

Preamble & Salient Features of the Constitution

🏰 PON02 · Indian Polity · NDA GAT

NDA Level

★ High Priority

✦ **NDA Focus:** The Preamble is tested by (1) identifying what was added by which amendment, (2) explaining each keyword, (3) the Kesavananda Bharati case. Salient features are tested by matching features to constitutional provisions. Expect 1-2 direct questions from this chapter.

1. The Preamble – India's Constitutional Identity Card

⚠ NDA Traps on Preamble:

- "Socialist" and "Secular" were **NOT** in the original Preamble – added by **42nd Amendment 1976**
- "Integrity" was also added by the 42nd Amendment (to Fraternity clause)
- The word "**Democratic**" WAS in the original Preamble
- Kesavananda Bharati case (1973): Preamble IS part of Constitution; can be amended but **basic structure cannot be altered**
- Preamble was adopted on **26 November 1949** – same as Constitution

📄 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, SC 1973)



SOVEREIGN

Original – 1949



SOCIALIST

Added: 42nd Amendment 1976

- ▶ Supreme authority; independent of all foreign powers
- ▶ Can acquire or cede territory; no external authority above India

- ▶ Equitable distribution of wealth; mixed economy (not pure socialism)
- ▶ NOT in the original 1949 Preamble — most commonly tested NDA fact



SECULAR

Added: 42nd Amendment 1976

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



DEMOCRATIC

Original — 1949

- ▶ Power vested in the people; representative government through elections
- ▶ Universal adult franchise (18+ after 61st Amendment 1988)



REPUBLIC

Original — 1949

- ▶ Elected head of state — President; no hereditary ruler
- ▶ Distinguishes India from a monarchy (like UK)



JUSTICE · LIBERTY · EQUALITY · FRATERNITY

All Original — 1949

- ▶ **Justice:** Social · Economic · Political
- ▶ **Liberty:** Thought · Expression · Belief · Faith · Worship
- ▶ **Equality:** Of Status and Opportunity
- ▶ **Fraternity:** Dignity of individual + Unity of nation (*Integrity added to Fraternity clause by 42nd Amendment 1976*)

⚠ **NDA Trap:** "Socialist" and "Secular" were NOT in the original Preamble. Both added by **42nd Amendment 1976**. "Integrity" was also added. "Democratic" and "Republic" WERE original.

2. Salient Features of the Indian Constitution



**Longest Written
Constitution**



**Federal System with Unitary
Bias**

Originally 395 Articles, 22 Parts, 8 Schedules

- ▶ Currently: 470+ Articles, 25 Parts, 12 Schedules
- ▶ Combines both federal AND unitary features
- ▶ Covers both central and state government structures

Quasi-Federal in nature

- ▶ Federal features: dual government, written Constitution, division of powers, independent judiciary
- ▶ Unitary bias: single Constitution, single citizenship, appointment of Governors by President, Emergency provisions, integrated judiciary, All India Services



Parliamentary Government

Westminster model from UK

- ▶ Nominal executive: President
- ▶ Real executive: Prime Minister + Council of Ministers
- ▶ Collective responsibility to Lok Sabha
- ▶ Bicameral legislature: Lok Sabha + Rajya Sabha



Blend of Rigidity & Flexibility

Three types of amendment procedures

- ▶ Simple majority: some provisions
- ▶ Special majority (Article 368): most provisions
- ▶ Special majority + ratification by half states: federal provisions
- ▶ More rigid than UK (unwritten), less rigid than USA



Independent Judiciary

Guardian of Constitution

- ▶ Power of judicial review – can strike down unconstitutional laws
- ▶ Single integrated judiciary headed by Supreme Court
- ▶ Judges: security of tenure; removal requires special process
- ▶ Basic Structure Doctrine: Parliament cannot alter fundamental features



Universal Adult Franchise

Everyone votes from age 18

- ▶ Every citizen 18+ has right to vote (reduced from 21 by 61st Amendment, 1988)
- ▶ No discrimination on grounds of religion, race, caste, sex, or class
- ▶ Basis of democratic republic



The 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 of

government, secular character, separation of powers, federalism, judicial review, fundamental rights, free and fair elections.

