

The Preamble and the Current Debate

12.07.2025

भारत का संविधान उद्देशिका

हम, भारत के लोग, भारत को एक संपूर्ण प्रभुत्व-संपन्न, समाजवादी, पंथ-निरपेक्ष, लोकतंत्रात्मक गणराज्य बनाने के लिए तथा उसके समस्त नागरिकों को:

सामाजिक, आर्थिक और राजनैतिक न्याय,

विचार, अभिव्यक्ति, विश्वास, धर्म
और उपासना की स्वतंत्रता,

प्रतिष्ठा और अवसर की समता
प्राप्त कराने के लिए,

तथा उन सब में व्यक्ति की गरिमा और
राष्ट्र की एकता और अखंडता
सुनिश्चित करने वाली बंधुता बढ़ाने के लिए

दृढसंकल्प होकर अपनी इस संविधान सभा में आज तारीख 26 नवंबर, 1949 ई. (मिति मार्गशीर्ष शुक्ला सप्तमी, संवत् दो हजार छह विक्रमी) को एतद्वारा इस संविधान को अंगीकृत, अधिनियमित और आत्मार्पित करते हैं।

THE CONSTITUTION OF INDIA PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **1[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

FRATERNITY assuring the dignity of the individual and the **2[unity and integrity of the Nation]**;

IN OUR CONSTITUENT ASSEMBLY this twenty –sixth day of November, 1949 do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f.3.1.1977)
2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f.3.1.1977)

What is the Preamble?

The **Preamble** is the **introductory statement** to the Constitution of India. It sets out the **objectives, values and philosophy** behind the Constitution. It is like the **soul** of the Constitution. It tells us:

- What kind of country we are
- What values we believe in
- What we want to achieve for our citizens

Why is it important?

Because it gives direction to all the laws made under the Constitution.

Why in News?

- **Preamble copies distributed in Parliament on Constitution Day (26 Nov 2023)** were found to be of the **original 1950 version**, which **did not contain the words "Socialist" and "Secular"**.
- This led to **political and academic debate** about whether the Preamble should be **restored to its original form** or not.

Key Elements of the Preamble

Word	Meaning
Sovereign	India is independent; no foreign power can control us.
Socialist	Government will work to reduce inequality and help the poor.
Secular	The State has no official religion; all religions are treated equally.
Democratic	People elect their leaders; every adult has the right to vote.
Republic	Our President is elected, not born into power like a king.
Justice	Everyone should be treated fairly, no matter their caste, religion or wealth.
Liberty	We are free to speak, think, believe and express ourselves.
Equality	No one is above or below others in the eyes of law.
Fraternity	We are all brothers and sisters, united as one nation.

Historical Facts

Adopted on	26 November 1949
Came into force	26 January 1950 (Republic Day)
Inspired by	U.S. Constitution ("We the People...")
Drafted by	Dr. B.R. Ambedkar and Drafting Committee
Amendments	Only once , by 42nd Amendment, 1976
Added Words	"Socialist", "Secular", "Integrity"

Amendability of the Preamble

- The Preamble **was amended once** - by the **42nd Constitutional Amendment Act, 1976**.
- Added three words: **Socialist, Secular** and **Integrity**

However, as per **Kesavananda Bharati case (1973)** the **Supreme Court** said:

"The Preamble is part of the Constitution and can be amended, but **not in a way that destroys the basic structure** of the Constitution."

So yes, it can be changed, but core values (The Basic Structure) must remain.

What is the Basic Structure Doctrine?

The **Basic Structure Doctrine** is a **judicial principle** laid down by the **Supreme Court of India** which says:

"Parliament can amend the Constitution, but it cannot alter or destroy its 'basic structure' or essential features."

Key Elements of the Basic Structure

The court did **not define a fixed list**, but over time, it has included:

Element	Meaning
Supremacy of the Constitution	The Constitution is the highest law of the land.
Rule of Law	Everyone, including the government, is subject to law.
Separation of Powers	Legislature, Executive and Judiciary must be independent.
Judicial Review	Courts can check if laws and actions violate the Constitution.
Federalism	Power is divided between Centre and States.
Secularism	The State must treat all religions equally.
Democracy	People elect their government.
Free and fair elections	Elections must reflect the will of the people.
Dignity of the individual	Every citizen has equal worth and rights.
Unity and integrity of India	National integration is essential.

Arguments in the Current Debate

People Saying "Restore Original"	People Saying "Keep Amended Version"
The original intent of Constitution-makers didn't include these words.	The words "Socialist" and "Secular" reflect modern India's reality .
These terms are sometimes used politically.	These values protect minorities and the poor .
The meaning of these words is not clearly defined in law.	Removing them could lead to majoritarianism and discrimination .

Judicial Opinions

- **Kesavananda Bharati (1973)**: Preamble is part of the Constitution.
- **LIC of India vs Consumer Education (1995)**: Preamble reflects the **spirit of the Constitution**.
- **SR Bommai Case (1994)**: Reaffirmed India's **secular character** as part of basic structure.

Can the Supreme Court Stop Parliament from Amending the Constitution?

✓ Yes but how Can the Supreme Court Do That?

Because of **Judicial Review**, a basic feature of the Constitution.

Judicial Review means:

- The **Supreme Court** (under **Article 32**) and **High Courts** (under **Article 226**) can **examine laws and government actions** and **strike them down** if they violate:
 - Fundamental Rights
 - Basic Structure of the Constitution

This is how the Supreme Court protects the **core values** of the Constitution - such as democracy, secularism and independence of the judiciary.

2. Do High Courts Have the Same Power?

✓ Yes, but with limitations.

