights to all the people without any discrimination. The Constitution of India provides for a liberal democracy in which all the people have the right and freedom to participate.

Liberty

The idea of Liberty refers to the freedom on the activities of Indian nationals. This establishes that there are no unreasonable restrictions on Indian citizens in term of what they think, their manner of expressions and the way they wish to follow up their thoughts in action. This is found to be an important tool in ensuring democratic framework. However, liberty does not mean
freedom to do anything, and it must be exercised within the constitutional limits. This is second provision.

**Equality**

This envisages that no section of the society enjoys special privileges and individuals are provided with adequate opportunities without any discrimination. All are equal in front of law. Again, there are three dimensions of Equality - Political, Economic & Civic.

**Fraternity**

This refers to a feeling of brotherhood and a sense of belonging with the country among its people. It embraces psychological as well as territorial dimensions of National Integration. It leaves no room for regionalism, communalism, casteism etc, which hinders the Unity of the State. The inclusion of the word "Fraternity" is proposed by Dr. B.R Ambedkar.

The Preamble declares that fraternity has to assure two things -- the dignity of the individual and the unity and integrity of the nation. The word 'integrity' has been added to the Preamble by the 42nd Constitutional Amendment (1976).

**Amendability**

In Berubari Case (1960), The amendability & the Significance of the same came to the force. An important & very interesting question was raised relating to the powers of the Parliament to cede Indian territory to a foreign country, as an interpretation of the Article 3. Supreme Court had held that the power of Parliament to diminish the area of a state as guaranteed in article 3 of the Constitution does not cover cession of the Indian territory to a foreign country. Hence, Indian territory can be ceded to a foreign country only by means of amendment of the Constitution under the Article 368. Consequently, the 9th Constitutional Amendment Act, 1960 was enacted to transfer the Berubari Union to Bangladesh (erstwhile East Pakistan). Supreme Court also held the view that Preamble can not be a part of the constitution but later in Kesavananda Bharati Case (1973), the Supreme Court gave a comprehensive verdict. It said that Preamble is Part of Constitution and is subject to the amending power of the parliament as any other provisions of the Constitution, provided the basic structure of the constitution is not destroyed.

It has been clarified by the Supreme Court of India that being a part of Constitution, the Preamble can be subjected to Constitutional Amendments exercised under article 368, however, the basic structure cannot be altered.

**Forty-second Amendment**

The preamble has been amended only once so far. 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"