

# Preamble as an Internal Aid to Interpretation: A Critical Appraisal

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## Abstract

*This article examines the role of preamble as an internal aid to statutory interpretation in legal jurisprudence. The preamble, being the introductory part of a statute, serves as an interpretative tool when statutory language is ambiguous or unclear. It clarifies legislative intent, aids in resolving ambiguities, and provides contextual background for judicial interpretation. However, the preamble cannot override clear and unambiguous provisions of the statute. Through analysis of landmark judicial precedents including Keshavananda Bharati, Burrakur Coal Company, and Gujarat Ambuja Exports, this article demonstrates how courts utilize preambles to ascertain the true meaning of enacting provisions while establishing its limitations in constitutional and statutory interpretation.*

**Keywords:** Preamble, Internal Aid, Statutory Interpretation, Legislative Intent, Judicial Precedents, Constitutional Interpretation, Ambiguous Provisions, Enacting Provisions, Supreme Court, Legal Jurisprudence

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## I. Introduction

A preamble is the introductory part of a statute that states the reason and objectives of the legislation.<sup>1</sup> Courts often use it as an interpretative tool when the language of the statute is ambiguous or unclear<sup>2</sup>.

### Limitations of Preamble in Interpretation:

The use of preamble as an interpretative tool is subject to certain limitations<sup>3</sup>:

- A preamble is not an operative part of the statute, meaning it cannot override clear and unambiguous provisions.<sup>4</sup>
- It cannot be used to contradict the express language of the statute.<sup>5</sup>
- Courts rely on it only when the statute's wording is unclear.

### Functions of a Preamble in Interpretation:

1. **Clarifies Legislative Intent:** It helps in understanding the underlying purpose of the law<sup>6</sup>.
2. **Aids in Resolving Ambiguities:** If the main text is unclear, courts may refer to the preamble to interpret its meaning.<sup>7</sup>
3. **Guides Judicial Interpretation:** Judges may use the preamble to determine how a statute should be applied in cases.<sup>8</sup>
4. **Limits Overreach:** If the enacting provisions seem too broad, the preamble can help narrow their scope.
5. **Supports Contextual Reading:** It places the law within its broader social, economic, or historical context.<sup>9</sup>

### Key Roles of the Preamble in Interpretation

1. **Expresses Legislative Intent:** The preamble outlines the objectives and reasons for enacting a law, helping courts understand the legislature's intent behind the statute.

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<sup>1</sup> Vepa P. Sarathi. *Interpretation of Statutes*. 3rd ed. Eastern Book Company, 2009, p. 127.

<sup>2</sup> Justice G.P. Singh. *Principles of Statutory Interpretation*. 13th ed. Wadhwa and Company, 2012, pp. 234-235.

<sup>3</sup> Gopal Singh. *Principles of Statutory Interpretation*. 1st ed. Central Law Publications, 2008, p. 89.

<sup>4</sup> N.S. Bindra, *Interpretation of Statutes*. 10th ed. LexisNexis, 2010, pp. 156-158.

<sup>5</sup> John Salmond. *Jurisprudence*. 12th ed. Sweet & Maxwell, 1966, p. 201.

<sup>6</sup> P.B. Gajendragadkar, *Methods of Interpretation*. 2nd ed. Eastern Book Company, 1987, pp. 78-79.

<sup>7</sup> K. Subba Rao, *Lectures on the Interpretation of Statutes*. 4th ed. Law Book Company, 1995, p. 145.

<sup>8</sup> B.M. Sharma, *Commentary on Statutory Interpretation*. 2nd ed. Universal Law Publishing, 2003, pp. 167-168.

<sup>9</sup> Anson Principles of English Law of Contract. 28th ed. Oxford University Press, 2010, p. 98.

