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A Synopsis of Sovereignty: Decoding the Preamble as the Constitution in a Nutshell

SANDEEP YADAV*

ABSTRACT

This paper examines the constitutional significance of the Preamble to the Constitution of India, exploring its historical origins, philosophical foundations, substantive ideals, and role in constitutional interpretation. It traces the Preamble to Jawaharlal Nehru's Objectives Resolution, adopted by the Constituent Assembly in 1947, and considers how the framers adapted constitutional ideas from other political and constitutional traditions to India's distinctive circumstances. The study analyses the expression "We, the People of India" as an affirmation of popular sovereignty and examines the character of India as a Sovereign, Socialist, Secular, Democratic Republic. The paper then evaluates the Preamble's principal commitments: justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and fraternity, assuring individual dignity and national unity and integrity. It considers how these ideals are reflected in constitutional provisions concerning fundamental rights, directive principles, citizenship, affirmative action, political participation, religious freedom and the duties of citizens. Through an examination of relevant Supreme Court decisions, the study discusses the relationship between these constitutional promises and the development of substantive equality, social welfare, secularism and democratic participation. A further focus is the legal status of the Preamble. The paper considers the earlier judicial position in In re Berubari Union *and the subsequent determination in* Kesavananda Bharati v. State of Kerala *that the Preamble forms part of the Constitution. It also examines the Forty-Second Amendment Act, 1976, which inserted the terms "Socialist," "Secular" and "Integrity," and the limits imposed by the basic structure doctrine on Parliament's amending power under Article 368. The study argues that, although the Preamble does not independently confer governmental powers or enforceable rights, it remains an integral constitutional component and an authoritative interpretative guide. It encapsulates India's constitutional identity and provides a framework for understanding the Constitution's enduring commitments and democratic aspirations.*

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I. INTRODUCTION

The Preamble to the Indian Constitution is a brief 85 word introductory statement that sets forth the guiding principles and goals of the Indian government. It is often described as the introductory statement that reflects the fundamental philosophy, objectives and guiding principles of the Indian Constitution. Although brief in its composition, it carries profound constitutional significance because it expresses the vision and aspirations of the framers for an independent and democratic India. It declares the nature of the Indian State and establishes its commitment to securing justice, liberty, equality and fraternity for all its citizens. In essence, the Preamble provides a glimpse into the constitutional philosophy upon which the entire framework of Indian democracy is founded.[1]

The historical foundation of the Preamble can be traced to the Objectives Resolution, which was moved by Pandit Jawaharlal Nehru before the Constituent Assembly on December 13, 1946. The Resolution was subsequently adopted on January 22, 1947, and laid down the fundamental principles that would guide the framing of the Constitution. It envisaged India as an independent sovereign republic, with all governmental authority deriving from the people. It also emphasised the importance of social, economic and political justice, equality, liberty, and adequate safeguards for minorities and disadvantaged sections of society. These principles ultimately became the philosophical foundation of the Preamble and influenced several provisions of the Constitution.[2] After nearly three years of deliberations, discussions and constitutional debates, the Constituent Assembly adopted the Constitution of India on November 26, 1949. The Constitution subsequently came into force on January 26, 1950, a date celebrated annually as Republic Day. The Preamble formally records November 26, 1949, as the date on which the Constituent Assembly adopted, enacted and gave the Constitution to the people of India.[3]

The Preamble also reflects the influence of several foreign constitutional traditions and political philosophies. However, these influences were not adopted mechanically; rather, the framers

[1] INDIA CONST. pmbl.

[2] 1 CONSTITUENT ASSEMBLY DEBATES 57-62 (Dec. 13, 1946) (Lok Sabha Secretariat photo. reprint 2014) (Jawaharlal Nehru moving the Objectives Resolution); 2 CONSTITUENT ASSEMBLY DEBATES 324 (Jan. 22, 1947) (Lok Sabha Secretariat photo. reprint 2014).

[3] INDIA CONST. pmbl.; 11 CONSTITUENT ASSEMBLY DEBATES 995 (Nov. 26, 1949) (Lok Sabha Secretariat photo. reprint 2014) (adoption and authentication of the Constitution).

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adapted them to suit India's historical circumstances, social diversity and democratic aspirations.

While evolving the most balanced governmental arrangements, the makers of our Constitution did not hesitate to learn from experiments and experiences of other countries. The Constitution makers had painstakingly gone through the constitutions of about 60 countries, adopting a number of ideas from the constitutions of different nations. However, the document that emerged is unique in its content and spirit. Even while borrowing features from other constitutions, the framers made the necessary modifications to ensure their suitability to the Indian conditions and ethos.[4] The philosophy can be briefly understood by Dr. Ambedkar's following quote:

> "One likes to ask whether there can be anything new in a Constitution framed at this hour in the history of the world. More than hundred years have rolled over when the first written Constitution was drafted. It has been followed by many countries reducing their Constitutions to writing. What the scope of a Constitution should be has long been settled. Similarly what are the fundamentals of a Constitution are recognized all over the world. Given these facts, all Constitutions in their main provisions must look similar. The only new things, if there can be any, in a Constitution framed so late in the day are the variations made to remove the faults and to accommodate it to the needs of the country. The charge of producing a blind copy of the Constitutions of other countries is based, I am sure, on an inadequate study of the Constitution. . . . As to the accusation that the Draft Constitution has produced a good part of the provisions of the Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution."[5]

The opening expression, "We, the People of India," reflects the principle of popular sovereignty, signifying that the ultimate source of constitutional authority rests with the people themselves. This expression and the general concept of a written constitutional preamble were influenced by the Constitution of the United States of America.[6]

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[4] PRESS INFORMATION BUREAU, GOV'T OF INDIA, *Constitution Day - November 26* (Nov. 25, 2021), https://static.pib.gov.in/WriteReadData/specificdocs/documents/2021/nov/doc2021112551.pdf.

[5] 7 CONSTITUENT ASSEMBLY DEBATES 37-38 (Nov. 4, 1948) (Lok Sabha Secretariat photo. reprint 2014) (statement of Dr. B.R. Ambedkar).

[6] U.S. CONST. pmbl.; INDIA CONST. pmbl.

