

1. Bill to Amend Preamble

Prelims Syllabus: Polity - Institutional Reforms

Mains Syllabus: GS-II Indian Constitution- historical Underpinnings, Evolution, Features, Amendments, Significant Provisions and Basic Structure.

Context:

- Rajya Sabha Deputy Chairman Harivansh Narayan Singh has reserved his decision to allow the introduction of a private member's Bill to amend the Preamble to the Constitution.

About the Constitution (Amendment) Bill, 2021:

- It was introduced by BJP Member from Kerala K J Alphons.
- The Bill seeks to change the words in the Preamble "EQUALITY of status and of opportunity" to "EQUALITY of status and of opportunity to be born, to be fed, to be educated, to get a job and to be treated with dignity".
- It also seeks to replace the word "socialist" with "equitable".
- The Bill also proposes adding "access to information technology" and "happiness" as objectives.

What are the Four Important Aspects can be Ascertained from the above text of the Preamble?

- **Source of authority of the constitution:** It derives its authority from the people of India.
- **Nature of Indian state:** It declares India to be a sovereign, socialistic, secular democratic and republican polity.
- **Objectives of the constitution:** It specifies justice, liberty, equality and fraternity as the objectives.
- **Date of adoption:** Nov 26th, 1949.

Is Preamble a part of the constitution?

- In the Berubari Union Case (1960), the Supreme Court opined that the Preamble was not part of the constitution.

- The above opinion was reversed in Keshavananda Bharati case in 1973; the SC held that Preamble is part of the constitution. This opinion was further clarified by the SC in LIC of India case (1995).
- Though preamble is part of the constitution;
- It is a neither a source of power to legislature nor a prohibition upon the powers of legislature.
- It is a non-justiciable, that is, its provisions are not enforceable in any courts of law.

Preamble and its Amendability:

- In Keshavananda Bharati case, the court held that the basic elements or the fundamental features of the constitution as contained in the preamble cannot be altered by an amendment under article 368.
- The preamble has been amended only once. That is- 42nd constitutional amendment act, 1976 when three new terms were added- Socialist, secular and integrity.