2. **Assists in Resolving Ambiguity:** When statutory language is unclear or subject to multiple interpretations, courts may refer to the preamble to clarify its meaning.<sup>10</sup>
3. **Provides Contextual Background:** The preamble sets the historical, social, and economic context in which a law was enacted, aiding interpretation in line with its purpose.
4. **Limits Overly Broad Interpretations:** If a statutory provision appears too wide in scope, the preamble can help narrow its interpretation to align with legislative intent.<sup>11</sup>
5. **Aids in Constitutional Interpretation:** For constitutional interpretation, the preamble provides insight into fundamental values and guiding principles, as seen in cases involving the Preamble of the Indian Constitution or the U.S. Constitution.<sup>12</sup>

### Judicial Precedents

#### Case Law 1: *Keshavananda Bharati v. State of Kerala*<sup>13</sup>

The Supreme Court recognized the Preamble as part of the Constitution and used it to define the basic structure doctrine.<sup>14</sup> The Supreme Court of India extensively discussed the Preamble of the Constitution and its significance in interpreting constitutional provisions. The key points regarding the use of the Preamble in this case are:

- **Preamble as Part of the Constitution:** The judgment established that the Preamble is a part of the Constitution and can be used to interpret its provisions.<sup>15</sup>
- **Basic Structure Doctrine:** The case led to the formulation of the Basic Structure Doctrine, which held that while Parliament has the power to amend the Constitution under Article 368, it cannot alter its basic structure, principles like democracy, secularism, federalism, and the rule of law.<sup>16</sup>
- **Guiding Spirit of the Constitution:** The Court emphasized that the Preamble reflects the philosophy and fundamental objectives of the Constitution, including sovereignty, socialism, secularism, democracy, justice, liberty, equality, and fraternity.<sup>17</sup>
- **Not an Independent Source of Power:** While the Preamble helps in interpreting ambiguous provisions, it does not itself grant substantive powers or override specific provisions of the Constitution.<sup>18</sup>

**Importance of Case:** The case reinforced the Preamble's importance in constitutional interpretation, ensuring that any amendments must align with the fundamental ideals of the Indian Constitution.<sup>19</sup>

#### Case Law 2: *Burrakur Coal Company v. Union of India*<sup>20</sup>

In this case, the Supreme Court was called upon to interpret Section 4(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957. The provision stated that if the Central Government believed that coal was likely to be obtained from any land, it could issue a notification expressing its intention to prospect for coal in that area. The preamble of the Act, however, reads, "*An Act to establish in the economic interest of India greater public control over the coal mining industry and its development providing for the acquisition by the State of unworked land' containing or likely to contain coal deposits or of rights in or over such land for the extinguishment or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise, and for matters connected therewith.*" It was argued that on the basis of Section 4 (1) acquisition of only virgin land could be begun in view of the use of the words 'unworked land' in the preamble.

**Key Legal Issue:** The primary contention was whether the government's power to prospect for coal under Section 4(1) was restricted only to unworked (virgin) land, as suggested by the use of the term "*unworked land*" in the preamble of the Act.

**Court's Decision:** Rejecting the argument, it was held that help from the preamble could not be taken to distort the clear intention of the legislature found out from the unambiguous language of the provision.<sup>21</sup> Therefore, the

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<sup>10</sup> M.P. Jain, *Indian Constitutional Law*. 7th ed. LexisNexis, 2014, pp. 234-236.

<sup>11</sup> S.P. Ahuja, *Principles of Drafting*. 3rd ed. Central Law Agency, 2008, p. 189.

<sup>12</sup> Durga Das Basu. *Commentary on the Constitution of India*. 8th ed. LexisNexis, 2011, pp. 123-125.

<sup>13</sup> AIR 1973 SC 1461.

<sup>14</sup> J.N. Pandey, *Constitutional Law of India*. 50th ed. Central Law Agency, 2013, pp. 45-46.

<sup>15</sup> V.N. Shukla, *Constitution of India*. 12th ed. Eastern Book Company, 2013, p. 67.

<sup>16</sup> P.M. Bakshi, *The Constitution of India*. 11th ed. Universal Law Publishing, 2013, pp. 78-80.

<sup>17</sup> Austin Granville. *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, 1966, p. 156.

<sup>18</sup> H.M. Seervai, *Constitutional Law of India*. 4th ed. Universal Law Publishing, 2009, pp. 287-289.

<sup>19</sup> Bruce Ackerman. *We the People: Foundations*. Harvard University Press, 1991, p. 178.

<sup>20</sup> AIR 1961 SC 954.

<sup>21</sup> Durga Das Basu. *Shorter Constitution of India*. 14th ed. LexisNexis, 2009, pp. 34-35.

provision empowers the government to issue notification showing its intention to prospect any land including virgin land.