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Similarly, the concept of justice, particularly its social, economic and political dimensions, is commonly associated with the constitutional philosophy of the former Soviet Union. The Soviet Constitution (USSR) inspired the Indian framers to incorporate the ideals of social and economic justice, with an emphasis on reducing economic inequalities and establishing a more equitable social order. The principles of social and economic justice are also historically associated with the Russian Revolution (1917), which emphasised social equality and the welfare of workers. The framers sought to establish a society in which social inequalities could be reduced and every individual could enjoy equal opportunities and dignity. The ideals of liberty, equality and fraternity, on the other hand, are closely associated with the French Revolution of 1789 and its political philosophy. These principles were incorporated into the Indian constitutional framework to promote individual freedom, equal status and a sense of brotherhood among citizens.[7] The attainment of collective good as distinguished from individual good is the main objective of rendering justice to the citizens of India. Mahatma Gandhi, the father of the nation, had this vision which he wanted to incorporate into the very heart and soul of the nation where the poorest people would feel that the nation belonged to them and that they had an effective voice in its making.[8]

The Preamble to the Constitution of India is an introductory statement that outlines the guiding principles, philosophy, and objectives of the nation.

As compared to the preamble of other Acts or Statutes, the Preamble to the Constitution of India consists of the crux of the whole Constitution in a nutshell. That is why the Preamble to the Constitution of India is also known as the basic structure or foundation of the Indian Constitution. As the Preamble to the Constitution of India was written at the end, the Constitution of India is also known as an "act in reverse", though the Preamble has been placed first. The Constitution is the grundnorm, meaning it is the supreme law.

The Preamble to the Constitution of India can be seen in three different ways:

1. The Preamble to the Constitution of India can be decoded in 3 C's: Country, Citizens and Constituent Assembly.
2. The Preamble to the Constitution can also be understood by categorising it into Present, Future and Past (based on the contents of the Preamble).

[7] PRESS INFORMATION BUREAU, GOV'T OF INDIA, *supra* note 4; D.D. BASU, INTRODUCTION TO THE CONSTITUTION OF INDIA (23rd ed. 2018); *Déclaration des droits de l'homme et du citoyen* [Declaration of the Rights of Man and of the Citizen] arts. 1, 2 (Fr. 1789).
[8] MAHATMA GANDHI, YOUNG INDIA 255 (Sept. 10, 1931).

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3. The Preamble to the Constitution can also be divided into three parts: Resolutionary, Promissory and Declaratory.

As per N.A. Palkhivala, the Preamble to the Constitution is the identity card of the Constitution of India as it is an introduction to the statute. That is why interfering with the identity card (Preamble) of the Constitution may interfere with the legality of the statute.[9]

As per Thakur Das Bhargava, the Preamble is the soul of the Constitution of India.[10]

As per K.M. Munshi, the Preamble is the political horoscope of the Constitution of India and that basically reflects on the future of the working method and pattern of the Constitution of India.[11]

In the case of *D.S. Nakara v. Union of India*, the Supreme Court observed that the Preamble, with the ideals, values and aspirations contained in it, is "the flood light illuminating the path to be pursued by the State to set up a Sovereign Socialist Secular Democratic Republic", a socialist welfare society.[12]

II. Structural setup of the Constitution through Preamble

As the Constitution of India formally constitutes India as a Sovereign Socialist Secular Democratic Republic and a Union of States, the question arises: how does it constitute India?

The answer to the above-mentioned question exists in the contents (aspirations and ideals) of the Preamble to the Constitution of India.

Contents of the Preamble to the Constitution of India:

> "WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a" (Resolutionary part)
>
> "SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:
>
> JUSTICE, social, economic and political;
>
> LIBERTY of thought, expression, belief, faith and worship;
>
> EQUALITY of status and of opportunity; and to promote among them all

[9] N.A. Palkhivala, Our Constitution Defaced and Defiled intro. (1974); *see also Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461 (India) (argument of N.A. Palkhivala) (positing that the core character and identity of the Constitution cannot be destroyed under the guise of statutory amendment).

[10] 11 Constituent Assembly Debates 683-684 (Nov. 18, 1949) (Lok Sabha Secretariat photo. reprint 2014) (statement of Pandit Thakur Das Bhargava) (India).

[11] M. Laxmikanth, Indian Polity 89 (8th ed. 2025).

[12] *D.S. Nakara v. Union of India*, AIR 1983 SC 130, (1983) 1 SCC 305, 325–26 ¶ 33 (India).

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FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;" (Promissory part)

"IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."[13] (Declaratory part)

The above-mentioned ideals and aspirations (as contained in the Preamble) constitute India.

So, it has constituted India for the citizens of India.

Now that it has constituted India, the question arises: what is the country made up of?

The country is made up of the Union and its territories, which have been categorised into States, UTs and ATs (acquired territories) (Part I i.e. Articles 1-4 of the Constitution).

The third question that arises: who will reside in the constituted country (India)?

The answer is citizens. It governs citizenship (Part II i.e. Articles 5-11 of the Constitution).

Now that the country has been constituted for citizens, Part III i.e. Articles 12-35 governs the relationship between the country (government) and the citizens (governed people) i.e. it defines Fundamental Rights.

In the same way, all the parts of the Constitution of India have been categorised and established through an organisational setup and we can get a glimpse of it through the Preamble of the Constitution. So, from the above established hierarchy and chronology it is proved that the country (India) has been set up in an organised way which can be inferred through the provisions enshrined in the Constitution of India. The Constitution of India is the longest written constitution of any sovereign nation in the world, featuring a Preamble, 470 articles divided into 25 parts, and 12 schedules.

III. Decoding the purpose, philosophy and core values of the nation as set out in the Preamble to the Constitution

The Constitution of India has emanated from the people of India; that is why its authority cannot be questioned. The Preamble to the Constitution contains words like "Socialist," "Secular," "Democratic," "Sovereign," and "Republic" in its first line. These words represent ideals that the makers of the Constitution of India wanted to incorporate into it. The aforesaid ideals are adopted and achieved by the people of India.[14]

[13] India Const. pmbl.
[14] India Const. pmbl.

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The Preamble to the Constitution of India also contains words like "Justice", "Equality", "Liberty" and "Fraternity". These words represent aspirations that the makers of the Constitution have incorporated into the Constitution and subsequently adopted by the people of India. The aforesaid words are the aspirations which are yet to be achieved through the initiatives by the State towards achieving the aforesaid goals.[15]

If we take into consideration the ideals, values and aspirations as set out in the Preamble to the Constitution of India, we can infer that it is the resolve or resolution of the people of India. From the qualitative characteristics of the Preamble, we can say that the makers of the Constitution have attached the importance of Sovereignty to the people of India. The term "Sovereign" means and includes absolute and final political authority or power within a free and independent territory with a belief that no such political authority exists elsewhere. Here the word "Sovereign" as enshrined in the Preamble is an ideal to imply that the absolute power and authority is vested in the people of India, which is exercised by the elected representatives to the Union, States and UTs. Here the word "Sovereignty" denotes that the people of India are the supreme authority of the free and independent nation and are not subordinate to any outer force or any foreign or external agency. Thus the people of India are considered to be the supreme authority from which the Constitution of India derives its power and authority.[16] In the case of *Synthetics and Chemicals Ltd. v. State of Uttar Pradesh*, the court observed that the word "Sovereignty" means the State has the authority within the restrictions given by the Constitution.[17]

The word "democratic" as enshrined in the Preamble to the Constitution of India implies that the people of India are not subjected to any internal domination.[18]

Both the fact that the people of India are not subordinate to any external agency and the fact that they are not subject to internal domination lead to the conclusion of the "sovereignty" of the people of India and that the Constitution of India derives its power or authority from the people of India.

