

Preamble & Salient Features of the Constitution

✈ POAO2 · Indian Polity · AFCAT GA

AFCAT Level

★ High Priority

✦ **AFCAT Focus:** The Preamble is tested by (1) identifying what was added by which amendment, (2) explaining each keyword's meaning. Salient features questions ask which feature belongs to which constitutional provision. Expect 1 direct question on the Preamble keywords.

1. The Preamble – Keywords & What They Mean

☰ Preamble Keywords – Original (1949) vs Added by 42nd Amendment (1976)

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a..."

Adopted: 26 November 1949 · Called "Soul of the Constitution" (Kesavananda Bharati case, SC 1973)



SOVEREIGN

Original – 1949

- ▶ Supreme authority; completely independent
- ▶ No external power above India's authority
- ▶ Can acquire or cede territory; not subject to any foreign power



SOCIALIST

Added: 42nd Amendment 1976

- ▶ Equitable distribution of wealth and resources
- ▶ Mixed economy – not pure Marxist socialism
- ▶ **NOT in the original 1949 Preamble**



SECULAR

Added: 42nd Amendment 1976

- ▶ No state religion; state is neutral on all faiths
- ▶ Equal respect and equal protection for all religions
- ▶ **NOT in the original 1949 Preamble**



DEMOCRATIC

Original – 1949

- ▶ Power vested in the people; representative government
- ▶ Government elected through periodic free and fair elections
- ▶ Universal adult franchise – every citizen 18+ can vote



REPUBLIC

Original – 1949

- ▶ Elected head of state – President (not hereditary)
- ▶ Distinguishes India from a monarchy (like UK)
- ▶ Anyone eligible can become President through election



JUSTICE · LIBERTY ·

EQUALITY · FRATERNITY

All Original – 1949 (Integrity added to Fraternity by 42nd Amdt)

- ▶ **Justice:** Social · Economic · Political
- ▶ **Liberty:** Thought · Expression · Belief · Faith · Worship
- ▶ **Equality:** Of Status and Opportunity
- ▶ **Fraternity:** Dignity of individual + Unity and *Integrity* of nation

⚠ **AFCAT Trap – most common wrong answer:** "Democratic" and "Republic" WERE in the original Preamble. "Socialist," "Secular," and "Integrity" (in Fraternity clause) were all added by the **42nd Amendment, 1976** during the Emergency under Indira Gandhi.

2. Salient Features of the Indian Constitution



Longest Written Constitution

Largest in the world



Federal with Unitary Bias

Quasi-Federal in character

- ▶ **Federal:** Dual govt; division of powers; written constitution; independent

- ▶ Originally: 395 Articles, 22 Parts, 8 Schedules
- ▶ Currently: 470+ Articles, 25 Parts, 12 Schedules
- ▶ Covers both central and state government in a single document

judiciary

- ▶ **Unitary:** Single Constitution; single citizenship; Governor appointed by President; Emergency provisions; integrated judiciary; All India Services



Parliamentary Government

Westminster model from UK

- ▶ **Nominal executive:** President (Head of State)
- ▶ **Real executive:** Prime Minister + Council of Ministers
- ▶ Council of Ministers collectively responsible to Lok Sabha
- ▶ PM appointed by President; remains in office as long as he has majority



Independent Judiciary

Guardian of the Constitution

- ▶ Power of **judicial review** – can strike down unconstitutional laws
- ▶ Single integrated judiciary headed by Supreme Court
- ▶ Judges have security of tenure (difficult removal)
- ▶ Basic Structure Doctrine (Kesavananda Bharati, 1973)



Universal Adult Franchise

61st Amendment 1988: age reduced to 18

- ▶ Every citizen 18+ has right to vote (reduced from 21 by 61st Amendment 1988)
- ▶ No discrimination on religion, race, caste, sex, or class
- ▶ Secret ballot; free and fair elections conducted by ECI



Blend of Rigidity & Flexibility

Three modes of amendment (Article 368)

- ▶ Simple majority: procedural matters
- ▶ Special majority: most constitutional provisions
- ▶ Special majority + state ratification: federal provisions
- ▶ More rigid than UK, less rigid than USA



Basic Structure Doctrine – Kesavananda Bharati v. State of Kerala (1973):

Parliament can amend the Constitution under Article 368, but **cannot alter its "basic structure."** Basic structure includes: supremacy of Constitution, republican and democratic form, secular character, separation of powers, federalism, judicial review, and fundamental rights. Minerva Mills case (1980) reaffirmed this doctrine.



AFCAT PYQ Practice — POA02

Q1. The words 'Socialist' and 'Secular' were added to the Preamble by which amendment? AFCAT PYQ

- (a) 40th Amendment (b) 42nd Amendment (c) 44th Amendment
(d) 52nd Amendment

✓ Answer: (b) 42nd Amendment

The **42nd Constitutional Amendment Act, 1976** added "Socialist," "Secular," and "Integrity" to the Preamble. The 44th Amendment (1978) reversed many other 42nd Amendment changes but kept the Preamble additions. The 52nd Amendment (1985) added Anti-Defection Law (10th Schedule).

Q2. Which of the following is NOT a feature of the Indian Constitution?

AFCAT PYQ

- (a) Federal system with unitary bias (b) Presidential form of government
(c) Independent judiciary (d) Universal adult franchise

✓ Answer: (b) Presidential form of government

India has a **Parliamentary** form of government — not Presidential. In India, the executive (PM + CoM) is responsible to the legislature (Lok Sabha). In a presidential system (like USA), the President is separately elected and not responsible to legislature. India's President is the nominal executive; the real executive is the Prime Minister.

Q3. The Preamble of the Indian Constitution describes India as: AFCAT PYQ

- (a) A Federal Democratic Republic
(b) A Sovereign Socialist Secular Democratic Republic
(c) A Sovereign Democratic Republic (d) A Sovereign Socialist Democratic Republic

✓ Answer: (b) Sovereign Socialist Secular Democratic Republic

The current Preamble describes India as a "**Sovereign Socialist Secular Democratic Republic**." The original 1949 Preamble said "Sovereign Democratic Republic" (3 words). "Socialist," "Secular," and "Integrity" were added by the 42nd Amendment 1976. So option (c) is the original and (b) is the current description.

Q4. The 'Basic Structure Doctrine' of the Indian Constitution was propounded in which case? AFCAT PYQ

- (a) Golaknath case (b) Minerva Mills case (c) Kesavananda Bharati case

(d) A.K. Gopalan case

✓ Answer: (c) Kesavananda Bharati case

Kesavananda Bharati v. State of Kerala (1973) — a 13-judge SC bench established the Basic Structure Doctrine: Parliament can amend any part of the Constitution but cannot alter its "basic structure." Golaknath case (1967) had held Parliament cannot amend FRs at all (overruled by Kesavananda). Minerva Mills (1980) reaffirmed Kesavananda and struck down parts of 42nd Amendment.

Quick Reference — POA02

Preamble —

Added by 42nd Amdt 1976

- Socialist (42nd Amdt)
- Secular (42nd Amdt)
- Integrity to Fraternity clause (42nd Amdt)
- Democratic, Republic, Sovereign: ORIGINAL

Federal Features

- Dual government (Centre + States)
- Written Constitution
- Division of powers (3 Lists)
- Independent Judiciary
- Bicameralism

Unitary Features

- Single Constitution; Single Citizenship
- Governor appointed by President
- Emergency provisions
- Integrated Judiciary; All India Services

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