

APPSC GROUP-I MAINS — STUDY NOTES

PREAMBLE & BASIC STRUCTURE

Doctrine

Paper III — Governance, Constitution & Ethics | Day 2 (31 Mar 2026)

SECTION 1: SUMMARISED NOTES

1.1 The Preamble — Philosophy of the Constitution

The Preamble is the introductory statement of the Constitution that embodies its fundamental values, philosophy, and objectives. It serves as the 'identity card' of the Constitution (as described by N.A. Palkhivala) and reflects the ideals that guided the Constituent Assembly. The Preamble was adopted on 26 November 1949 along with the Constitution and was based on the Objectives Resolution moved by Jawaharlal Nehru on 13 December 1946.

1.1.1 Text of the Preamble

The Preamble declares: 'WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a 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 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.'

1.1.2 Key Terms Explained

Term	Meaning & Significance
Sovereign	India is neither a dependency nor a dominion of any external power. Supreme authority vests in the people of India. India can acquire or cede territory. No external authority can dictate India's policies.
Socialist	Added by 42nd Amendment (1976). Indian socialism is 'democratic socialism' — a mixed economy with both public and private sectors, not Soviet-style state ownership. Aims at reducing inequality and ensuring equitable distribution of

Term	Meaning & Significance
	resources. D.S. Nakara case (1983): Socialist goal means elimination of inequality in income, status, and standards of life.
Secular	Added by 42nd Amendment (1976). Indian secularism means 'principled equidistance' — the state treats all religions equally, neither promoting nor prohibiting any. Distinct from Western secularism (strict separation of church and state). S.R. Bommai (1994): Secularism is part of the basic structure.
Democratic	Government derives authority from the will of the people through free and fair elections based on universal adult suffrage. Includes political democracy (elections, representative government) and social/economic democracy (equality, social justice). India adopted representative parliamentary democracy.
Republic	Head of state (President) is elected, not hereditary. Every citizen is eligible for the highest office. No privileged class. Vests political sovereignty in the people, not in a monarch.
Justice	Three dimensions: Social justice (removal of caste, gender, religious discrimination), Economic justice (equitable distribution of wealth, no concentration), Political justice (equal political rights, universal suffrage). Secured through FR (Part III) and DPSP (Part IV).
Liberty	Five freedoms specified: thought, expression, belief, faith, and worship. Not absolute — subject to reasonable restrictions under Article 19(2)-(6). Essential for the dignity of the individual and democratic functioning.
Equality	Equality of status (absence of social privileges/titles, Art. 18) and equality of opportunity (equal access to public employment, Art. 16). Does not mean absolute equality but substantive equality — treating unequals differently to achieve real equality (positive discrimination/reservations).
Fraternity	Sense of brotherhood and common belonging among all Indians. Assures dignity of the individual (linked to Fundamental Rights) and unity and integrity of the nation (integrity added by 42nd Amendment). Essential for holding together a diverse nation.

1.1.3 'We, the People of India'

This opening phrase establishes popular sovereignty — the Constitution derives its authority from the people of India, not from any external power, monarch, or divine source. It means the people are the ultimate source of political authority. This was deliberate: unlike the Government of India Act 1935

(enacted by the British Parliament), the Indian Constitution is self-given by the Indian people through their elected representatives.

1.2 Status of the Preamble — Is it Part of the Constitution?

1.2.1 Berubari Union Case (1960)

The Supreme Court held that the Preamble is NOT a part of the Constitution. It was considered a key to understanding the minds of the framers but not enforceable in itself. The Preamble could not override the express provisions of the Constitution. Justice Gajendragadkar delivered this opinion.

1.2.2 Kesavananda Bharati Case (1973) — OVERRULED Berubari

The Supreme Court (13-judge bench, 7-6 majority) held that the Preamble IS a part of the Constitution. It can be amended under Article 368 (as was done by the 42nd Amendment). However, the Preamble is NOT a source of power — it cannot confer rights or impose limitations. Its significance lies in interpreting ambiguous provisions of the Constitution. The basic features reflected in the Preamble cannot be destroyed by amendment. This is the current legal position.

1.2.3 LIC of India Case (1995)

Reaffirmed that the Preamble is an integral part of the Constitution. It is useful in interpreting provisions where language is ambiguous. The Preamble indicates the general purposes behind specific provisions.

