



Mains Practice Question

Q. What role does the Preamble play in guiding the interpretation and evolution of the Constitution, especially in the context of landmark judicial decisions? (150 words)

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Approach

- Start by explaining what the Preamble is. Mention that it's the introductory statement to the Constitution, outlining the Constitution's purpose and goals.
- Describe how the Preamble plays a role in guiding constitutional interpretation. Support your arguments with examples.
- You can conclude by emphasizing the enduring relevance of the Preamble in guiding constitutional interpretation.

Introduction

The Preamble of the Constitution is an introduction or preface that presents the principles and objectives of the Constitution. It also indicates the sources of its authority, which are the people of India. It plays an important role in guiding the interpretation and evolution of the Constitution.

Body

Some of the ways in which the Preamble has influenced the constitutional jurisprudence are:

- **Source of Inspiration:** The Preamble inspires the interpretation of the Constitution in a manner that aligns with its core principles. It guides judges in making decisions that promote justice, liberty, equality, and fraternity, even when the Constitution itself does not explicitly address certain issues.
 - For instance, in the *Keshavananda Bharati case vs. the State of Kerala (1973)*, the Supreme Court held that the Preamble is a part of the Constitution and that it reflects the basic structure, which cannot be amended.
- **Amending Power Limitation:** The Preamble's significance was highlighted in the landmark case of *Kesavananda Bharati*, where the Supreme Court held that although Parliament has the power to amend the Constitution, it cannot alter or destroy its basic structure, which includes the ideals enshrined in the Preamble. This decision acts as a check on any attempt to amend the Constitution in a manner that goes against its fundamental values.
- **Expanding Rights:** The Preamble has been used by the judiciary to expand the scope of fundamental rights and other constitutional provisions. In the *Maneka Gandhi case (1978)*, the Supreme Court held that the right to travel abroad is an integral part of the right to life and personal liberty guaranteed by Article 21, drawing inspiration from the Preamble's emphasis on liberty and life.
- **Social Justice and Equality:** The Preamble's commitment to social justice and equality has been instrumental in interpreting various provisions related to reservation policies, affirmative action, and the protection of marginalized communities. Landmark decisions like the *Mandal Commission case (Indra Sawhney v. Union of India, 1992)* have drawn on the Preamble's principles to uphold affirmative action.

- **Evolving Societal Values:** As society evolves, so does the interpretation of the Constitution. The Preamble provides a flexible framework that allows for the adaptation of constitutional principles to changing societal values. For instance, the expansion of LGBTQ+ rights in *Navtej Singh Johar v. Union of India* (2018) was influenced by the Preamble's commitment to fraternity and equality.

Conclusion

The Preamble plays a pivotal role in guiding the interpretation and evolution of the Constitution. It acts as a lodestar for judges, helping them ensure that the Constitution continues to fulfill its intended purpose of securing justice, liberty, equality, and fraternity for all citizens, even in the face of changing times and challenges.

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