This case overruled *Golak Nath* (1967) partially – Parliament can amend FRs but cannot destroy their essence.



NDA PYQ Practice – PONo2

Q1. The words 'Socialist', 'Secular' and 'Integrity' were added to the Preamble of the Indian Constitution by which amendment? NDA PYQ

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

✓ Answer: (b) 42nd Amendment

The **42nd Constitutional Amendment Act, 1976** (during the Emergency period under Indira Gandhi) added the words "Socialist," "Secular," and "Integrity" to the Preamble. The 44th Amendment (1978) reversed many other changes made by the 42nd but kept the Preamble changes. The 42nd is often called the "Mini Constitution" due to its sweeping nature.

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

NDA PYQ

- (a) Fundamental Rights (b) Single citizenship (c) Presidential form of government
(d) Independent Judiciary

✓ Answer: (c) Presidential form of government

India has a **Parliamentary** form of government – not presidential. In parliamentary form, the executive (PM + Council of Ministers) is responsible to the legislature. In presidential form (like USA), the President is directly elected and is both head of state and government, not responsible to legislature. India's President is the nominal executive; the real executive is the Prime Minister.

Q3. In which landmark case did the Supreme Court propound the 'Basic Structure Doctrine'? NDA PYQ

- (a) A.K. Gopalan case (b) Golak Nath case (c) Kesavananda Bharati case
(d) Minerva Mills case

✓ Answer: (c) Kesavananda Bharati case

Kesavananda Bharati v. State of Kerala (1973) is the landmark judgment in which the Supreme Court (13-judge bench) established the Basic Structure Doctrine: Parliament can

amend the Constitution under Article 368 but cannot alter its "basic structure." Minerva Mills (1980) reaffirmed this doctrine and struck down parts of the 42nd Amendment that tried to limit judicial review.

Q4. The Preamble of the Indian Constitution is described as the "soul of the Constitution." This description was given by: NDA PYQ

- (a) Dr. B.R. Ambedkar (b) Jawaharlal Nehru (c) The Supreme Court of India
(d) Dr. Rajendra Prasad

✓ **Answer: (c) The Supreme Court of India**

The Supreme Court of India, in the Kesavananda Bharati case (1973), referred to the Preamble as the "soul of the Constitution." It also clarified that the Preamble IS part of the Constitution (overruling the earlier Berubari Union case where it was held otherwise) and can be amended but its basic character cannot be destroyed. Dr. Ambedkar called Article 32 (Right to Constitutional Remedies) the "heart and soul of the Constitution."

Quick Reference – PONO2

Preamble

Additions

- 42nd Amendment
1976: added "Socialist", "Secular", "Integrity"
- Original words:
Sovereign,
Democratic, Republic
- Justice, Liberty,
Equality, Fraternity —
original

Federal Features

- Dual government
(Centre + State)
- 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

Key Cases

- Kesavananda Bharati
(1973): Basic Structure
- Minerva Mills (1980):
FRs + DPSP balance

Constitution

Numbers

- Original: 395 Articles ·
22 Parts · 8 Schedules

Sources

- Parliamentary Govt:
UK
- Fundamental Rights:
USA

- Golak Nath (1967): Parliament cannot amend FRs
- Berubari Union: Preamble not part of Constitution (overruled)

- Current: 470+ Articles
· 25 Parts · 12 Schedules
- Longest written constitution in world
- Adopted: 26 Nov 1949
· Enforced: 26 Jan 1950

- DPSP: Ireland
- Single citizenship: UK
- Emergency provisions: Germany (Weimar)

 **Mock Tests**

 **Subject Quiz**

 **Telegram**

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