1.3 Can the Preamble be Amended?

Yes. The Preamble has been amended once — by the 42nd Amendment (1976) during the Emergency. Three words were added: 'Socialist,' 'Secular,' and 'Integrity.' However, since the Preamble reflects the basic structure (Kesavananda), its core features cannot be destroyed through amendment. The sovereign, democratic, and republican character of the polity, and the ideals of justice, liberty, equality, and fraternity, are considered part of the basic structure and cannot be amended away.

1.4 The Basic Structure Doctrine

1.4.1 Genesis — The Amendment Power Debate

The Basic Structure Doctrine is India's most significant judicial innovation. It addresses the fundamental question: Can Parliament, using Article 368, amend ANY provision of the Constitution, including Fundamental Rights? Or are there inherent limits to the amendment power? The doctrine evolved through a series of landmark cases spanning 1951 to 1973.

1.4.2 Evolution Through Landmark Cases

Case	Year	Ruling & Significance
Shankari Prasad v. UOI	1951	Parliament CAN amend Fundamental Rights under Art. 368. The word 'law' in Art. 13(2) does not include constitutional amendments. Upheld 1st Amendment (which curtailed Art. 19 for land reforms).
Sajjan Singh v. State of Rajasthan	1965	Reaffirmed Shankari Prasad. Parliament's amendment power is plenary. But Justice Hidayatullah's dissent hinted at implied limitations on amendment power.
Golak Nath v. State of Punjab	1967	REVERSED Shankari Prasad. Parliament CANNOT amend Fundamental Rights. FR are 'transcendental' and beyond amendment power. Applied prospectively (did not invalidate past amendments). 11-judge bench, 6-5 majority.
24th Amendment	1971	Parliament's legislative response to Golak Nath. Amended Art. 13 and Art. 368 to explicitly state that Parliament CAN amend any provision, including FR. Art. 368 title changed from 'Procedure for Amendment' to 'Power and Procedure for Amendment.'
25th Amendment	1971	Curtailed judicial review of laws implementing DPSP (Art. 31C). If a law is for giving effect to Art. 39(b) and (c), it cannot be challenged for violating Art. 14, 19, or 31. Partly struck down in Kesavananda.
Kesavananda Bharati v. State of Kerala	1973	THE LANDMARK CASE. 13-judge bench (largest ever). 7-6 majority. Held: (1) Parliament CAN amend any provision, including FR (reversed Golak Nath). (2) BUT Parliament CANNOT destroy the 'basic structure' of the Constitution. (3) 24th Amendment is valid. (4) Part of 25th Amendment (removing judicial review entirely) is invalid. Established the BASIC STRUCTURE DOCTRINE.
Indira Gandhi v. Raj Narain	1975	Applied basic structure doctrine to strike down Cl. 4 of the 39th Amendment (which barred judicial review of PM's election). Free and fair elections = basic structure.
42nd Amendment	1976	Parliament's most ambitious attempt to override judicial review. Added Art. 368(4) & (5): 'No amendment shall be questioned in any court on any ground.' Attempted to make amendment power unlimited. Struck down in Minerva Mills.

Case	Year	Ruling & Significance
Minerva Mills v. Uol	1980	Struck down Sections 4 & 55 of 42nd Amendment. Held: (1) Art. 368(4) & (5) are invalid because they destroy basic structure. (2) Balance between FR and DPSP is itself part of basic structure. (3) Limited amendment power = basic structure. 'If Parliament has unlimited power, it ceases to be a controlled Constitution.'
Waman Rao v. Uol	1981	Basic structure doctrine applies to amendments made AFTER 24 April 1973 (date of Kesavananda). Amendments before that date cannot be challenged.
S.R. Bommai v. Uol	1994	Secularism = basic structure. Art. 356 (President's Rule) is subject to judicial review. Federalism = basic structure. A state government cannot be dismissed on the ground that it has lost majority without a floor test.
I.R. Coelho v. State of TN	2007	Laws placed in the Ninth Schedule (after 24 April 1973) are subject to basic structure review. The protection of the Ninth Schedule is not absolute. This effectively closed the 'Ninth Schedule escape route' for fundamental rights violations.