The word "republic" as enshrined in the Preamble to the Constitution of India implies that the absolute power and authority has been vested in the people of India, which can be exercised through the people in the government and Parliament, who are the elected representatives of the

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[15] *Id.*
[16] *State of West Bengal v. Union of India*, AIR 1963 SC 1241, 1252 (India); INDIA CONST. pmbl.
[17] *Synthetics and Chemicals Ltd. and Others v. State of Uttar Pradesh and Others*, 1990 AIR 1927, 1990 (1) SCC 109 (India).
[18] INDIA CONST. pmbl. (promising democracy); *R.C. Poudyal v. Union of India*, (1994) Supp. 1 SCC 324, 325–26 (India).

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States, Union and UTs. They represent and advocate the wills and wishes of the people of India in order to implement them.[19]

In the case of *Kehar Singh v. Union of India*, the Supreme Court observed that the Constitution of India is a constitutive document whereby, according to accepted political theory, the people of India have provided a constitutional polity, and that all power belongs to the people and is entrusted by them to specified institutions and functionaries.[20]

The word "Secular" was inserted in the Preamble of the Constitution of India through the Forty-Second Constitutional Amendment Act in the year 1976.[21]

The word "secular" implies that India is not anti-religious; rather it promotes the idea and concept of secularism so as to respect all religions, faiths and beliefs of the people within the territory of India.[22] Dr. B.R. Ambedkar, who is known as the father of the Indian Constitution and was the chairman of the Drafting Committee, had said that the Parliament of India cannot impose any particular religion on the people of India.[23]

When we talk of the term "secularism", then in the case of *S.R. Bommai v. Union of India*, the Supreme Court observed that the expressions "socialist" and "secular" "by themselves are not capable of precise definition."[24]

It has been said that "pluralism is the keynote of Indian culture and religious tolerance is the bedrock of Indian secularism".[25]

There are provisions in the Constitution of India that reflect the idea of secularism and we can get a glimpse of it through Articles 14, 15, 16, 25, 26, 27 and 28 of the Indian Constitution.[26]

The word or the term "Socialism" is one of the aspirations of the Constitution makers that they wanted to incorporate in the Constitution of India. The word "socialist" was added to the Preamble of the Constitution of India through the 42nd Constitutional Amendment Act, 1976.[27]

In the case of *D.S. Nakara v. Union of India*, the court observed that the principal aim of a socialist State is to eliminate inequality in income and status and standards of life, and that the

[19] INDIA CONST. pmbl.; *State of Rajasthan v. Union of India*, (1977) 3 SCC 592, 600–02 (India).
[20] *Kehar Singh and Anr. Etc. v. Union of India and Anr.*, (1989) 1 SCC 204, 1989 AIR 653 (India).
[21] INDIA CONST. pmbl., amended by The Constitution (Forty-second Amendment) Act, 1976.
[22] *S.R. Bommai v. Union of India*, AIR 1994 SC 1918 (India).
[23] 14 B.R. AMBEDKAR, DR. BABASAHEB AMBEDKAR: WRITINGS AND SPEECHES pt. 2, at 2222 (Vasant Moon ed., 1995).
[24] *S.R. Bommai*, AIR 1994 SC 1918 (India).
[25] *Valsamma Paul v. Cochin University*, AIR 1996 SC 1011, 1021, ¶ 25 (India) (Ramaswamy, J.).
[26] INDIA CONST. arts. 14, 15, 16, 25, 26, 27, 28.
[27] INDIA CONST. pmbl., amended by The Constitution (Forty-second Amendment) Act, 1976.

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basic framework of socialism is to provide a decent standard of life to the working people and especially to provide security from cradle to grave.[28]

It has been said in the case of *Air India Statutory Corporation v. United Labour Union* that the main purpose for which the concept and idea of Socialism is brought to the Constitution is to establish an egalitarian social order through the rule of law as its basic structure.[29]

There are provisions in the Constitution of India that reflect the idea of Socialism. Those are Articles 14, 15, 16, 17, 18, 21, 22, 38, 39 and 46 of the Constitution of India.[30]

The word or the term "Social Justice" as enshrined in the Preamble is one of the aspirations of the makers of the Constitution that they wanted to incorporate in the Constitution in order to achieve it.[31] In India, the society has been organized by hereditary occupation for more than a thousand years. As a result, some sections of the society had no access to social, cultural as well as financial capital. The makers of the Constitution, in the pursuit of ushering in an era of equality and dignity, made the following requisite provisions in the Constitution:[32]

Ban on Untouchability: Article 17 of the Constitution says, "'Untouchability' is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of 'Untouchability' shall be an offence punishable in accordance with law." This has changed a very long and extremely degrading practice that had existed in India.[33]

Ban on Titles: Article 18(1) of the Constitution says, "No title, not being a military or academic distinction, shall be conferred by the State." This ended the feudal mode of society to usher in the democratic republic that the makers of the nation dreamt of.[34]

The concept of democracy could be achieved if it is given a practical shape by abolishing the titles and the practising of Untouchability.

Representation for marginalized sections: India is home to innumerable communities, with their own language, culture and religion, belonging to various geographical regions. The makers of the Constitution decided to formulate positive discrimination for ensuring access in social,

[28] *D.S. Nakara*, AIR 1983 SC 130, 139 ¶ 33, (1983) 1 SCC 305, 326 ¶ 33, (1983) 2 SCR 165, 188 (India).
[29] *Air India Statutory Corp. v. United Labour Union*, AIR 1997 SC 645, 663 ¶ 25, (1997) 9 SCC 377, 404 ¶ 25 (India).
[30] INDIA CONST. arts. 14, 15, 16, 17, 18, 21, 22, 38, 39, 46.
[31] INDIA CONST. pmbl. (promising social justice).
[32] PRESS INFORMATION BUREAU, GOV'T OF INDIA, *supra* note 4.
[33] INDIA CONST. art. 17; PRESS INFORMATION BUREAU, GOV'T OF INDIA, *supra* note 4.
[34] INDIA CONST. art. 18(1); PRESS INFORMATION BUREAU, GOV'T OF INDIA, *supra* note 4.

