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# **PREAMBLE THE DIAMOND OF THE CONSTITUTION**

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## **IS PREAMBLE A PART OF CONSTITUTION**

The constitution of India was framed by a Constituent Assembly. This Assembly was an indirectly elected body. It had laid down certain ideals to be included in the Constitution. These ideals included commitment to democracy, guarantee to all people of India- Justice, Equality and Freedom. It had also proclaimed that India will be a Sovereign Democratic Republic.

The Constitution of India begins with a Preamble. The Preamble contains the ideals, objectives and basic principles of the Constitution. The salient features of the Constitution have evolved directly and indirectly from these objectives which flow from the Preamble.

## **PREAMBLE TO THE CONSTITUTION OF INDIA**

**HISTORY:** It is interesting to know that the Preamble, though the Constitution opens with it, was not the first to come into existence. It was the last piece of Drafting adopted by the Constituent Assembly at the end of the first reading of the Constitution and then seated in the beginning of the Constitution. The motion to adopt the Preamble was moved on 17<sup>th</sup> October, 1949. Several amendments were suggested to the Preamble but they all were negated. At the end, the President moved the motion- "That the Preamble stands part of the Constitution." The motion was adopted

on November 2, 1946. The Preamble was added to the Constitution.<sup>1</sup>

## THE CONSTITUTION OF INDIA PREAMBLE

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.

One of the members of the Constituent Assembly (Pundit Thakur Das Bhargava) rose to poetic heights

when he said, "The Preamble is the most precious part of the Constitution. It is the soul of the Constitution. It is a key to the Constitution. It is a jewel set in the Constitution."

Preamble is an introductory statement, stating the aims and objectives of the constitution. Accordingly, the preamble to the Indian constitution spells out the basic philosophy contained in the body of the Indian Constitution. Reading through the Preamble, one can see the purpose that it serves, namely, the declaration of (1) the source of the constitution, (2) a statement of its objectives and (3) the date of its adoption. The Preamble, in brief, explains the objectives of the Constitution in two ways: one, about the structure of the governance and the other, about the ideals to be achieved in independent India. It is because of this, the Preamble is considered to be the key of the Constitution.

Preamble as such is widely accepted as the quintessence or soul and spirit of a constitution, as it

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<sup>1</sup> CAD, Vol. X, 1949, pp. 429, 456.

embodies the fundamentals and the basic of the constitution as well as the vision and commitment of a newly liberated nation or people after its passing through the inevitable birth pangs of national independence from an oppressive and colonial regime.

The objectives, which are laid down in the Preamble, are:

1. Description of Indian State as Sovereign, Socialist, Secular, Democratic Republic. (Socialist, Secular added by 42nd Amendment, 1976).
2. Provision to all the citizens of India i.e.,
  - a) Justice social, economic and political
  - b) Liberty of thought, expression, belief, faith and worship
  - c) Equality of status and opportunity
  - d) Fraternity assuring dignity of the individual and unity and integrity of the nation.

## **“We, the people of India”**

It is the resolve of the people of India to constitute India into Sovereign, Democratic, Republic. From the Preamble of the Constitution it is clear that the framers attached importance to the sovereignty of the people.<sup>2</sup> The ideas reassert the sovereignty and paramountcy of the people's will over everything. The idea of republic indicates the representative character of its sovereign democracy. It means that the absolute power vested in the people of India under the Constitution is to be exercised by them through their duly elected representative in the various union and states legislatures.<sup>3</sup>

## **Sovereignty**

Sovereignty is one of the foremost elements of any independent State. It means absolute independence, i.e., a government which is not controlled by any other power : internal or external.

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<sup>2</sup> Motilal v Uttar Pradesh Government AIR 1951 ALL 257 (Paras 185, 188) (FB) affirmed in State of W.B. V Anwar Ali AIR 1952 SC 75.

<sup>3</sup> Ram Nandan v State AIR 1959 ALL 101.

A country cannot have its own constitution without being sovereign. India is a sovereign country. It is free from external control. It can frame its policies. India is free to formulate its own foreign policy. “Sovereignty” is therefore a term of art rather than a legal expression capable of a precise definition.<sup>4</sup>

## **Socialist**

The word socialist was not there in the Preamble of the Constitution in its original form. In 1976, the 42<sup>nd</sup> Amendment to the Constitution incorporated ‘Socialist’ and ‘Secular’, in the Preamble. The word ‘Socialism’ had been used in the context of economic planning. It signifies major role in the economy. It also means commitment to attain ideals like removal of inequalities, provision of minimum basic necessities to all, equal pay for equal work. In the Directive Principles of the State Policy, these ideals have been incorporated as well as partly, implemented in the Constitution.