1.4.3 What Constitutes the Basic Structure?

The Supreme Court has never provided an exhaustive list of basic structure elements. Different cases have identified different elements. The following have been recognised across multiple judgments:

- **Supremacy of the Constitution** (Kesavananda, Minerva Mills)
- **Republican and democratic form of government** (Kesavananda)
- **Secular character of the Constitution** (S.R. Bommai, Kesavananda)
- **Separation of powers between legislature, executive, and judiciary** (Kesavananda, Indira Gandhi)
- **Federal character of the Constitution** (S.R. Bommai)
- **Unity and sovereignty of India** (Kesavananda)
- **Individual freedom and dignity** (Minerva Mills)
- **Judicial review** (Minerva Mills, L. Chandra Kumar)
- **Rule of law** (Indira Gandhi)
- **Free and fair elections** (Indira Gandhi v. Raj Narain)
- **Balance between Fundamental Rights and DPSPs** (Minerva Mills)
- **Limited power of Parliament to amend the Constitution** (Minerva Mills)
- **Equality, and the essence of other Fundamental Rights** (I.R. Coelho)

- **Effective access to justice** (various)
- **Parliamentary system of government** (Kesavananda)

1.4.4 Significance & Criticism

The Basic Structure Doctrine is India's ultimate constitutional safeguard against the tyranny of elected majorities. Without it, a Parliament with a two-thirds majority could abolish elections, establish a dictatorship, eliminate fundamental rights, or destroy federalism — all through 'constitutional' amendments. The 1975 Emergency demonstrated this risk. The doctrine ensures that constitutional identity survives political upheaval.

However, the doctrine has been criticised: (1) It is judge-made, not textually grounded in the Constitution — giving the judiciary enormous, unelected power over Parliament. (2) The list of basic structure elements is not fixed or exhaustive, leading to unpredictability. (3) It can be seen as anti-democratic — unelected judges overriding the will of elected representatives. (4) Different judges have identified different elements, creating inconsistency. Despite these criticisms, the doctrine has been consistently upheld for over 50 years and is now firmly embedded in Indian constitutional law.

1.5 Preamble & Basic Structure — The Connection

The Preamble and Basic Structure Doctrine are deeply connected. The values in the Preamble — sovereignty, socialism, secularism, democracy, republic, justice, liberty, equality, fraternity — form the core of what the Supreme Court has identified as the 'basic structure.' The Preamble articulates the WHAT (constitutional values), while the Basic Structure Doctrine provides the HOW (judicial enforcement mechanism). Together, they ensure that the Constitution's identity is preserved regardless of which political party holds power.

SECTION 2: KEY DIMENSIONS TO COVER

Examiner angles.

1. **Preamble Text & Terms:** Know the exact text. Define each term (Sovereign, Socialist, Secular, Democratic, Republic). Explain Justice, Liberty, Equality, Fraternity.
2. **42nd Amendment Changes:** Added 'Socialist,' 'Secular,' 'Integrity.' Context: Emergency (1975-77). Swaran Singh Committee recommendations.
3. **Preamble's Status:** Berubari (1960): Not part → Kesavananda (1973): Part of Constitution → LIC case (1995): Reaffirmed. Current position: part of Constitution, can be amended, but basic features cannot be destroyed.
4. **Basic Structure Evolution:** Shankari Prasad (1951) → Golak Nath (1967) → 24th Amendment (1971) → Kesavananda (1973) → Minerva Mills (1980) → S.R. Bommai (1994) → I.R. Coelho (2007). Know each case's ruling.
5. **Elements of Basic Structure:** Supremacy, republican form, secularism, separation of powers, federalism, judicial review, FR-DPSP balance, free elections, dignity. No exhaustive list exists.
6. **Parliament vs Judiciary:** The tension between Parliament's amendment power and judiciary's review power is the core constitutional debate. Basic Structure Doctrine is the resolution.
7. **Secularism as Basic Structure:** S.R. Bommai (1994) established this. Indian secularism vs Western secularism. Art. 356 and secularism.
8. **Criticism of Basic Structure:** Judge-made, not textual; unelected judges overriding elected Parliament; no fixed list; potential for judicial overreach.

SECTION 3: PRELIMS MUST-REMEMBER FACTS

Crisp factual points. Memorize these.