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economic and political matters to the most marginalized sections of the society. Provisions for Scheduled Tribes and Scheduled Castes are an example of such policy.[35]

Social justice "enjoins the Court to uphold government's endeavour to remove economic inequalities, to provide decent standard of living to the poor and to protect the interest of the weaker sections of the society so as to assimilate all the sections of the society in the secular integrated socialist Bharat with dignity of person and equality of status to all."[36] By framing social justice not as a rigid or "ritualistic formula" but as an active effort to ensure the "greater good to a larger number", the Court emphasizes that, where this can be done without depriving anyone of accrued legal rights, social justice must prevail over any technical rule. This serves as a vital tool for safeguarding the weaker and marginalized sections of society. The aforesaid proposition was observed in the case of *Sadhuram Bansal v. Pulin Behari Sarkar.*[37]

The Constitutional provisions which reflect the idea of Socialism or Social Justice are Articles 15, 16, 17, 18 and 38 of the Constitution of India.

The word or the term "Economic Justice" as enshrined in the Preamble to the Constitution of India is one of the aspirations of the Constitution makers that they incorporated in the Constitution of India in order to achieve economic justice, to remove economic inequality and to uplift the weaker sections of the society. In the case of *Minerva Mills Ltd. v. Union of India*, the Supreme Court Constitution Bench highlighted that the edifice of the Constitution is built upon the concepts crystallised in the Preamble, and that the resolve to secure to the people justice, social, economic and political, is the goal for which the Directive Principles of State Policy were put into the Constitution. The Court emphasised that the harmony and balance between the Fundamental Rights and the Directive Principles of State Policy is an essential feature of the basic structure of the Constitution.[38]

The Constitutional provisions that reflect the very idea and concept of economic justice are Articles 39(b) and 39(c) of the Directive Principles of State Policy as enshrined in the Constitution of India.[39]

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[35] ZOYA HASAN, POLITICS OF INCLUSION: CASTES, MINORITIES AND AFFIRMATIVE ACTION 18–40 (Oxford Univ. Press 2011); INDIA CONST. arts. 15(4), 16(4), 46, 330, 332; PRESS INFORMATION BUREAU, GOV'T OF INDIA, *supra* note 4.

[36] *Samatha v. State of Andhra Pradesh*, (1997) 8 SCC 191 (India) (K. Ramaswamy, J.).

[37] *Sadhuram Bansal v. Pulin Behari Sarkar & Ors.*, (1984) 3 SCC 410, 423 ¶ 29, AIR 1984 SC 1471, 1479–80 ¶ 29 (India) (Fazal Ali, J.).

[38] *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789, 1806, (1980) 3 SCC 625, ¶¶ 56–57 (India) (Chandrachud, C.J.).

[39] INDIA CONST. arts. 39(b), 39(c).

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Political Justice is also one of the aspirations of the Constitution makers that they have incorporated in the Constitution of India in order to achieve it. Political justice is one of the three fundamental dimensions of justice enshrined in the Preamble to the Indian Constitution, along with social and economic justice. It ensures that every citizen has an equal opportunity to participate in the country's political affairs and decision-making processes. It also emphasizes that such participation must be free, fair, and inclusive, without discrimination or unequal treatment. In order to achieve political justice, equal participation of all the sections of society is compulsory and advised by the Constitution of India.

In the case of *Raghunathrao Ganpatrao v. Union of India*, the Supreme Court interpreted the phrase "political justice" as used in the Preamble. The Court observed that political justice relates to the principle of rights of the people, which includes the right to universal suffrage, the right to a democratic form of government, and the right to participation in political affairs.[40] In the case of *Union of India v. Association for Democratic Reforms*, the court, drawing from the republican and democratic form of government that is part of the basic structure of the Constitution, held that voters have a fundamental right to know about the candidates they choose to elect. Providing citizens with the necessary information to make a well-informed vote is a foundational requirement of meaningful political justice.[41]

The 106th Constitutional Amendment Act (2023) is a definitive, landmark example of political justice in India. The amendment, officially known as the Nari Shakti Vandan Adhiniyam, provides for one-third reservation for women in the Lok Sabha, State Legislative Assemblies, and the Delhi Legislative Assembly. This initiative represents a significant step towards fulfilling the Preamble's vision of political justice by addressing the long-standing underrepresentation of women in India's political system and promoting their equal participation in the democratic process.[42]

The Constitutional provisions that reflect the very idea and concept of Political Justice are Articles 14, 19, 21, 23 and 326 of the Constitution of India.[43]

Equality of Status and Opportunity as enshrined in the Preamble to the Constitution of India is one of the aspirations of the Constitution makers and has been made a part of the Constitution of India in order to achieve this particular goal or aspiration. This principle seeks to remove

[40] *Raghunathrao Ganpatrao v. Union of India*, 1993 AIR 1267, 1993 SCR (1) 480 (India).
[41] *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294, AIR 2002 SC 2112 (India).
[42] INDIA CONST. art. 239AA, cl. 2(ba)–(bc), inserted by The Constitution (One Hundred and Sixth Amendment) Act, 2023; INDIA CONST. arts. 330A, 332A, 334A, inserted by The Constitution (One Hundred and Sixth Amendment) Act, 2023.
[43] INDIA CONST. arts. 14, 19, 21, 23, 326.

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socially constructed barriers, address deep-rooted discrimination, and create a society in which every individual has a fair chance to grow, realise their abilities, and live with dignity, regardless of their social background.[44] In the case of *Indira Nehru Gandhi v. Raj Narain*, Justice Y.V. Chandrachud counted "Equality of status and opportunity" among the pillars of the basic structure of the Constitution, meaning Parliament cannot destroy this essential feature through Constitutional amendments.[45] The purpose is to guide the lawmakers in fashioning a just, fair and non-arbitrary legal framework.[46] Justice P.N. Bhagwati in the case of *E.P. Royappa v. State of Tamil Nadu* famously ruled that "Equality is a dynamic concept with many aspects and dimensions and it cannot be 'cribbed, cabined and confined' within traditional and doctrinaire limits." The Court held that equality and arbitrariness are sworn enemies. If an action by the State is arbitrary, it automatically violates the equality code.[47]

Dr. B.R. Ambedkar famously emphasized that the real significance of equality in the Preamble can only be understood when it is viewed alongside the principles of liberty and fraternity and not in isolation.[48] These three values i.e. Liberty, Equality and Fraternity are closely interconnected and cannot be separated from one another as they form a "union of trinity", a principle that has also been recognised by the judiciary.[49]

The term Equality means the absence of special privileges to any section of the society and the provision of adequate opportunities for all individuals without any discrimination. Articles 14 to 18 guarantee the right to equality.[50]

There are Constitutional provisions that reflect the idea and concept of "Equality". They are as follows:

1. Article 14 – Equality before law and equal protection of the laws.
2. Article 15 – Prohibition of discrimination on the basis of race, religion, caste, sex, place of birth etc.
3. Article 16 – Equality of opportunities in matters of public employment.
4. Article 17 – Abolition of untouchability.
5. Article 18 – Abolition of titles.