Socialism is implicit in the Preamble and the directive principle of the Constitution. The term “economic justice” in the Preamble denotes nothing but India’s resolve to bring socio-economic revolution. The Directive Principles, particularly Article 39 (b) and (c) of Constitution are charters of social and economic liberties of the people. The word ‘socialism’ has, however, no definite meaning. It has been invariably used in both types of Constitutions- democratic and communistic. Generally, the term implies a system of government in which the means of production is wholly or partially controlled by the State. India’s socialism is, however, a democratic socialism and not a ‘communistic socialism’. For this purpose, the preamble has combined both the words, Socialism and Democracy in the Preamble. This combination of words: socialism and democracy have been criticized by many writers. It has been said that these cannot co-exist. This criticism is, however, not justified in view of the gradual change of thinking of the modern socialists. Their thinking is in line with the idea of welfare state which would prevent only the excess of exploitation and free competition without destroying individual initiative and without detriment to the political freedoms. It is thus the marriage of democracy and socialism which has been embedded in the Indian Constitution.<sup>5</sup>

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<sup>4</sup> Starke: *International Law*, 11<sup>th</sup> Edition, p. 91; see also Lloyd: *Introduction to jurisprudence*, 5<sup>th</sup> edition, ELBS, pp. 309-314 for six meaning of Sovereignty.

<sup>5</sup> V.S. Deshpande- Rights and duties under the Indian Constitution, (15 JILI 1973, p- 94).

In *Excel Wear v. Union of India*,<sup>6</sup> the S.C. considered the effect of the word 'socialist' in the Preamble. The Court held that addition of the word "Socialist" might enable the courts to lean more in favor of nationalization and state ownership of an industry. In *D.S. Nakara v. Union of India*,<sup>6</sup> the S.C. held that the basic framework of socialism is to provide a decent standard of life to the working people and especially provide security from cradle to grave. This amongst others are on economic side envisaged economic equality and equitable distribution of income.

## Secularism

In the context of secularism in India, it is said that '*India is neither religious, nor irreligious nor antireligious.*' It implies that in India there will be no 'State' religion – the 'State' will not support any particular religion out of public fund.

This has two implications,

- a) every individual is free to believe in, and practice, any religion he/ she belongs to, and,
- b) State will not discriminate against any individual or group on the basis of religion.

The concept of secularism was already implicit in the Constitution, "liberty of... belief, faith and worship". Articles 25 to 28 of the Constitution guarantee to every person the freedom of conscience and the right to profess, practice and propagate religion. In *St. Xaviers College v. State of Gujarat*,<sup>7</sup> the SC has held, "although the words 'SECULAR STATE' are not expressly mentioned in the Constitution but there can be no doubt that Constitution-makers wanted to establish such a state" and accordingly Articles 25 to 28 have been included in the Constitution.

*In S.R. Bommai v. Union of India*<sup>8</sup> the supreme court held that "secularism is the basic feature of the Constitution."

In *Aruna Roy v. Union of India*,<sup>9</sup> the Supreme Court has said that Secularism has a positive meaning that is developing, understanding and respect towards different religions.

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<sup>6</sup> AIR 1983 SC 130.

<sup>7</sup> AIR 1974 SC 1389.

<sup>8</sup> (1994) SCC 1.

<sup>9</sup> AIR 2003 SC 3176.

There is no mysticism in the secular character of the State. Secularism is not anti-God; it treats alike the devout, the agnostic and the atheist. It eliminates God from the matters of the state and ensures that no one shall be discriminated against on the ground of religion.<sup>10</sup>

## **Democratic Republic**

The last line of the Preamble says ‘.... Hereby Adopt, Enact And Give To Ourselves This Constitution’. In fact the Democratic principles of the country flow from this memorable last line of the Preamble. Democracy is generally known as government of the people, by the people and for the people. Effectively this means that the Government is elected by the people, it is responsible and accountable to the people. The democratic principles are highlighted with the provisions of universal adult franchise, elections, fundamental rights, and responsible government. The Preamble also declares India as a Republic. It means that the head of the State is the President who is indirectly elected and he is not a hereditary ruler as in case of the British Monarch.

