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Q5(b)

The Preamble of the Indian Constitution reflects itself as a 'social contract'. Elucidate.

UPSC Civil Services Mains 2022 · PSIR GS 1 · 10 marks · Making of the Indian Constitution

Making of the Indian Constitution: Legacies of the British rule; different social and political perspectives.

Core demand of the question

- **Answer the following in about 150 words:** The Preamble of the Indian Constitution reflects itself as a 'social contract'. Elucidate. (10 marks)

Revision summary

The Preamble's "**We, the People**" is popular contract language of self-authorisation.

Justice, liberty, equality, and fraternity are the terms of the trust, closer to **Locke** and **Rousseau** than to **Hobbes**.

Austin treated this as the Assembly's nation-making bargain.

Kesavananda tied the Preamble to basic structure.

Ambedkar's social democracy is the test of whether the contract is lived.

Introduction

The Preamble begins with "**We, the People of India**" and states the ends of the Union. That is contract language in a Lockean and Rousseauist register: a people authorises a constitutional order and names what the trust is for.

Body

Contract form

- **Locke**'s contract is consent to a trustee government for liberty and estate. The Preamble's justice, liberty, equality, and fraternity are the public terms of that trust.
- **Rousseau**'s people as sovereign appears in the **enacting formula**: the people give the Constitution to themselves, not a crown.
- **Granville Austin** read the Assembly as a seamless web of national unity, democracy, and social revolution. The Preamble is the short text of that bargain.
- **Kesavananda Bharati (1973)** treated the Preamble as a key to basic structure, so the contract is not a preface that Parliament may empty.

What kind of contract

- It is hypothetical and founding, not a signed parchment of every citizen. **Rawls** would call it public terms of social cooperation.
- The 42nd Amendment added socialist, secular, and integrity, which amended the stated terms of the bargain after Emergency politics.

- **Ambedkar** warned that political democracy without social democracy would fail the contract's equality and fraternity.
- Unlike **Hobbes**, the Preamble does not authorise an undivided extra-constitutional sword. Limitation is written into the same people-made text.

Elucidation

- Calling the Preamble a social contract is right as popular authorship plus named ends.
- It is incomplete if it hides that the Assembly was not a veil of ignorance: caste, property, and princely India shaped who could speak.

Flow diagram

Preamble -> We the People

Preamble -> Justice liberty equality fraternity

We the People -> Social contract form

Kesavananda -> Preamble

Conclusion

- **The Preamble is a social-contract text:** a people constitutes a limited Union for justice, liberty, equality, and fraternity. **Austin** and **Kesavananda** make those words operative. **Ambedkar** still asks whether society honours the bargain.

Facts & figures

Enacting formula

"We, the People of India ... do hereby adopt, enact and give to ourselves this Constitution."

Kesavananda (1973)

Used the Preamble to identify unamendable essentials of the constitutional bargain.

42nd Amendment, 1976

Inserted socialist, secular, and integrity into the Preamble.

Austin

Cornerstone of a Nation treats the Assembly's work as a three-strand contract of unity, democracy, and social revolution.