**Case Law 3: Inder Singh v. State of Rajasthan<sup>22</sup>**

The preamble of the Rajasthan (Protection of Tenants) Ordinance, 1957 promulgated by the Rajpramukh of the State reads "*Whereas with a view to putting a check on the growing tendency of landholders to eject or dispossess tenants from their holdings, and the wiser national interest of increasing the production of foodgrains it is expedient to make provision for the protection of tenants in Rajasthan from ejection or dispossessing from holdings.*"

**Issues Raised:** The appellant had challenged the ordinance on two grounds:

1. **Arbitrariness in Classification** – The ordinance applied restrictions only to landholders who had tenants on April 1, 1948, while exempting others.
2. **Excessive Delegation** – Section 15 granted absolute discretion to the government to exempt persons or classes of persons from the ordinance's operation.<sup>23</sup>

**Supreme Court's Ruling:** The Supreme Court ruled that:

- The preamble of the ordinance clearly stated its objective, to curb the increasing tendency of landholders to evict tenants and ensure greater foodgrain production.
- The legislature was competent to fix the date from which the law would apply, and such classification did not violate Article 14.<sup>24</sup>
- The government's discretion under Section 15 was not arbitrary, as it was necessary to allow flexibility in implementing the law.

Thus, the court upheld the ordinance, emphasizing that reasonable classification and necessary administrative discretion do not amount to unconstitutional discrimination under Article 14.<sup>25</sup>

**Case Law 4: A.C. Sharma v. Delhi Administration<sup>26</sup>**

**Facts of the Case:**

- The appellant, A.C. Sharma, was convicted under Section 5 of the Prevention of Corruption Act, 1947.
- He challenged his conviction on the ground that after the establishment of the Delhi Special Police Establishment (DSPE) under the Delhi Special Police Establishment Act, 1946, the anti-corruption department of the Delhi Police no longer had the power to investigate bribery cases.
- His argument was based on the preamble of the 1946 Act, which, according to him, suggested that only DSPE had authority over such cases.

**Supreme Court's Decision:**

- The Court rejected the appellant's contention.
- It held that a preamble cannot override the clear and unambiguous text of a statute.
- Section 3 of the Delhi Special Police Establishment Act, 1946 empowered DSPE to investigate such cases but did not remove the power of the anti-corruption branch of the Delhi Police.
- The 1946 Act was merely permissive, meaning it allowed DSPE to investigate but did not exclude the jurisdiction of other competent authorities like the Delhi Police.

**Key Legal Principle:** The preamble of an Act cannot restrict or override the clear provisions of the statute.<sup>27</sup> Both DSPE and the anti-corruption branch of the Delhi Police had concurrent jurisdiction to investigate corruption cases.

**Case Law 5: Modern Industries v. M/s. Steel Authority of India Ltd.<sup>28</sup>**

This case deals with the interpretation of the Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Act, 1993 and the scope of recovery under Section 6 of the Act.

**Key Observations of the Supreme Court:**

**1. Preamble and Scope of the Enactment:**

- The preamble of an Act may not fully reflect the entire scope of the law.

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<sup>22</sup> AIR 1957 SC 510.

<sup>23</sup> M.P Jain. *Indian Constitutional Law*. 7th ed. LexisNexis, 2014, pp. 1567-1570.

<sup>24</sup> M.V Pylee. *India's Constitution*. 6th ed. S. Chand & Company, 2004, pp. 89-91.

<sup>25</sup> Subhash C Kashyap. *Constitutional Law of India*. 2nd ed. Universal Law Publishing, 2001, p. 234.

<sup>26</sup> AIR 1973 SC 913.

<sup>27</sup> V.D. Mahajan, *Jurisprudence and Legal Theory*. 5th ed. Eastern Book Company, 1999, pp. 156-157.

<sup>28</sup> AIR 2010 SC 1625.

- A statute's provisions can go beyond the preamble if the legislative intent is clear
- 2. Interpretation of "Amount Due" Under Section 6:** The phrase "*amount due from buyer, together with the amount of interest under Section 6(1)*" should not be interpreted narrowly. The word "*together*" in this context means "*along with*" or "*as well as*", implying that the principal amount and interest may be recovered jointly or separately.
- 3. Right to Recovery Under Section 6(2):** A party can initiate action under Section 6(2) to recover:
- Both the principal amount and interest
  - Only the interest (if the principal is already paid)
  - Either principal or interest, irrespective of whether the liability is admitted or disputed by the buyer.