1. Preamble based on Objectives Resolution moved by Nehru on 13 December 1946.
2. Original Preamble: Sovereign, Democratic, Republic. 42nd Amendment (1976) added: Socialist, Secular, Integrity.
3. Berubari Union (1960): Preamble NOT part of Constitution. Kesavananda Bharati (1973): Preamble IS part. Current position: Kesavananda.
4. Kesavananda Bharati v. State of Kerala (1973): 13-judge bench (largest ever). 7-6 majority. Established Basic Structure Doctrine.
5. Shankari Prasad (1951): Parliament CAN amend FR. Upheld 1st Amendment.
6. Golak Nath (1967): Parliament CANNOT amend FR. 11-judge bench, 6-5. Reversed Shankari Prasad.
7. 24th Amendment (1971): Parliament's response to Golak Nath. Restored amendment power over FR. Changed Art. 368 title.
8. 25th Amendment (1971): Art. 31C — laws for Art. 39(b)(c) cannot be challenged under Art. 14/19/31. Partly struck down in Kesavananda.
9. Minerva Mills (1980): FR-DPSP balance = basic structure. Limited amendment power = basic structure. Struck down Art. 368(4)(5) of 42nd Amendment.
10. S.R. Bommai (1994): Secularism = basic structure. Federalism = basic structure. Art. 356 subject to judicial review.
11. I.R. Coelho (2007): Ninth Schedule laws (post-24 April 1973) subject to basic structure review. Closed Ninth Schedule 'escape route.'
12. Indira Gandhi v. Raj Narain (1975): Free and fair elections = basic structure. Struck down part of 39th Amendment.
13. Waman Rao (1981): Basic structure doctrine applies only to amendments AFTER 24 April 1973 (Kesavananda date).
14. 42nd Amendment (1976): 'Mini-Constitution.' Added Art. 368(4)(5) barring judicial review of amendments. Struck down by Minerva Mills.
15. N.A. Palkhivala: Called the Preamble the 'identity card' of the Constitution. Argued Kesavananda case for petitioner.
16. 'We, the People of India' = Popular sovereignty. Constitution is self-given, not imposed by external authority.

17. Indian secularism = 'principled equidistance' from all religions. NOT separation of church and state (Western model).
18. Indian socialism = 'democratic socialism' (mixed economy). NOT Soviet-style state ownership. D.S. Nakara (1983).
19. Preamble can be amended under Art. 368 (proven by 42nd Amendment). But core features cannot be destroyed (Kesavananda).
20. Basic structure: No exhaustive list. Identified case-by-case. Includes supremacy, republic, secularism, separation of powers, federalism, judicial review, free elections, dignity, FR-DPSP balance, limited amendment power.



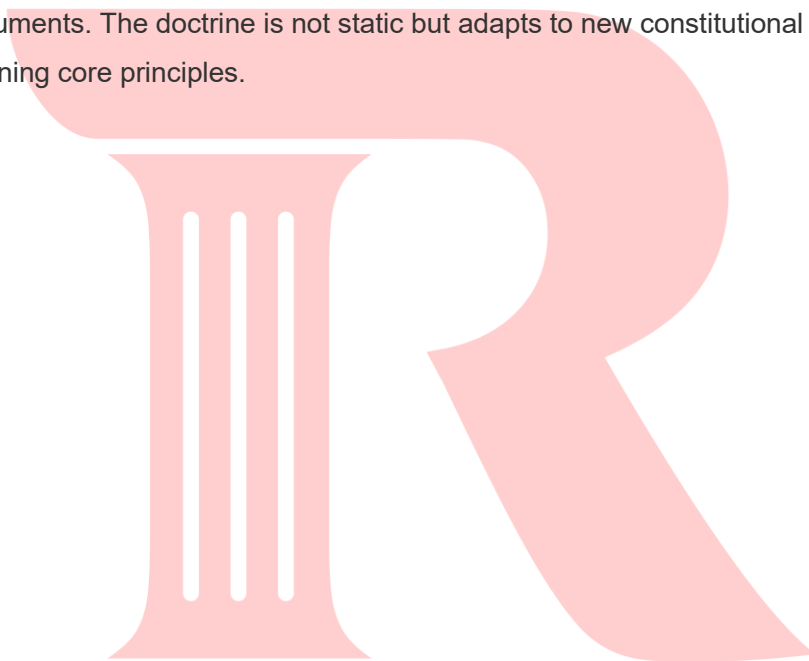
SECTION 4: MAINS MUST-WRITE POINTS

Each can form a paragraph.