[44] INDIA CONST. pmbl. (promising "EQUALITY of status and of opportunity").
[45] *Indira Nehru Gandhi v. Raj Narain*, 1975 Supp SCC 1 (India) (Chandrachud, J.).
[46] *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625, 653–54 (India).
[47] *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3, 38, ¶ 85, AIR 1974 SC 555, ¶ 85 (India) (Bhagwati, J.).
[48] 11 CONSTITUENT ASSEMBLY DEBATES 979 (Nov. 25, 1949) (Lok Sabha Secretariat photo. reprint 2014) (speech of Dr. B.R. Ambedkar).
[49] *State of Karnataka v. Appa Balu Ingale*, AIR 1993 SC 1126 (India).
[50] INDIA CONST. arts. 14, 15, 16, 17, 18.

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In addition to the above-mentioned equality promise, the concept of substantive equality also evolved as a legal and philosophical framework which mandated that equality must be measured by actual outcomes and lived realities, rather than just identical rules on paper. While formal equality focuses on treating everyone equally under the same rules, substantive equality acknowledges that identical treatment does not always produce fairness. When individuals begin from significantly unequal social and economic positions, applying the same rules to everyone may only reinforce existing inequalities rather than eliminate them. The term equality under the Indian Constitution must be understood in its truest sense in the form of substantive equality rather than mere formal, paper equality and that has been established and refined across several landmark Supreme Court judgments. For example, Social and caste based reservations (Affirmative Action), Gender based reservations (Maternity Benefits), Physical Disability (Reasonable Accommodations) are the real world examples and dimensions of substantive equality and do not violate the Preamble; instead they move from a formal (surface-level) equality to a substantive equality. True equality cannot exist between people starting from unequal historical and social conditions. Justice B.P. Jeevan Reddy, in the leading opinion in the case of *Indra Sawhney & Others v. Union of India*, described the doctrine of equality as "a dynamic, and an evolving concept" and held that Article 16(4) is not an exception to Article 16(1) (equality of opportunity in public employment). By ensuring representation for those who were historically shut out, reservation aims to transform the Preamble's promise from an abstract ideal or aspiration into a lived reality.[51] In the case of *Neil Aurelio Nunes & Ors v. Union of India & Ors*, writing for the bench, Justice D.Y. Chandrachud, relying on the Indra Sawhney judgment, held that an open competitive examination provides only formal equality of opportunity and does not reflect the social, economic and cultural advantage that accrues to certain classes and contributes to their success in such examinations, and that special provisions enable disadvantaged classes to overcome the barriers they face.[52]

Liberty of thought, expression, belief, faith and worship as enshrined in the Preamble to the Indian Constitution recognises liberty as a fundamental value that protects every individual's freedom of thought, expression, belief, faith, and worship. These freedoms form the foundation of a democratic society, allowing people to live with dignity, make independent choices, and express their views without fear of coercion or discrimination. However, the true enjoyment of these liberties depends not only on their constitutional recognition but also on the prevailing

[51] *Indra Sawhney v. Union of India*, (1992) Supp. (3) SCC 217 (India) (Jeevan Reddy, J.).
[52] *Neil Aurelio Nunes v. Union of India*, (2022) 4 SCC 1, 31–32 ¶ 33 (India) (Chandrachud, J.).

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socio-political conditions and the way they are interpreted and upheld in contemporary society.[53]

Liberty of Thought: Allows individuals to think freely without fear of persecution or coercion. In contemporary times, ideological divisions, media influence, and social conformity often shape public opinion, sometimes restricting independent thought.

Liberty of Expression: Ensures the right to freely express opinions through speech, writing, art, and media. Legal frameworks exist to protect this liberty; however, there are challenges such as self-censorship, legal restrictions, and societal backlash. Social media has become a double-edged sword, fostering open dialogue but also leading to trolling, hate speech, and digital surveillance.

Liberty of Belief: It safeguards an individual's freedom to develop and hold personal beliefs without being subjected to external pressure, coercion, or discrimination. However, factors such as cultural prejudices, the spread of misinformation, and societal expectations can influence a person's thinking and limit their ability to form independent and impartial beliefs.[54]

Liberty of Faith: It protects every individual's right to practise, follow, and propagate their religion without discrimination or undue interference.[55] Maintaining social harmony requires people of different faiths to respect one another's beliefs and develop a spirit of mutual understanding and acceptance.[56] For instance, cultural festivals that bring together people from different religious communities can strengthen social bonds, encourage mutual respect, and promote unity in diversity. Similarly, communal harmony programmes and interfaith dialogue initiatives can help bridge religious differences, reduce misunderstandings, and foster a greater sense of solidarity among diverse communities.

Liberty of Worship: Liberty of worship ensures that every individual has the freedom to practise, profess, and follow their chosen religion without facing unreasonable restrictions or interference.[57] However, this freedom continues to face challenges in the form of limitations on religious gatherings, discriminatory practices, and conflicts arising from religious differences.[58] The judiciary has played a significant role in safeguarding this liberty by protecting individuals

[53] INDIA CONST. pmbl. (promising liberty of thought, expression, belief, faith and worship).
[54] INDIA CONST. pmbl.; INDIA CONST. art. 25; *Bijoe Emmanuel v. State of Kerala*, (1986) 3 SCC 615 (India); *Shreya Singhal v. Union of India*, (2015) 5 SCC 1 (India).
[55] INDIA CONST. art. 25.
[56] *Indian Young Lawyers Ass'n v. State of Kerala*, (2019) 11 SCC 1 (India).
[57] INDIA CONST. art. 25(1).
[58] *Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Ass'n*, (2000) 7 SCC 282 (India) (explained that religious freedom cannot be exercised in a manner that infringes upon the rights and peaceful enjoyment of others).