## **Justice**

Justice promises to give people what they are entitled to in terms of basic rights to food, Clothing, housing, participation in the decision-making and living with dignity as Human Beings. The Preamble covers all these dimensions of justice – social, economic and political. Besides, the granting of political justice in the form of universal adult franchise or the representative form of democracy.

## **Liberty**

The Preamble also mentions about liberty of thought and expression. These freedoms have been guaranteed in the Constitution through the Fundamental Rights. Though freedom from want has not been guaranteed in the Fundamental Rights, certain directives to the State have been mentioned in the Directive Principles.

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<sup>10</sup> Amedabad St. Xaviers College V State of Gujarat AIR 1974 SC 1389 (PARA 75).

The importance of the judiciary in India in this connection must also be highlighted in this country. In this connection reference may be made to two decisions of the Supreme Court viz., *Govt of A.P. and others vs. P. Laxmi Devi*<sup>11</sup> and *Deepak Bajaj vs. State of Maharashtra and others*<sup>12</sup>. In these cases, the Supreme Court has emphasized the importance of liberty for progress, and has observed that the judiciary must act as guardians of the liberties of the people, protecting them against executive, or even legislative arbitrariness or despotism. Liberty, Equality and Fraternity are not to be treated as separate entities but a trinity. They form a union in that and to divorce one from the other is to defeat the very purpose of Democracy.<sup>13</sup>

## Equality

Equality is considered to be the essence of modern democratic ideology. The Constitution makers placed the ideals of equality in a place of pride in the Preamble. All kinds of inequality based on the concept of rulers and the ruled or on the basis of caste and gender, were to be eliminated. All citizens of India should be treated equally and extended equal protection of law without any discrimination based on caste, creed, birth, religion, sex etc.

Similarly equality of opportunities implies that regardless of the socio-economic situations into which one is born, he/she will have the same chance as everybody else to develop his/ her talents and choose means of livelihood.

## Fraternity, Dignity, Unity and Integrity

In the background of India's multi-lingual, multi-cultural and multi-religious society and keeping in view the partition of the country, the framers of the Constitution were very much concerned about the unity and integrity of our newly independent country. There was a need for harmonious co-existence among various religions, linguistic, cultural and economic groups. Inclusion of phrases like 'dignity of individuals', 'fraternity among people' and 'unity and integrity of the

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<sup>11</sup> 2008 (4) SCC 720, JT 2008 (2) 639.

<sup>12</sup> JT 2008 (11) SC 609.

<sup>13</sup> S.S. Bola v B.D. Sardana (1997) 8 SCC 522.

nation' in the Preamble highlight such a need.

“Some people have started saying that to combat terrorism, it is necessary to curtail civil liberties and introduce draconian laws. To my mind, this is a dangerous idea, and hence it is necessary to explain the

importance of liberty and democracy” – said by **Justice Markandey Katju**.

## **Importance of Preamble**

Imagine reading a beautifully written book without an introduction or preface or say without an Index, obviously it would create a mess or ambiguity in the mind of a reader who would pick up that book for the first time. Similarly, the Preamble to a Constitution embodies the fundamental values and the philosophy, on which the Constitution is based, and the aims and objectives, which the founding fathers of the Constitution enjoined the polity to strive to achieve. The importance and utility of the Preamble has been pointed out in several decisions of the Supreme Court of India.

The preamble to an Act sets out the main objectives which the legislation is intended to achieve.<sup>14</sup> It is a sort of introduction to the statute and many a times very helpful to understand the policy and legislative intent. It expresses “what we had thought or dreamt for so long”.<sup>15</sup> It embodies in a solemn form all the ideas and aspirations for which the country had struggled during the British Regime.<sup>16</sup>

Preamble being unenforceable in the court of law, but it successfully brings out and states the objects which Constitution seeks to establish and promote and also aids the legal interpretation wherever ambiguousness tend to appear.

Combining the ideals of political, social and economic democracy with that of equality and fraternity, the Preamble seeks to establish what Mahatma Gandhi described as The India of my dreams, namely

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<sup>14</sup> Subba Rao. C.J., in I.C. Golak Nath v. State of Punjab, AIR 1967 SC 1643.

