

# A Critical Reading of the Preamble of the Indian Constitution

Lt. (Dr.) Shajimon I J

*Associate Professor of History, Sri C Achutha Menon Government College,  
Thrissur, Kuttanellur, Kerala, India, 680014*

**Abstract—The Indian Constitution<sup>1</sup> It is the legal manifesto of independent India. It is the moral and legal binding force behind the myriad and perplexing complexities of India's centuries-old socio-cultural life. The constitution maintains the integrity of multiculturalism and plurality. The preamble of the Indian Constitution is the most vocal declaration of the unity in diversity. The very first line of the constitution begins with the word “We the people of India”, which indicates that the Indian constitution derives its power and authority from the people rather than any celestial bodies living in some unknown, faraway heavenly places. The constitution is fundamentally rooted in the strength and unity of the population. Inclusion and plurality are the two inherent basic values of the Indian Constitution. The present article examines the foundational principles of the Indian Constitution enshrined in the Preamble, with the intention of critically addressing the construction of a theocratic state upon a fabricated religious majority.**

**Index Terms—Preamble, Constitutional Morality, Rights, Fraternity**

## I. INTRODUCTION

The preamble of the Indian Constitution is the key to the wonderful, ideological, and pragmatic world of coexistence amid the complex, multicultural strands in India. The preamble is a declaration of the purposes and the underlying spirit of the Constitution<sup>2</sup>. What should be the beginning of the Indian Constitution was one of the most contentious debates in the Constituent

Assembly. Whether it should be started with the name of a specific god or a nondescript one was a hot topic of debate. Finally, the constituent assembly settles on those historical words “We the people of India”. India is a land of millions of gods and goddesses. We begin by seeking the blessings of the gods, regardless of our religious affiliation. The same logic might be the driving force behind that first words debate. The very words “We the people of India” assert that the Indian Constitution derives its sovereignty from the people rather than from any divine authority. The neutrality principle of the Indian constitution between the state and religions is a crucial and central theme. This neutrality principle is the fertile ground for secularism and respect for pluralism. Any deviation from it will breed sectarianism, minority oppressions and theocratic fundamentalism. “We the people of India” are not just a couple of words but a triumphant declaration that independent India is secular and neutral among religions. The preamble of the Indian Constitution is a site of struggles and survivals of humanity. It is the manifestation of our eternal longing for freedom and liberty. It is a heroic attempt to liberate ourselves from the clutches of the inhuman caste system. Let us have a critical reading of the preamble of the Indian Constitution in the light of the caste system, the values of Manu Smruti and patriarchal social control.

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<sup>1</sup> Government of India, Ministry of Law and Justice, Legislative Department. (2024). *The Constitution of India* (2024 ed.). <https://legislative.gov.in/constitution-of-india>

<sup>2</sup> Rao, V. V. (1951). The preamble. *The Indian Journal of Political Science*, 12(2), 1–11. Indian Political Science Association. <https://www.jstor.org/stable/42743269>

## II. CRITICAL READING OF THE PREAMBLE OF THE INDIAN CONSTITUTION.

One of the key words in the constitution is “fraternity”. Fraternity indicates a feeling of companionship and brotherhood. Fraternity was totally missing in Indian society, muddled in casteism and untouchability. Fraternity was an alien idea for ancient India. Today, we boast of five thousand years of plural and inclusive Indian civilisation and culture, which was only a constructed lie. When Ambedkar says that Hindu society is like a multi-storied building with no staircase and doors, he immediately questions the claim of an inclusive five-thousand-year-old Indian civilisation<sup>3</sup>. India is always a fractured community based on caste and religious distinctions. Fraternity might exist at the notional level among each caste or religion, surely not between castes or religions. What has been written in the Manu Smriti clearly indicates that fraternity is absent from Indian culture. We did not feel any sense of brotherhood or camaraderie among caste groups. We stood apart from each other and never showed any mutual sympathy or sense of belonging, except for naked utilitarian exchanges of goods or services. The caste system united people as labourers rather than as part of humanity. Hierarchical inequality was the antithesis of fraternity. The Indian Constitution has introduced the concept of fraternity in the preamble with a clear objective of creating solidarity among a multi-layered caste society with no doors, windows, or staircases. By the phrase, “we the people of India”, the constitution was providing doors, windows and staircases for the caste-ridden Indian society. The preamble was literally uprooting the age-old foundation of the caste system. The preamble of the Indian Constitution is to be seen as the herald of a collective social identity in place of fractured caste identities. The preamble was trying to piece together a broken mirror, carefully fixing each of its smaller pieces. It was a heroic attempt to rebuild a fragmented society into a cohesive country based on fraternity and mutual trust. Linguistic reorganisation of states, division of power among the centre and states, fundamental rights over state tyranny, directive

principles as guidelines, and inclusive citizenship rules are all pragmatic attempts to cultivate fraternity among all stakeholders.