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from arbitrary restrictions and upholding their constitutional right to worship.[59] At the same time, initiatives promoting interfaith understanding, mutual respect, and inclusive policies have contributed towards strengthening communal harmony and peaceful coexistence in society.[60]

Justice K. Ramaswamy in the case of *S.S. Bola v. B.D. Sardana* observed that the essence of civil liberty is to keep alive the freedoms of the individual subject to the limitation of social control, which could be adjusted according to the needs of the dynamic social evolution, meaning that the scope of such limitations must remain responsive to the changing needs of society and its continuous evolution.[61]

The Constitutional provisions that reflect the very idea and concept of the above-mentioned aspiration or ideal are Articles 19 and 25 of the Constitution.[62]

Fraternity as enshrined in the Preamble to the Constitution is one of the most important aspirations of the makers of the Constitution. It plays a significant role in strengthening social harmony, promoting equality, and fostering a sense of unity among individuals. The framers of the Indian Constitution understood that fraternity was essential for building a cohesive society, particularly in a country deeply affected by social hierarchies and inequalities. Dr. B.R. Ambedkar emphasised that liberty, equality, and fraternity are closely interconnected and cannot be meaningfully sustained in isolation from one another.[63] Recognising their collective importance in strengthening democracy, the framers incorporated fraternity into the Preamble alongside justice, liberty, and equality as one of the guiding ideals of the Indian constitutional framework.[64] Article 51A(e) of the Indian Constitution directly gives effect to the constitutional ideal of fraternity by making it a fundamental duty of every citizen. Article 51A(e) generally refers to the duty of every citizen "to promote harmony and the spirit of common brotherhood amongst all the people of India."[65] Although India adopted a federal structure with a dual polity comprising the Union and the States, the framers deliberately opted for a system of single citizenship rather than dual citizenship. Explaining this constitutional arrangement, Dr. B.R. Ambedkar stated that the proposed Indian Constitution provided for a dual polity with a single

[59] *Bijoe Emmanuel v. State of Kerala*, (1986) 3 SCC 615 (India) (recognised the importance of freedom of conscience and protected individuals from being compelled to act against their genuinely held religious beliefs).
[60] *Tehseen S. Poonawalla v. Union of India*, (2018) 9 SCC 501 (India) (emphasised communal harmony, religious tolerance, fraternity, and the importance of preserving India's pluralistic social fabric).
[61] *S.S. Bola v. B.D. Sardana*, (1997) 8 SCC 522, ¶ 82, (1997) Supp. 2 SCR 507, 635 (India) (K. Ramaswamy, J., dissenting).
[62] INDIA CONST. arts. 19 and 25.
[63] 11 CONSTITUENT ASSEMBLY DEBATES 979-80 (Nov. 25, 1949) (Lok Sabha Secretariat photo. reprint 2014) (speech of Dr. B.R. Ambedkar, explaining that liberty, equality and fraternity form a union of trinity and that divorcing one from the others would defeat the very purpose of democracy).
[64] INDIA CONST. pmbl.
[65] INDIA CONST. art. 51A(e).

citizenship, ensuring that every Indian enjoyed the same citizenship rights irrespective of the State in which they resided.[66] This arrangement was intended to strengthen national integration and ensure that citizenship remained a common bond among all Indians, transcending regional and provincial identities. Accordingly, the principle of single citizenship reflects the constitutional commitment to unity, equality, and fraternity, irrespective of differences in religion, language, caste, or geographical location. Articles 5 to 11 of the Indian Constitution reflect the idea and concept of fraternity that assures the dignity of the individual and the unity and integrity of the nation. Democracy would become meaningless if it fails to generate the spirit of brotherhood among the people who belong to the different sections of the society within the country, i.e., to promote and instill the feeling among the people that they are the children of the same soil and belong to the same motherland.

IV. Features of the Preamble to the Constitution of India

The Preamble to the Constitution of India serves as its introductory framework, reflecting the fundamental philosophy, guiding principles, and aspirations that shape the Constitution and define the vision of its framers.

The Constitution of India was adopted by the Constituent Assembly on 26 November 1949 and came into force on 26 January 1950. Although the Preamble appears at the beginning of the Constitution, it was drafted and finalised towards the end of the constitution-making process, after the substantive provisions had been deliberated upon. This sequence reflects the fact that the Preamble embodies the underlying philosophy, fundamental ideals, and overarching objectives of the Constitution. It is often described as an 'Act in reverse' because its position at the beginning represents the culmination of the Constituent Assembly's deliberations on the nature and aspirations of the Indian State. Thus, the Preamble serves not merely as an introductory statement but also as a guiding framework for understanding and interpreting the constitutional provisions in light of the values and objectives envisioned by the framers.[67]

The Preamble to the Constitution of India is not an independent source of substantive legislative, executive, or judicial power; rather, it embodies the fundamental philosophy, constitutional objectives, and guiding principles upon which the Constitution is founded. It serves as an important interpretative aid in understanding the meaning, scope, and purpose of constitutional

[66] 7 Constituent Assembly Debates 34 (Nov. 4, 1948) (Lok Sabha Secretariat photo. reprint 2014) (statement of B.R. Ambedkar).

[67] India Const. pmbl.; India Const. art. 394; 10 Constituent Assembly Debates 429-56 (Oct. 17, 1949) (Lok Sabha Secretariat photo. reprint 2014) (speech of B.R. Ambedkar, particularly regarding the explanation of popular sovereignty and the significance of the opening words, "We, the People of India"); *Kesavananda Bharati*, (1973) 4 SCC 225 (India).

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provisions, particularly where their language is ambiguous or susceptible to more than one interpretation. By expressing the ideals of justice, liberty, equality, and fraternity, the Preamble provides a constitutional framework within which the provisions of the Constitution may be interpreted harmoniously. However, it cannot override clear and unambiguous constitutional language or independently confer powers that are not authorised by the substantive provisions of the Constitution. This interpretative role was recognised in *In re Berubari Union and Exchange of Enclaves* and subsequently examined in *Kesavananda Bharati v. State of Kerala*, which affirmed the constitutional significance of the Preamble and recognised it as an integral part of the Constitution.[68] So, we can infer from the above-mentioned proposition that the Preamble to the Constitution of India is not the source from which the Constitution derives its absolute power and authority but it surely provides a legitimate aid for the interpretation of the provisions of the Constitution of India.