<sup>15</sup> Sir Alladi Krishnaswami- Constituent Assembly Debates. Vol 10, 417.

<sup>16</sup> Shelat and Grover, JJ., in Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1461.

-“An India, in which the poorest shall feel that it is their country in whose making an effective voice? an India in which all communities shall live in perfect harmony”.

### **The preamble serves the following points:-**

1. It indicates the sources from where the constitution has come viz. the people of India.
2. It contains the enacting clause which brings into force the constitution.
3. It declares the freedoms which the people of India intended to secure to all citizens and the basic type of government and polity which was to be established.

## **How far is preamble useful in interpreting the Constitution**

The Preamble is the key to open the mind of the makers. But it does not mean that the Preamble can override the express provisions of the Act. In **Beruberi's case** the Supreme Court held that the Preamble was not a part of the Constitution and therefore it could never be regarded as a source of any substantive powers. Such powers are expressly granted in the body of Constitution. What is true about the powers is equally true about the prohibitions. It has limited application and can be resorted to where there is any ambiguity in the statute. If the terms used in the Constitution are ambiguous or capable of two meanings in interpreting them some assistance may be taken from the objectives enshrined in the Constitution and the construction which fits the Preamble may be preferred.

But in **Kesavananda Bharati's case**,<sup>17</sup> the Supreme Court rejected the above view and held that the Preamble is the part of Constitution. Though in any ordinary statute not much importance is attached to the Preamble, all importance has to be attached to the Preamble in a Constitution Statute. Silri, C.J., observed, “no authority has been referred before us to establish the propositions that what is true about the powers is equally true about the powers is equally true about the prohibitions and limitations. Even from the Preamble limitations have been derived in some cases. *It seems to me that the Preamble of our Constitution is of extreme importance and the Constitution should be read and interpreted in the light of the grand and noble vision expressed in the Preamble.*”

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<sup>17</sup> Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461

In fact, the Preamble was relied on in imposing implied limitations on the amending power of Parliament under Article 368 of the Constitution. In that case it was held that the “basic elements” in the Preamble cannot be amended under Article 368 of Constitution. In ***Randhir Singh v Union of India***<sup>18</sup> the Supreme Court relying on the Preamble and Article 14 and 16 held that *Article 39(a) envisages a constitutional right of “equal pay for equal work” for both men and women.*

## **Can preamble be amended under Article 368**

This question was raised for the first time before the Supreme Court in the historic case of ***Kesavanada Bharati v. State of Kerala***.<sup>21</sup> In that case the Attorney-General argued that by virtue of the amending power in Article 368 even the Preamble can be amended. It was said that since the Preamble was a part of the Constitution it could be amended like any other provisions of the Constitution. The petitioners, however, contended that the amending power in Article 368 is limited. Preamble creates an implied limitation on the power of amendment. The Preamble contains the basic elements or the fundamental features of our Constitution. Consequently, amending power cannot be used so as to destroy or damage these basic features mentioned in the Preamble. It was urged that Preamble cannot be amended as it is not a part of the Constitution. The Supreme Court however held that the Preamble is a part of the Constitution and, therefore, on this point the *Beruberi* opinion was wrong.

On the question whether the Preamble can be amended the majority held that since the Preamble is the part of the Constitution it can be amended but subject to this condition that the “basic feature” in the Preamble cannot be amended. The Court said, “The edifice of our Constitution is based upon the basic elements mentioned in the Preamble. If any of these elements are removed the structure will not survive and it will not be same Constitution or it cannot maintain its identity. The Preamble declares that the people of India resolved to constitute their country into a Sovereign Democratic Republic. No one can suggest that these words and expressions are ambiguous in any manner. An amending power cannot be interpreted so as to confer power on the Parliament to take away any of these fundamental and basic characteristics of policy.” It is hence contended that this

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<sup>18</sup> , AIR 1973 SC 1461

view of the court is correct. The amending power cannot change the Constitution in such a way that it ceases to be a 'Sovereign Democratic Republic'. It can only be done by wrecking Constitution.

