

TOPIC 1 OF 80

THEMES FOR

PRELIMS

Preamble of the Indian Constitution – Advanced Prelims Notes

A comprehensive guide to understanding the **Preamble** - the introductory statement to the **Constitution** that states philosophy, objectives, and guiding values of our nation.



Basics & Evolution

Foundation

Preamble is an introductory statement to the Constitution, stating philosophy, objectives, and guiding values.

US Inspiration

Inspired partly from US Constitution (idea of Preamble).

Popular Sovereignty

The phrase "We, the people of India" → indicates popular sovereignty.

Drafting Committee

Drafting Committee Chairman: Dr. B. R. Ambedkar.

Objective Resolution

Objective Resolution (1946) moved by Jawaharlal Nehru → Basis of Preamble.

Assembly Adoption

Objective Resolution adopted by Constituent Assembly on 22 January 1947.

Enactment Date

Preamble enacted on 26 November 1949 along with Constitution adoption.

Effect Date

But came into effect on 26 January 1950 (same as Constitution).

Identity Card

Described as the "identity card of the Constitution" (N. A. Palkhivala).

Key to Constitution

Also called "key to the Constitution" (Kesavananda Bharati case).

Text & Keywords

Ultimate Sovereignty

"We, the people..." » People are ultimate sovereigns.

Five Keywords

Keywords: Sovereign, Socialist, Secular, Democratic, Republic.

Four Objectives

Objectives: Justice, Liberty, Equality, Fraternity.

Triple Justice

Justice: social, economic, political.

Five Liberties

Liberty: of thought, expression, belief, faith, worship.

Dual Equality

Equality: of status and opportunity.

Fraternity Definition

Fraternity: assuring dignity of the individual and unity & integrity of the Nation.

42nd Amendment Addition

"Unity and Integrity" – added by 42nd Amendment (1976).

Socialist & Secular

"Socialist" and "Secular" – also added by 42nd Amendment (1976).

Word Count Change

Thus, original Preamble had 80 words; post-42nd Amendment has 85 words.

Deliberate Order

Word order is very deliberate (e.g., Justice before Liberty, etc.).

Nature & Status

Part of Constitution

Preamble is part of the Constitution (Kesavananda Bharati, 1973).

Not Enforceable

Not enforceable in court (cannot be a source of power).

Interpretation Aid

But useful for interpretation of ambiguous constitutional provisions.

Berubari Case 1960

Berubari Union case (1960) » Initially held "Preamble is not part of Constitution."

Kesavananda 1973

Kesavananda (1973) » Overruled Berubari, held "Preamble is part of Constitution."

S.R. Bommai 1994

S.R. Bommai (1994) » Preamble reflects basic structure.

Cannot Override

Cannot override specific provisions of the Constitution.

Power Limitation

It is neither a source of power nor a limitation on power.

Amendmentability & Key Concepts

Amendmentability

Amendment Possible

Can Preamble be amended? → YES, under Art. 368 (since it is part of Constitution).

Basic Structure Limit

But amendment cannot alter Basic Structure (Kesavananda test).

Only Amendment

Only amendment so far: 42nd Amendment, 1976 (added Socialist, Secular, Integrity).

Unconstitutional Changes

Any attempt to delete "Democratic" or "Republic" → unconstitutional.

Philosophy Protection

Parliament cannot amend Preamble to destroy its essential philosophy.

Key Concepts

Sovereign

Independent in internal & external affairs. Not a dominion of British Crown (contrast with 1947 Dominion status).

Socialist

Indian brand, not Marxist, but "Democratic Socialism" (blend of Marx & Gandhi).

Secular

Equal respect to all religions; state neutrality; "positive Secularism" (Indian context).

Democratic

Political, not just social; universal adult franchise, elections, rule of law.

Republic

No hereditary ruler; head of state elected for fixed term.