The Preamble to the Constitution of India reflects the Constitution's supreme authority by affirming that its legitimacy originates from the people themselves. Through the expression "We, the People of India," it makes clear that the Constitution was adopted, enacted, and given to the nation by its own citizens, establishing popular sovereignty as the foundation of constitutional authority.[69]

The Preamble to the Constitution of India declares the country a "Sovereign Socialist Secular Democratic Republic". The term "Republic" means and denotes that the head of the State (the President of India) is an elected representative rather than a hereditary monarch. The term "Democratic" in the Preamble encompasses a responsible and parliamentary form of government, where executive power is accountable to the elected legislature (Parliament) and ultimate authority rests with the people ("We, the People of India").[70]

The Preamble describes India as a Sovereign, Socialist, Secular, Democratic Republic, signifying that the country enjoys complete independence and exercises authority over its internal and external affairs without being subject to any foreign control. The opening words, "We, the People of India," further emphasise that the Constitution derives its authority, legitimacy, and ultimate power from the people themselves, rather than from any external

[68] *In re Berubari Union & Exchange of Enclaves*, AIR 1960 SC 845, 856 (India); *Kesavananda Bharati*, (1973) 4 SCC 225 (India).
[69] 10 CONSTITUENT ASSEMBLY DEBATES 454, 456 (Oct. 17, 1949) (Lok Sabha Secretariat photo. reprint 2014) (speech of B.R. Ambedkar).
[70] INDIA CONST. pmbl., arts. 52, 54, 74(1), 75(3).

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authority or monarch. In this sense, popular sovereignty forms the very foundation of India's constitutional framework and this denotes the sovereignty of the people of India.[71]

The Preamble to the Constitution of India embodies the constitutional vision of securing freedom, equality, and dignity for every individual. Through its ideals of justice, liberty, equality, and fraternity, it seeks to establish a just and inclusive society where citizens can exercise their rights, enjoy individual freedoms, and develop their personalities without discrimination, oppression, or arbitrary interference. Thus, the Preamble serves as the philosophical foundation for protecting human dignity and ensuring the meaningful realisation of constitutional values.[72]

The Preamble to the Constitution of India guides those who find themselves in the grey area with respect to the provisions of the Constitution and provides a better and clear understanding of it. The proposition was observed by the Court in the case of *Steel Authority of India Ltd. v. National Union Waterfront Workers*.[73]

The Preamble to the Constitution of India can be invoked to determine the Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV) of the Constitution of India.[74]

The Preamble to the Constitution of India declares the nature and structure of the Indian polity by establishing India as a Sovereign, Socialist, Secular, Democratic Republic, thereby defining the fundamental character of its system of government.[75]

V. Is the Preamble a part of India's Constitution? Supreme Court settled the debate

The Preamble to the Constitution of India is often described as the Constitution in a nutshell because it encapsulates the fundamental philosophy, guiding principles, and objectives upon which the entire constitutional framework is founded. It reflects the vision of the framers by laying down the ideals of justice, liberty, equality, and fraternity while defining the essential nature of the Indian State as a Sovereign, Socialist, Secular, Democratic Republic. Although it does not independently confer any substantive powers or rights, it serves as an important interpretative guide for understanding constitutional provisions and resolving ambiguities in a

[71] INDIA CONST. pmbl.; *Kesavananda Bharati*, (1973) 4 SCC 225 (India).
[72] INDIA CONST. pmbl., arts. 14, 19, 21; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).
[73] *Steel Authority of India Ltd. v. National Union Waterfront Workers*, (2001) 7 SCC 1, AIR 2001 SC 3527 (India).
[74] INDIA CONST. pmbl., pts. III–IV; *Chandra Bhavan Boarding & Lodging, Bangalore v. State of Mysore*, (1969) 3 SCC 84 (India).
[75] INDIA CONST. pmbl.; *S.R. Bommai v. Union of India*, (1994) 3 SCC 1 (India).

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manner consistent with the broader constitutional vision. Thus, the Preamble provides a concise expression of the spirit and aspirations of the Constitution.[76]

In *In re: The Berubari Union and Exchange of Enclaves*, 1960, the Constitution Bench of 8 judges headed by the then Chief Justice B.P. Sinha delivered a decision through Justice Gajendragadkar, who wrote that "the declaration made by the people of India in exercise of their sovereign will in the preamble to the Constitution is, in the words of Story, 'a key to open the mind of the makers' which may show the general purposes for which they made the several provisions in the Constitution; but nevertheless the preamble is not a part of the Constitution".[77]

In the case of *I.C. Golak Nath and Ors. v. State of Punjab and Ors.*, the dissenting opinions took the view that the Preamble to the Constitution of India cannot control, prohibit or impose any implied restriction on the power to amend the provisions of the Constitution of India, and that the Preamble cannot control the unambiguous language of the Articles of the Constitution of India.[78]

The question of whether the Preamble is part of the Constitution of India was eventually settled by the Supreme Court in *Kesavananda Bharati v. State of Kerala*.

The Honourable Supreme Court in the aforesaid case, through a Constitution Bench of 13 judges headed by the then Chief Justice Sikri, considered the matter, and Chief Justice Sikri held that the Preamble to the Constitution is of extreme importance and that the provisions of the Constitution of India should be read and interpreted in the light of the grand and noble vision expressed in the Preamble to the Constitution of India. The Preamble to the Constitution of India is the crux of the whole Constitution of India in a nutshell. The Court in the above-mentioned case made it very clear that the Constituent Assembly debated the Preamble, that it was adopted as a part of the Constitution of India, and that it underwent the same procedure as the rest of the Constitution of India. So, the Court held that the Preamble is a part of the Constitution of India.[79]

The Constituent Assembly, during its deliberations on 17 October 1949, expressly recognised the Preamble as an integral part of the Constitution. Dr. Rajendra Prasad clarified that since the Constitution was to be adopted as a whole, the Preamble could not be considered separately or postponed. Accordingly, the Assembly adopted the motion that the Preamble should form part

[76] *Kesavananda Bharati*, (1973) 4 SCC 225 (India); *In re Berubari Union*, AIR 1960 SC 845 (India).
[77] *In re Berubari Union*, AIR 1960 SC 845 (India).
[78] *I.C. Golak Nath and Ors. v. State of Punjab and Ors.*, 1967 (2) SCR 762 (India) (Wanchoo and Bachawat, JJ., dissenting).
[79] *Kesavananda Bharati*, (1973) 4 SCC 225 (India).

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of the Constitution. This debate establishes the Assembly's intention to incorporate the Preamble into the Constitution.[80]

The question whether the Preamble to the Constitution is a part of the Constitution or not arose in *In re Berubari Union*, a Presidential Reference under Article 143(1) of the Constitution of India, and it was subsequently examined and answered by the Supreme Court in the *Kesavananda Bharati* case.[81]

Based on the aforesaid reasoning, the question that arose was whether the Preamble, being part of the Constitution, could be amended.

