



SNS COLLEGE OF TECHNOLOGY
(AUTONOMOUS), COIMBATORE - 35



COURSE NAME : 19HST103 & INDIAN CONSTITUTION

I YEAR/ II SEMESTER

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UNIT – 1 INTRODUCTION

Topic: Preamble-Fundamental Rights

Ms. D. Kanimozhi

Assistant Professor

Department of Computer Science and
Engineering



Preamble

What is Preamble of Indian Constitution?

- The Preamble of the Indian Constitution was adopted on 26th November 1949.
- The United States of America was the first constitution in the world to have a Preamble and the Preamble of the Indian Constitution was inspired by the constitution of the USA and the 'Objective Resolution' drafted and moved by Pandit Nehru.
- To add the three new words Socialist, Secular, and Integrity it has been amended by the 42nd Constitutional Amendment Act, 1976.



Sovereign

- Sovereignty denotes power or capacity. It is the capacity of the state to make decisions that are best in the interest of the country. The word sovereign implies that India is neither a dependency nor a dominion of any other nation but an independent state.
- Today India is in a better position to safeguard its self-interest. India can either acquire a foreign territory or cede a part of its territory in favor of a foreign state as being a sovereign state.



Socialist

- The Supreme Court in Samatha Vs State of Andhra Pradesh explains the meaning of Indian socialism. It aims at reducing inequalities in social and economic terms.
- The word Socialist was added in the Preamble of the Constitution by the 42nd Constitutional Amendment Act, 1976.



Secular

- Secularism helps in understanding the relationship between man, state, and religion.
- 42nd Amendment Act, 1976 made India's commitment to secularism more explicit by adding it to the Preamble.
- It means there is no complete separation between religion and state in India.



Democratic

- The constitution of India provides for the representative parliamentary democracy under which for all policies and actions of the legislature, the executive is responsible.
- The manifestation of the democratic character of the Indian polity is- Universal adult franchise, rule of law, independence of the Judiciary, periodic election, absence of discrimination on grounds of race, caste, sex, gender, etc.
- In the Preamble, the word Democratic has the wider sense of embracing not only political democracy but also social and economic democracy.



Charter Act 1853

- The legislative and executive powers of the Governor-General's Council were separated.
- A Central Legislative Council was created of 6 members out of which 4 were appointed by the provisional governments of Madras, Bombay, Agra and Bengal



Indian Independence Act 1947

- India was declared independent and sovereign.
- The Viceroy and the Governors were made constitutional (nominal) heads.
- Set up responsible governments at the centre and the provinces.
- Assigned both legislative and executive powers to the Constituent Assembly of India.



Republic:

The term Republic used in the Preamble implies that India has an elected head known as the President, who is elected indirectly for a fixed time period. There is also two more meaning of the term 'Republic.

Justice:

- The ideal of social, economic, and political justice has been taken from the USSR.
- There are three distinct forms of term justice used in the Preamble that is social, economic, and political which are secured through the various provisions of Fundamental Rights and Directive Principles of State Policy.

Liberty:

- Liberty means the absence of restraint from the activities of the individuals and providing an opportunity for the development of individual personalities through their fundamental rights which, in the case of violation, can also be enforceable in a court of law



Equality:

- The absence of special privilege for any section of society is the actual meaning of equality.
- The Preamble secured the equality of status and of the opportunity to promote among them all the citizens of India.

Fraternity:

- The term Fraternity is used in the Preamble to promote the sense of brotherhood through the system of single citizenship. And, Article 51 A is a fundamental duty also says that it shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India.



Fundamental Rights

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Freedom of Religion
5. Cultural and Educational Rights
6. Right to Constitutional Remedies



1. Right to Equality:

- Right to equality is one of the important fundamental rights of Indian constitution that guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth.
- It ensures equal employment opportunities in the government and insures against discrimination by the State in matters of employment on the basis of caste, religion, etc. This right also includes the abolition of titles as well as untouchability.



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2.Right to Freedom:

- Freedom of speech
- Freedom of expression
- Freedom of assembly without arms
- Freedom of association
- Freedom to practise any profession
- Freedom to reside in any part of the country



3.Right against Exploitation:

- This right implies the prohibition of traffic in human beings, *begar*, and other forms of forced labour.
- It also implies the prohibition of children in factories, etc. This Constitution prohibits the employment of children under 14 years in hazardous conditions.



4. Right to Freedom of Religion:

- This indicates the secular nature of Indian polity. There is equal respect given to all religions. There is freedom of conscience, profession, practice and propagation of religion. The State has no official religion. Every person has the right to freely practice his or her faith, establish and maintain religious and charitable institutions.



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5.Cultural and Educational Rights:

- These rights protect the rights of religious, cultural and linguistic minorities, by facilitating them to preserve their heritage and culture. Educational rights are for ensuring education for everyone without any discrimination.



6.Right to Constitutional Remedies:

- The Constitution guarantees remedies if citizens' fundamental rights are violated. The government cannot infringe upon or curb anyone's rights. When these rights are violated, the aggrieved party can approach the courts. Citizens can even go directly to the [Supreme Court](#) which can issue writs for enforcing fundamental rights.