Justice Types

Justice (Social) → Removal of inequalities in society.
Justice (Economic) → Equitable distribution of wealth.
Justice (Political) → Equal access to political rights.

Judicial Perspectives & More Concepts

Judicial Cases

1

Berubari (1960)

Preamble not part of Constitution (wrong, later overruled).

2

Kesavananda (1973)

Part of Constitution, subject to amendment, but basic structure intact.

3

LIC v. Consumer (1995)

Preamble is integral, not a source of power.

4

S.R. Bommai (1994)

Preamble reflects federalism, secularism → part of basic structure.

5

Union v. LIC (1995)

Preamble is guiding light for constitutional interpretation.

Additional Concepts

Liberty

Not absolute; subject to reasonable restrictions.

Equality

Formal + substantive (Article 14–18 operationalize).

Fraternity

Promotes brotherhood, prevents fissiparous tendencies.

Individual Dignity

Fundamental rights + directive principles uphold.

Unity vs Integrity

Goes beyond unity; integrity = national cohesiveness.

Prelims Traps & Pointers

TRAP 1

"Preamble is enforceable in courts."
» FALSE.

TRAP 2

"Preamble is not part of
Constitution." » FALSE
(Kesavananda).

TRAP 3

"Preamble cannot be amended." »
FALSE (42nd Amendment proof).

TRAP 4

"Preamble is source of power." »
FALSE.

TRAP 5

"Preamble restricts Parliament's
powers." » FALSE.

TRAP 6

"Preamble originally contained
Socialist & Secular." » FALSE.

TRAP 7

"Integrity was present from 1950."
» FALSE (added 1976).

TRAP 8

"Berubari case allowed amendment
of Preamble." » MISLEADING;
Berubari said not part at all.

TRAP 9

"Liberty is absolute." » FALSE
(subject to restrictions).

TRAP 10

"Unity = Integrity." » FALSE (Integrity is wider, added
later).

TRAP 11

"Preamble cannot guide judiciary." » FALSE (used as aid
to interpretation).

Advanced Nuggets & Final Pointers

Global Borrowings

Preamble borrows concepts from: US (**Preamble** idea, **liberty, equality**), French Revolution (**liberty, equality, fraternity**), USSR (**socialist**), Ireland (DPSP), UK (Parliamentary **democracy**).

Philosophical Compass

Not just decorative; SC calls it "philosophical compass" of **Constitution**.



Basic Structure

Preamble embodies **basic structure** doctrine indirectly.

Mini Constitution

42nd Amendment (Mini **Constitution**) → Only **amendment** of **Preamble**.

Word Count

Word count matters: Prelims may ask numbers (80 vs 85).

Popular Sovereignty

"We, the people" → Constituent Assembly not a directly elected body, yet ultimate **sovereignty** vests in people.

Famous Quotes

Nani Palkhivala's quote: **Preamble** = **Constitution**'s horoscope. Granville Austin called **Preamble** + FR + DPSP as "conscience of the **Constitution**".

Historical Context

First case referring to **Preamble** in SC: Gopalan (1950). **Integrity** addition had special context – secessionist movements in 1970s.

Kesavananda Insights

In Kesavananda, Justice Sikri → **Preamble** is "part of **Constitution** & can be amended but not **basic structure**". Justice Khanna in Kesavananda → "**Preamble** epitomizes the spirit of the **Constitution**".

French Connection

Liberty, Equality, Fraternity directly lifted from French Revolution motto.

Republic Choice

"**Republic**" chosen consciously to reject monarchy & dominion status. Indian **Secularism** ≠ Western **Secularism** → often tested.

Final Platinum Pointers for Prelims:

- Remember Berubari vs Kesavananda contrast.
- Recall 42nd Amendment (3 words + 1 phrase).
- Watch for word order traps.
- **Preamble's amendability** but **limits** is a favourite UPSC twist.
- Link each keyword to **Articles/Parts of Constitution**.