The answer to the above-mentioned question was given by the Supreme Court in the landmark case of *Kesavananda Bharati v. State of Kerala*.

A. The Forty-Second Constitutional Amendment Act

If we look into the past, the Preamble to the Constitution of India has been amended only once, i.e., by the 42nd Constitutional Amendment Act in the year 1976, to add three words in the form of ideas and aspirations to be achieved. Those three words were Socialist, Secular and Integrity. These are the words which got added in the Preamble to the Constitution of India through amendment. These words were legally accepted as an amendment to the Preamble, which did not disturb, destroy or alter the basic structure or foundation of the Constitution of India.[82] On the matter whether the Preamble, being a part of the Constitution of India, can be amended or not, it has been seen eventually that when it comes to the amendment of the Preamble to the Constitution of India, it is evident that the Preamble was amended only once. The question regarding the amendment of the Preamble and the relevance of the Preamble in the interpretation of the provisions of the Constitution of India was raised before the Supreme Court of India in the historic case of *Kesavananda Bharati v. State of Kerala*, in which the then Attorney General of India argued that by virtue of the power given to Parliament under Article 368 of the Constitution of India, the Preamble to the Constitution can be amended, but the petitioners objected that the amending power of Parliament under Article 368 of the Constitution is limited, as the Preamble puts an implied limitation on Article 368 of the Constitution, and that Parliament is thereby debarred from altering, changing or disturbing the basic features, structure or foundational principles of the Constitution of India.

[80] 10 CONSTITUENT ASSEMBLY DEBATES 429, 456 (Oct. 17, 1949) (Lok Sabha Secretariat photo. reprint 2014) (statement of Dr. Rajendra Prasad).
[81] INDIA CONST. art. 143(1).
[82] *See Balram Singh v. Union of India*, 2024 INSC 893 (India).

The Preamble consists of ideals i.e. "Sovereign", "Socialist", "Secular", "Democratic" and "Republic" and aspirational values i.e. "Justice", "Liberty", "Equality" and "Fraternity" which, on the reasoning of the Supreme Court in the above-mentioned *Kesavananda Bharati* case, together make up the basic foundational structure of the Constitution of India and play a very important role in the interpretation of the provisions of the Constitution of India. So, the words which were included through amendment (Socialist, Secular and Integrity) did not disturb, change or alter the basic structure of the Preamble to the Constitution; rather they strengthened the core commitments of the Preamble to the Constitution of India. So, the Preamble to the Constitution of India can be amended, provided the amendment does not alter, change or disturb the basic structure of the Constitution, and we can find the essence of each of such ideals, values and aspirations in the provisions of the Constitution of India. It can be amended, not for the destruction of the ideals and values contained in it but for strengthening the core commitments of the Constitution. The Preamble to the Constitution of India has emanated from the people of India, so its basic structure must remain the same. In this regard the Supreme Court in the *Kesavananda Bharati* case, for the sake of clarity regarding amendment, also observed that the Preamble to the Constitution, being the foundational structure of the whole Constitution, puts an implied limitation on the power of Parliament to amend under Article 368 of the Constitution of India. In this case it was held that the basic elements and features of the Constitution that the citizens of India secure or guarantee to themselves in the form of ideals, values and aspirations cannot be amended under Article 368 of the Constitution of India.[83]

A similar view was taken in the case of *S.R. Bommai v. Union of India*, where it was observed that the Preamble is an integral part of the Constitution and that democratic form of government, federal structure, unity and integrity of the nation, secularism, socialism, social justice and judicial review are basic features of the Constitution. It was also stated that a State Government which pursues unsecular policies acts contrary to the constitutional mandate and renders itself amenable to action under Article 356 of the Constitution.[84]

B. Role of the Preamble in interpreting the provisions of the Constitution

The Supreme Court in the *Kesavananda Bharati* case also observed that, although the Constitution of India derives its power and authority from the people of India because that power and authority are vested in the sovereign people as declared in the Preamble, yet it is the Preamble only that consists of the very declaration of the people of India. The Preamble consists

[83] INDIA CONST. pmbl., amended by The Constitution (Forty-second Amendment) Act, 1976; *Kesavananda Bharati*, AIR 1973 SC 1461, (1973) 4 SCC 225 (India).
[84] *S.R. Bommai v. Union of India*, (1994) 3 SCC 1 (India).

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of the ideals, values and aspirations of the Constitution makers that together form the part of the Constitution as the foundational or basic structure, so in this way, the Preamble to the Constitution of India provides a legitimate aid in the interpretation of the Constitution of India.[85]

The Supreme Court in the case of *Life Insurance Corporation of India v. Consumer Education & Research Centre & Ors.* reaffirmed that the Preamble is an integral part of the Constitution, described it as "the arch of the Constitution", which assures socio-economic justice to all Indian citizens, and held that the eligibility conditions of an insurance policy must be conformable to the Preamble, the Fundamental Rights and the Directive Principles of the Constitution. The Preamble thus serves as a guiding light to interpret the scope of constitutional provisions and statutes.[86]

VI. CONCLUSIONS

In conclusion, the Preamble constitutes the constitutional conscience and philosophical foundation of the Indian constitutional order. Being an integral part of the Constitution of India, it embodies the collective aspirations, ideals and objectives of the framers in establishing a sovereign, socialist, secular and democratic republic founded upon the principles of justice, liberty, equality and fraternity. The expression "We, the People of India" unequivocally establishes that the ultimate source of constitutional authority and sovereignty lies with the people themselves. Although the Preamble does not independently confer governmental powers or create enforceable rights, it serves as an indispensable interpretative guide in understanding the spirit, purpose and underlying philosophy of the constitutional framework. Its significance is further strengthened by the doctrine of basic structure, which places substantive limitations upon Parliament's amending power under Article 368. While the Preamble is amenable to constitutional amendment, its essential ideals and foundational principles cannot be abrogated or altered in a manner that destroys the basic structure of the Constitution. Thus, the Preamble is not merely an introductory declaration but the enduring expression of India's constitutional identity, popular sovereignty and democratic commitment, guiding both the interpretation and evolution of the Constitution.

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[85] *Kesavananda Bharati*, (1973) 4 SCC 225 (India).
[86] *L.I.C. of India & Anr. v. Consumer Education & Research Centre & Ors.*, (1995) 5 SCC 482, AIR 1995 SC 1811 (India).

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