- The Preamble as Constitutional Philosophy:** The Preamble is not a mere introduction but the philosophical foundation of the Constitution. Its commitment to justice (social, economic, political), liberty, equality, and fraternity represents the Constituent Assembly's vision of a transformed India — free from the inequalities of caste, poverty, and colonial subjugation. The 42nd Amendment's addition of 'Socialist' and 'Secular' made explicit what was already implicit in the original text. These values are not just aspirational — they guide judicial interpretation of every constitutional provision.
- Popular Sovereignty — 'We, the People':** The opening words establish that the Constitution's authority derives from the people, not from Parliament, the judiciary, or any external power. This is not merely symbolic — it means that sovereignty is diffused among the entire citizenry. When the Supreme Court in *Kesavananda* protected the 'basic structure' from parliamentary amendment, it was implicitly invoking popular sovereignty: the people's fundamental choices (expressed through the Constitution) cannot be undone by their representatives (Parliament) acting alone.
- Indian Secularism — A Distinctive Model:** Indian secularism is qualitatively different from the Western model. The West enforces strict separation of religion and state (e.g., France's *laïcité*). India's model is 'principled equidistance' — the state engages with all religions but favours none. This explains why India has religion-specific personal laws, funds religious pilgrimages (Haj subsidy, Kailash Mansarovar), and manages temple trusts, while maintaining that the state has no religion. S.R. Bommai (1994) elevated this to basic structure, making secularism a non-negotiable constitutional feature.
- The Basic Structure Doctrine — India's Greatest Judicial Innovation:** No other democracy has developed a comparable doctrine. The US Supreme Court can strike down laws violating the Constitution but cannot prevent constitutional amendments. The UK Parliament has unlimited sovereignty. India's Basic Structure Doctrine occupies a unique middle ground: Parliament can amend anything, but cannot destroy the Constitution's essential identity. This was forged through the Shankari Prasad-Golak Nath-Kesavananda-Minerva Mills dialectic and has been consistently applied for over 50 years.
- Kesavananda — The Case That Saved Indian Democracy:** The 13-judge Kesavananda bench (1973) saved India from a potential constitutional crisis. If Parliament had unlimited amendment power, the Emergency government (1975-77) could have legally abolished elections, eliminated fundamental rights, and established permanent authoritarian rule — all through 'constitutional' amendments. The Basic Structure Doctrine prevented this by

establishing that certain features are beyond amendment. The 42nd Amendment's attempt to remove even this check was struck down by *Minerva Mills* (1980).

6. **FR-DPSP Balance as Basic Structure:** *Minerva Mills* (1980) established that the harmony between Fundamental Rights (Part III) and Directive Principles (Part IV) is itself a basic structure element. Neither can be sacrificed for the other. This resolved the long-standing FR vs DPSP debate: the Constituent Assembly intended them as complementary, not conflicting. The state must pursue social justice (DPSP) without destroying individual freedoms (FR), and vice versa. This balance guides all social welfare legislation.
7. **Living Doctrine — Continuing Evolution:** The Basic Structure Doctrine continues to evolve. *I.R. Coelho* (2007) extended it to Ninth Schedule laws; *Puttaswamy* (2017) affirmed privacy as a fundamental right under Art. 21; and ongoing debates about the collegium system, EWS reservation (103rd Amendment), and electoral bond cases all invoke basic structure arguments. The doctrine is not static but adapts to new constitutional challenges while maintaining core principles.



SECTION 5: VALUE ADDITION

Enhance your Mains answers.

Constitutional Cross-References

- Preamble → Article 14-18 (Equality) → Article 19 (Liberty) → Article 21 (Life & Dignity) → Article 25-28 (Secularism): These provisions operationalise Preamble values.
- Art. 368 (Amendment Power) vs Preamble/Basic Structure: The creative tension that defines Indian constitutionalism.
- Art. 13(2) (Laws inconsistent with FR) + Art. 32 (Remedies) + Basic Structure Doctrine = the three-layered constitutional protection system.
- Ninth Schedule (Art. 31B) + I.R. Coelho (2007): Even the Ninth Schedule's protection is not absolute against basic structure review.

