

# The Legal Position of the Preamble to the Indian Constitution

The Preamble is a crucial part of our Constitution. It embodies the philosophy and polity of India. Let's explore its legal standing.

**A** by Asmita

# Palkiwala's View and Initial Doubts

## Nani Palkiwala's Insight

Palkiwala called it the Constitution's identity card. It reveals the nation's core principles.

## Early Legal Questions

Is the Preamble a source of rights? Is it truly a part of the Constitution?

## Reason for Confusion

The Preamble was adopted **after** the main provisions. This led to initial uncertainties.

# Berubari Union Case (1960)

## SC's Initial Stance

The Supreme Court stated it's a key. But it is **not** a formal part of the Constitution.

## Clarifying Role

The Preamble can resolve ambiguities. It helps interpret constitutional provisions.





# Gopalan Case (1950) - Limitations

!

Preamble **cannot** create ambiguities. It's meant only to clarify existing confusions.



# Keshavananda Bharati Case (1973)

## 1 Watershed Judgement

The 'basic structure' of the Constitution is unchangeable.

1

2

## Preamble's Reflection

The Preamble reflects this basic structure, solidifying its importance.

## 3 Clear Inclusion

The Preamble **is** an integral part of the Indian Constitution.

3



# Minerva Mills Case (1980) - Amendability

1

Can the Preamble be Amended?

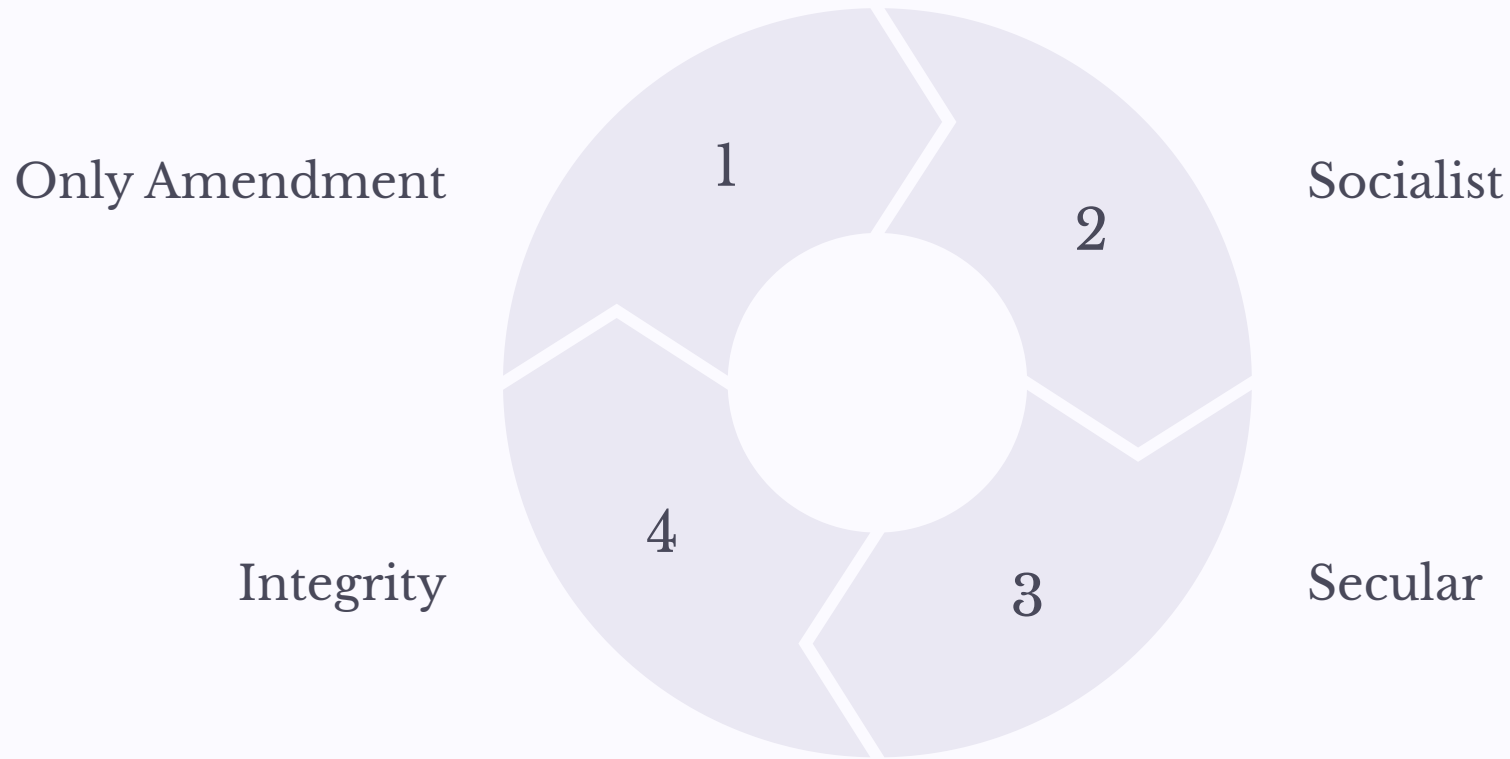
The question arose: Is amendment possible under Article 368?

2

SC's Ruling

Yes, as part of the Constitution, it **can** be amended.

# 42nd Amendment Act (1976)



The Preamble was amended **only once**. The 42nd Amendment added three key words. These were 'socialist', 'secular', and 'integrity'.

# Legal Utility - Summary

## 1 Basic Structure

The Preamble sets out the Constitution's basic structure.

## 2 Integral Part

It is an integral part of the Constitution.

## 3 Amendability

It can be amended under Article 368.

## 4 Clarification, not Confusion

It clarifies, not creates, ambiguities.

## 5 Reflection of Philosophy

It reflects the philosophy and polity of the Constitution.