## **Whether or not is Preamble is a part of constitution?**

It has been highly a matter of arguments and discussions in past that whether Preamble should be treated as a part of constitution or not, that means whether or not a citizen of a nation to which he is subject to can challenge in the court of law if in case his rights have been infringed which were mentioned in the Preamble. And if not, then whether The Preamble is merely a preface or introduction piece of page in the book of our Constitution. And also whether the Preamble is a part of the Constitution, would depend the resolution of the next question, which follows as a corollary- whether the Preamble can be amended, if at all.

### **Preamble, If a part of the Constitution**

The vexed question whether the Preamble is a part of the Constitution or not was dealt with in two leading cases on the subject:

1. Beruberi Case<sup>19</sup>
2. Kesavananda Bharati case<sup>20</sup>

On the answer to the primary question- *whether the Preamble is a part of the Constitution, would depend the resolution of the next question, which follows as a corollary- whether the Preamble can be amended, if at all.*

**Beruberi case** was the Presidential Reference "under Article 143(1) of the Constitution of India on the implementation of the Indo-Pakistan Agreement Relating to Beruberi Union and Exchange of Enclaves" which came up for consideration by a bench consisting of eight judges headed by the

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<sup>19</sup> In Re: Beruberi Union (I), (1960) 3 SCR 250

<sup>20</sup> (1973) 4 SCC 225.

Chief Justice B.P. Singh. Justice Gajendragadkar delivered the unanimous opinion of the Court. The court ruled out that the Preamble to the Constitution, containing the declaration made by the people of India in exercise of their sovereign will, no doubt is “a key to open the mind of the makers” which may show the general purposes for which they made the several provisions in the Constitution but nevertheless the Preamble is not a part of the Constitution.

*Willoughby on American Constitution* was quoted as saying-

*“It has never been regarded as the source of any substantive power conferred on the Government of the United States, or on any of its departments. Such powers embrace only those expressly granted in the body of the Constitution and such as may be implied from those so granted”.*

The holding in Beruberi case has been succinctly summed up later by Shelat and Grover, JJ. in Keasavanada case (vide para 534) as under:

1. A Preamble serves as a key to open the minds of the makers, and shows the general purpose for which they made the several provisions in the Constitution;
2. The Preamble is not a part of our Constitution;
3. It is not a source of the several powers conferred on government under the provisions of the Constitution.
4. Such powers embrace those expressly granted in the body of the Constitution ‘and such as may be implied from those granted’;
5. What is true about the powers is equally true about the prohibitions and limitations;
6. The Preamble did not indicate the assumption that the first part of preamble postulates a very serious limitation on one of the very important attributes of sovereignty viz. ceding territory as a result of the exercise of the sovereign power of the State of treaty-making and on the result of ceding a part of the territory.

Beruberi case was relied on in *Golak Nath case*<sup>21</sup> Wanchoo, J. said-

“On a parity of reasoning we are of the opinion that the Preamble cannot prohibit or control in any way or impose any implied prohibitions or limitations on the bar to amend the Constitution contained in Article 368”.

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<sup>21</sup> Golak Nath v. State of Punjab, (1967) 2 SCR 762.

Bachawat, J. observed-

“Moreover the Preamble cannot control the unambiguous language of the articles of the Constitution”.

It is a matter of regret, yet a matter of record, that constitutional history was overlooked by the eminent judges constituting the Bench answering the Presidential Reference in *Beruberi case*. The motion adopted by the Constituent Assembly stated in so many words that the Preamble stands as a part of the Constitution. The error came to be corrected in *Kesavananda case* where the majority specifically ruled that the Preamble was as much a part of the Constitution as any other provision therein.

**Kesavananda Bharati case** has created history. For the first time, a bench of 13 judges assembled and sat in its original jurisdiction hearing the writ petition. Thirteen judges placed on record 11 separate opinions. To the extent necessary for the purpose of the Preamble, it can be safely concluded that the majority in *Kesavananda Bharati case* leans in favor of holding,

- (i) that the Preamble to the Constitution of India is a part of Constitution;
- (ii) that the Preamble is not a source of power nor a source of limitations or prohibitions;
- (iii) the Preamble has a significant role to play in the interpretation of statutes, also in the interpretation of provisions of the Constitution.

In the words of **Jagan Mohan Reddy, J.**-

“The Preamble to the Constitution which our Founding Fathers have, after the Constitution was framed, finally settled to conform to the ideals and aspirations of the people embodied in that instrument, have in ringing tone declared the purposes and objectives which the Constitution was intended to sub serve.”