Court	Power to strike down laws?	Power to declare a Constitutional Amendment invalid?
Supreme Court	Yes	Yes — it can declare Constitutional Amendments unconstitutional if they violate the Basic Structure
High Courts	Yes	No — High Courts cannot strike down Constitutional Amendments; they can only review ordinary laws

Important Cases

1. Kesavananda Bharati v. State of Kerala (1973)

This is the most landmark judgment in Indian constitutional history.

Background:

- Kesavananda Bharati was the head of a **Hindu religious institution** in Kerala.
- He challenged land reform laws that affected the institution's property.

- Government argued: Parliament can **change any part** of the Constitution.
- Petitioners argued: Some parts (like Fundamental Rights) must remain untouched.

Supreme Court Verdict:

- **Bench:** 13 judges (largest ever)
- **Majority (7:6)** ruled:

*Parliament can **amend** the Constitution under Article 368

*But it **cannot destroy** the **basic structure**.

What Came Out of the Case:

- Birth of the **Basic Structure Doctrine**
- Preamble declared as part of the Constitution
- Limited the amending power of Parliament
- Protected core constitutional values forever

2. SR Bommai v. Union of India (1994)

Issue: Misuse of **President's Rule (Article 356)**

Judgment:

- Supreme Court declared **secularism** as part of **Basic Structure**
- Said **State governments cannot promote any religion**

*This case strengthened the secular character of Indian democracy.

3. Minerva Mills v. Union of India (1980)

Issue: Balance between **Fundamental Rights** and **Directive Principles**

Judgment:

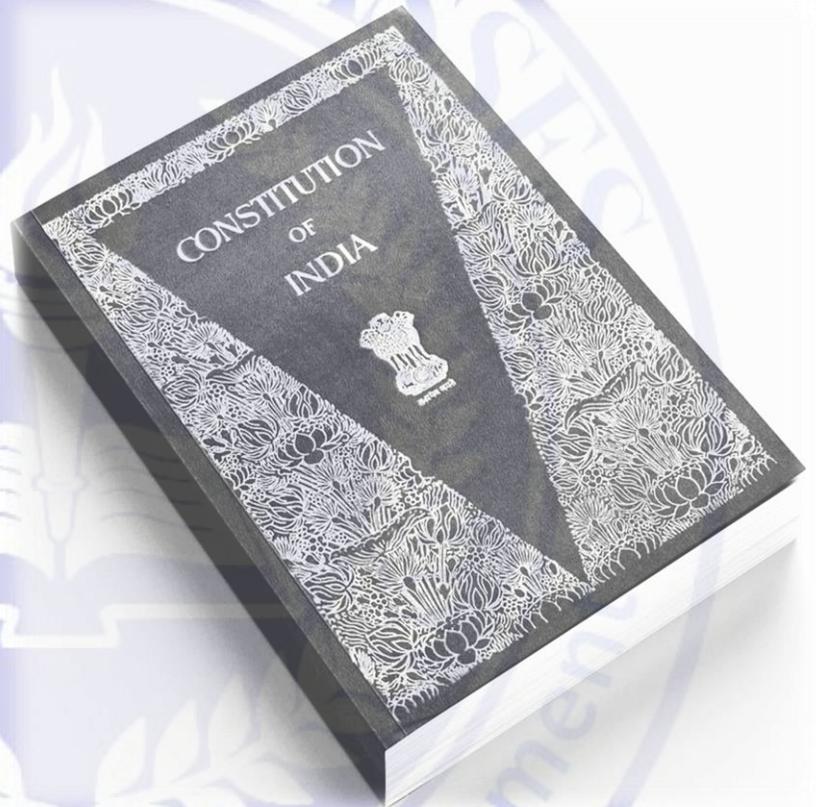
- Said both must be **harmoniously balanced**
- Reaffirmed **Basic Structure Doctrine**

4. Indira Gandhi v. Raj Narain (1975)

Issue: Election of the PM (Indira Gandhi) was declared invalid. Parliament passed a law to save her.

Judgment:

- Supreme Court struck down the amendment saying **free and fair elections** are part of **Basic Structure**.



Q. Can Parliament amend Fundamental Rights?

✓ Yes, but **not in a way** that violates **Basic Structure**.

For example, you can't remove the **Right to Equality** or make India a **non-democratic country**.

Q. Can the Preamble be amended?

✓ Yes — it was amended once in **1976 (42nd Amendment)** to add:

- **Socialist**
- **Secular**
- **Integrity**

But it cannot be amended in a way that harms **basic structure**.

Q. Is the Basic Structure mentioned anywhere in the Constitution?

✗ No. It is **not written** in the Constitution.

It is a **judicial invention** — developed by the **Supreme Court** to **preserve the Constitution's core identity**.

Q. Who decides what is the Basic Structure?

✓ Only the **Supreme Court of India** — through its interpretation of the Constitution.

Q. Can a government remove the word "Secular" from the Preamble?

✗ No — because **Secularism** is part of the **Basic Structure** (SR Bommai case, 1994).

Any attempt to remove it will likely be struck down by the **Supreme Court**.

Q. Why do we call the Supreme Court the "Guardian of the Constitution"?

Because:

- It has **final authority** to interpret the Constitution
- It can **strike down laws and amendments** that violate **Fundamental Rights** or **Basic Structure**
- It ensures **checks and balances** on Parliament

Q. Can High Courts also apply Basic Structure Doctrine?

✗ No.

High Courts can **strike down ordinary laws**, but they **cannot strike down Constitutional Amendments**.

Only the **Supreme Court** can review **Constitutional Amendments**.

Q. Is India the only country with this doctrine?

✗ No.

Many countries have similar **judicial safeguards**, but India's **Basic Structure Doctrine** is **uniquely powerful** and well-developed.

It is **globally respected** and taught in constitutional law courses around the world