SDG Linkage

- SDG 16: Peace, Justice and Strong Institutions — Preamble's commitment to justice; basic structure ensures institutional stability.
- SDG 10: Reduced Inequalities — Preamble's equality and socialist values; positive discrimination under basic structure.
- SDG 5: Gender Equality — Liberty and equality in the Preamble; Art. 15(3) special provisions for women.

Key Scholars & Jurists

- N.A. Palkhivala: Argued Kesavananda for petitioner. Called Preamble the 'identity card' of the Constitution. His arguments shaped the basic structure doctrine.
- Justice H.R. Khanna: His dissent in ADM Jabalpur (1976) — defending habeas corpus during Emergency — is considered one of the greatest judicial dissents. His Kesavananda vote was decisive.
- Granville Austin: Described the Constitution as a 'seamless web' of FR, DPSP, and governance provisions. His analysis informs the FR-DPSP balance principle.
- Justice Y.V. Chandrachud: Led the Minerva Mills bench. Established that limited amendment power is basic structure.

Comparative Perspective

- India vs US: US has no basic structure doctrine. Constitutional amendments (27 in 235 years) require supermajority but face no judicial review for violating 'basic features.' India's doctrine gives the judiciary greater power to protect constitutional identity.
- India vs Germany: Germany's 'eternity clause' (Art. 79(3)) explicitly prohibits amendments affecting human dignity, democratic principles, federalism, and rule of law. India's doctrine is judge-made but functionally similar.
- India vs UK: UK Parliament has unlimited sovereignty — no written constitution, no basic structure, no judicial review of legislation. India's doctrine represents a fundamentally different model of constitutionalism.
- India vs South Africa: South Africa's Constitutional Court also exercises judicial review but does not have an explicit 'basic structure' doctrine. India's doctrine remains unique in the common law world.



SECTION 6: QUICK REVISION BOX

Last-minute glance.

▶ Preamble: Sovereign Socialist Secular Democratic Republic	▶ 42nd Amdt (1976): Added Socialist, Secular, Integrity
▶ Berubari (1960): Preamble NOT part	▶ Kesavananda (1973): Preamble IS part
▶ Objectives Resolution: Nehru, 13 Dec 1946	▶ 'We, the People' = Popular sovereignty
▶ Shankari Prasad (1951): Can amend FR	▶ Golak Nath (1967): Cannot amend FR
▶ 24th Amdt (1971): Restored amendment power	▶ Kesavananda (1973): Can amend but not destroy basic structure
▶ 13-judge bench, 7-6 majority	▶ Minerva Mills (1980): FR-DPSP balance = basic structure
▶ S.R. Bommai (1994): Secularism = basic structure	▶ I.R. Coelho (2007): 9th Schedule under review
▶ 42nd Amdt Art.368(4)(5): Struck down by Minerva Mills	▶ Free elections = basic structure (Indira Gandhi 1975)
▶ Indian secularism = Principled equidistance	▶ Indian socialism = Democratic socialism (mixed economy)
▶ Palkhivala: Preamble = Identity card	▶ Germany Art.79(3) = Comparable eternity clause

SECTION 7: RECOMMENDED SOURCES

Refer to these for depth.

Source	What to Read	Why
M. Laxmikanth — Indian Polity	Preamble; Ch. 11: Amendment (Basic Structure section)	Most exam-relevant, case-by-case coverage

Source	What to Read	Why
NCERT Class XI — Indian Constitution at Work	Rights & Constitution as a Living Document	<i>Conceptual clarity on Preamble values</i>
D.D. Basu — Introduction to the Constitution	Preamble and Amendment chapters	<i>Academic depth with case law analysis</i>
Granville Austin — Working a Democratic Constitution	Chapters on FR-DPSP, Kesavananda, Emergency	<i>Understanding the politics behind the doctrine</i>
Supreme Court Judgments (Key extracts)	Kesavananda, Minerva Mills, S.R. Bommai	<i>Reading key paragraphs (ratio decidendi) is invaluable for Mains</i>