Even **Willoughby** dealing with value and use of Preamble has started:

“Special significance has at various times been attached to several of the expressions employed in the Preamble of the Constitution. The American authors recognize the use of the Preamble to

ascertain the essential concepts underlying the Constitution.”

An interesting argument advanced in *Kesavananda case* has been noted by *Y.V. Chandrachud, J.* that the *Preamble may be a part of the Constitution but is not a provision of the Constitution and therefore, we cannot amend the Constitution so as to destroy the Preamble.* Discarding the submissions Chandrachud, J. held that it was impossible to accept the contention that the Preamble is not a provision of the Constitution; it is a part of the Constitution and is not outside the reach of the Constituent Assembly leaves no scope for this contention. It is transparent from the proceedings that the Preamble was put to vote and was actually voted upon to form a part of the Constitution.<sup>22</sup> The Preamble records like a sunbeam certain glowing thoughts and concepts of history and the argument is that in its very nature it is unamendable because no present or future, however mighty, can assume the power to amend the true facts of past history.<sup>23</sup>

*Kesavanada Bharati case* is a milestone and also a turning point in the constitutional history of India. **D.G. Palekar, J.** held that the Preamble is a part of the Constitution and, therefore, is amendable under Article 368. He termed submission that the Fundamental Rights are an elaboration of the Preamble, as “an overstatement and half- truth”. Undoubtedly, the Constitution is intended to be a vehicle by which the goals set out are hoped to be reached.

In the opinion of **H.R. Khanna, J.** the preamble is a part of the Constitution and walks before the Constitution”<sup>24</sup>. *S.D. Dwivedi, J.* expressing his concurrence with the conclusion arrived at by *A.N. Ray, J.*, held that the Preamble was a part of the Constitution because the heading “The Constitution of India” was placed above the Preamble. The Preamble cannot be a source of reading any inherent and implied limitations on the amending power.<sup>25</sup> It is noteworthy that Justice Dwivedi has held the Preamble to be a part of the Constitution and then also referred to it as a provision of it.

In view of the provisions contained in Article 368 of the Constitution, Justice Beg discarded the

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<sup>22</sup> *Kesavanada Bharati*, *ibid*, para 2086.

<sup>23</sup> *Ibid*, para 2085.

<sup>24</sup> *Kesavanada Bharati*, *ibid*, pp. 1471-72.

<sup>25</sup> *Kesavanada Bharati*, *ibid*, paras 1882-84, <sup>30</sup>1995 *Ibid* para 1850.

contention that a creature of the Constitution could not possibly possess the power to create or recreate the Constitution as Article 368 expressly provides for the expansion or diminution of the scope of the powers of amendment. The amending power so as to meet the challenges of the times offered by rapidly changing social, political, economic, national and international conditions and situations was kept wide, elastic and expansible by the Constitution makers.<sup>30</sup> In conclusion, Beg J. held that there was no limitation on the powers of constitutional amendment found in Article 368.

## CRITIQUE AND CONCLUSION

A Preamble indicates only the general purposes for which the people ordained and established the Constitution. It cannot be regarded and has never been regarded as the source of any source of any substantive power conferred on the Government or any of its departments. Although, it is permissible to look at the Preamble for understanding the import of various clauses contained in the bill, full effect should be given to the express provisions of the bill, even though they appear to go beyond the terms of Preamble.

Where the language of the Act is clear, Preamble shall be dis-regarded. Where the object or meaning of an enactment is vague or unclear the Preamble must be resorted to explain it. It has been rather rightly put up in the case of *Burrakur Coal Co. Ltd. v. Union Of India*<sup>26</sup> that, “where very general language is used in an enactment, which, it is clear, must be intended to have a limited application, the Preamble must be used to indicate to what particular instances the enactment is intended to apply”. However, it can never be a source of Power.

A Preamble provides significant help in the interpretation of the Constitution when words actually are ambiguous. Under such circumstances it is the key to open the minds of the makers of the Act. But if the language of the Article is sufficiently clear, it is not to be interpreted in the light of the Preamble in preference to the obvious meaning thereof. The objectives in the Preamble are just a part of basic structure of the Constitution and nothing more than that. So, Preamble cannot be amended so as to destroy the objectives, but also cannot be used as a law to judge people on.

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<sup>26</sup> AIR 1961 SC 954.

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