

# 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.