Fraternity was alien to us, so it had to be deliberately cultivated and nurtured. The abolition of untouchability and the universal franchise are two great efforts to clear impediments to realising fraternity, from de jure to de facto. The abolition of untouchability and criminalisation of it directly disfranchises the caste rights of people. By the abolition of untouchability, the caste system has lost its old social control power. The abolition of untouchability resulted in the liberation of millions of former untouchables from the yoke of caste professions. Freeing from caste professions, acquiring the status of a citizen with fundamental rights and the right to vote makes untouchables equal to their former masters. This transfiguration from slavery to citizenship is spontaneous and revolutionary. A caste republic became a democratic republic overnight. Fraternity visualises companionship, brotherhood, mutual respect, solidarity, mutual sacrifice, joint struggles and sufferings. Fraternity drives out hostility, communal alienation, social estrangement and mutual antagonism. Communal harmony without oppressing and denying anyone any rights is the essence of fraternity. The caste system is antagonistic, mutually alienating, and violent. Caste system fractures communal harmony, but fraternity rebuilds it. Fraternity is the fundamental value system of Indian constitution. Lack of fraternity dismantles the pillars of constitutional morality.

Fraternity is not a stand-alone concept but is closely integrated with the dignity of the individual and the country's unity and integration. Dignity of the individual and unity and integration of the Nation are paramount in the notion of fraternity. Every individual needs to be treated with respect and dignity. They should not be denied any of the above. The whole nation should work together to maintain the nation's unity and strength. The constitution promises the dignity of the individual in any life situation of the citizen. The promised dignity is not unconditional. It is subject to the unity and integrity of the Nation. The

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<sup>3</sup> Ambedkar, B. R. (2014). *Annihilation of caste: The annotated critical edition* (S. Anand, Ed.; A. Roy, Intro.). Navayana.

interconnection between the dignity of an individual and the unity and integrity of a Nation could be read in two ways: the dignity of the individual cannot be pursued at the cost of the unity and integrity of the Nation; The corollary of the first view is that individual dignity is not superior to the unity and integrity of the Nation. Dignity of the individual and the unity of the nation are umbilically deep belonging. They are inseparable. In the post-truth India, efforts of sectarian politics to reconstruct a new theocratic India upon a fake religious majority are immediately conflicting with the inborn relationship between individual dignity and the unity of the Nation. A theocratic state is the antithesis of plural India, built upon multiculturalism and inclusivity. A theocratic state promotes elitism and rests upon graded inequality and social stratification. A theocratic state erodes constitutional values of justice, liberty and equality. Individual dignity enshrined in our constitution is inherently derived from social, political and economic justice; liberty of thought, expression, belief, faith and worship; and equality of status and opportunity. Individual dignity presupposes a caste-neutral society. It rests upon a secular state. It negates the emergence of a theocratic state. In this context, the constitution of India as “a Sovereign, Socialist, Secular, Democratic, Socialist” signifies more than its literal meaning. A sovereign state derives its power and authority from the people. Theocratic state compromises democracy and validates elitism. Social control beyond the constitutional legal structures is the source of elitism. Unscrupulous economic liberalisation, shattering the socialist welfare networks in the Indian economy, will marginalise people to the status of paupers. A theocratic state with a liberalised economy will remove all safety nets in our constitution. The public sector, welfare economics policies, and targeted employment reservations are all essential institutional frameworks for ensuring individual dignity and purchasing power. Dismantling socialist structures and denying the redistribution of national resources in favour of people with low incomes will cause the

disappearance of individual dignity. The preamble of the Indian Constitution is not merely a prologue to the Constitution but a blueprint for the functioning of the Indian polity and economy. The preamble is to be read in the broader context of the Nation's very functioning. Sack's article raises a different opinion. He says that “The state cannot achieve brotherhood among human beings, although it could be promoted a good deal more vigorously than the Indian state does at present”<sup>4</sup>. “The values of liberty, equality and fraternity, on which democracy was based, led to the realisation of the necessity of a secular state”<sup>5</sup>.

### III. CONCLUSION

The Indian Constitution promises its citizens individual dignity. It is the duty of the state to ensure individual dignity. Caste system, untouchability and denial of institutional frameworks for equality, justice and liberty will compromise individual dignity. A close reading of the preamble reveals that the individual is actually ensured as broader collective responsibilities of the state and its citizens. Individuals and society have a collective responsibility to maintain all legal structures to ensure human dignity. Human dignity is the be-all and end-all of the Constitution. Constitutional morality is not merely a theoretical category; it is the essence of the praxis of the Indian Constitution. Secularism is an integral part of plural India. Any deviation from the principles of secularism will destabilise the very idea of democratic India. Theocratic fundamentalism in any form creeping into the Indian polity is to be curbed democratically.

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<sup>4</sup> Sack, P. (1990). Legal technology and quest for fraternity: Reflections on the preamble of the Indian Constitution. *Journal of the Indian Law Institute*, 32(3), 294–308. <https://www.jstor.org/stable/43952306>

<sup>5</sup> Tarkunde, V. M. (1995). Secularism and the Indian Constitution. *India International Centre Quarterly*, 22(1), 143–152. India International Centre. <https://www.jstor.org/stable/23003717>