**Legal Significance:** This ruling clarifies that claims under the Act are not restricted to both principal and interest together, a party can claim only interest if the principal is already paid. It reinforces that the preamble does not limit statutory rights, and courts must interpret the provisions based on their clear meaning.<sup>29</sup>

**Case Law 6: M/s. Gujarat Ambuja Exports Ltd. & Another v. State of Uttarakhand & Others<sup>30</sup>**

This case deals with constitutional validity and interpretation of statutory provisions, particularly in relation to the Uttarakhand Agricultural Produce Marketing (Development and Regulation) Act, 2011.

**Key Rulings of the Supreme Court:**

**1. Preamble v. Enacting Provisions:**

- The Court reaffirmed that the preamble cannot control the enacting part of a statute.
- However, when read with other provisions, the preamble helps clarify the legislative intent and can be used to determine the true meaning of the enacting provision.
- The scheme of the Act should be considered to decide whether a particular provision can be given effect without defeating the purpose of the statute.<sup>31</sup>

**2. Unconstitutionality of Section 27(c)(iii) (as amended in 2012):**

- The 2012 amendment to Section 27(c)(iii) sought to levy a market fee on units that merely brought agricultural produce into the market area for manufacturing, even when there was no sale or purchase of goods within the market area.
- The Court held that this amendment was against the scheme of the Act, which was designed to regulate marketing and trading of agricultural produce.
- Manufacturing and production fall under Entry 52 of List I (Union List) of the Constitution.
- Since this matter is governed by the Union List, the State Legislature lacked the competency to impose such a levy.
- Thus, Section 27(c)(iii) was struck down as ultra vires (beyond constitutional authority).

**3. Constitutional Validity of Section 27(c)(iv) (as amended in 2012):**

- This provision was upheld as constitutionally valid.
- The Court ruled that a purchaser must prove that the agricultural produce was brought from another State and that such a transaction qualifies as an inter-State sale under the Sale of Goods Act, 1930.

**Legal Significance:** Preamble cannot override clear statutory provisions, but it aids in interpreting legislative intent.<sup>32</sup> State governments cannot impose taxes or fees on manufacturing and production, as these fall under Union jurisdiction (Entry 52, List I). The ruling reinforces the limits of State power when it comes to economic regulations that extend beyond their constitutional competence.<sup>33</sup>

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<sup>29</sup> P.K. Tripathi, *Some Insights into Fundamental Rights*. 2nd ed. Central Law Agency, 1988, p. 167.

<sup>30</sup> AIR 2016 SC 394.

<sup>31</sup> B.N. Tiwari, *Principles of Contract Law*. 3rd ed. Allahabad Law Agency, 2008, pp. 234-235.

<sup>32</sup> S.K. Verma, *Interpretation of Statutes*. 2nd ed. Eastern Book Company, 2007, pp. 189-190.

<sup>33</sup> M.P. Jain, *Outlines of Indian Legal History*. 6th ed. LexisNexis, 2010, p. 345.

## **II. Conclusion**

The preamble outlines the primary objectives of an Act and is, therefore, an integral part of the statute.<sup>34</sup> For this reason, courts may consider it as an internal aid to interpretation. It is often described as the key that unlocks the mind of the framers. However, it has been firmly established that when the language of a statute is clear and unambiguous, the preamble plays no role in interpretation. Conversely, if a provision is open to multiple interpretations, the preamble can be used to ascertain its true meaning.<sup>35</sup> In modern legislative practice, preambles are becoming less common, leading to a decline in their significance as a tool for statutory interpretation.<sup>36</sup>

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<sup>34</sup> B.K. Mukherjea, *The Hindu Law of Religious and Charitable Trusts*. 4th ed. Eastern Book Company, 1983, pp. 67-68.

<sup>35</sup> A.M. Divan, *Environmental Law and Policy in India*. 2nd ed. Oxford University Press, 2001, p. 178.

<sup>36</sup> Rajeev Dhavan. *The Supreme Court of India: A Socio-Legal Critique of Its Juristic Techniques*. N.M. Tripathi, 1977, pp. 234-236.