

## SOCIALIST AND SECULAR IN PREAMBLE: POLITY

**NEWS:** Debate over 'secular, socialist' heats up: How SC has always upheld Preamble amendment

### WHAT'S IN THE NEWS?

The inclusion of the words '*Socialist*' and '*Secular*' in the Preamble through the 42nd Amendment during the Emergency is debated for its constitutional legitimacy and ideological implications, though the Supreme Court has upheld both as part of the Constitution's basic structure. While critics view them as undemocratic insertions, supporters argue they reflect India's commitment to economic justice and religious equality.

### 1. Context of the Controversy

- Recently, the **Vice President of India** criticized the inclusion of the words “**socialist**” and “**secular**” in the **Preamble** during the **Emergency (1976)**, calling it a “sacrilege to the spirit of Sanatan Dharma.”
- This has reignited debates on whether these additions were legitimate and consistent with the **original vision of the Constitution's framers** or whether they were politically motivated insertions during a period of authoritarianism.

### 2. Meaning and Constitutional Context

#### A. Meaning of 'Secular' in the Indian Constitution

- **Definition:** Secularism in India means that the **State maintains neutrality in matters of religion** and does **not favor or discriminate against any religion**.
- **Type:** India practices **positive secularism** — the State can engage with religion for the purpose of **reform and social justice**, unlike the **strict separation model** followed in the West.

#### Constitutional Provisions:

- **Article 14:** Equality before law and equal protection of laws.
- **Article 15:** Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.
- **Article 16:** Equality of opportunity in public employment irrespective of religion.
- **Article 25–28:** Guarantee **freedom of religion**, conscience, and management of religious affairs.

#### Key Features:

- Equal treatment of all religions.
- State reforms harmful religious practices.

- No official religion of the state.
- Religious practices can be regulated in the interest of public order, morality, and health.

## B. Meaning of 'Socialist' in the Indian Constitution

- **Definition:** Socialism in the Indian context implies **economic justice, equitable distribution of wealth, and the protection of the marginalized.**
- It does not mean total state ownership of resources but rather a **welfare state** ensuring that the **basic needs of citizens are met.**

### Constitutional Provisions:

- The term 'Socialist' was added through the **42nd Amendment Act, 1976.**
- Part IV (Directive Principles of State Policy) includes:
  - **Article 39:** Equal distribution of material resources.
  - **Article 41:** Right to work and education.
  - **Article 43:** Living wage and decent conditions of work.

### Key Features:

- Provision of basic needs like healthcare, education, housing, and employment.
- Regulation of markets to ensure public interest is protected.
- Mixed economy – coexistence of both public and private sectors.

## 3. Differentiation Between Indian and Western Secularism

Aspect	India's Secularism	Western Secularism (e.g., USA, France)
<b>State's Role in Religion</b>	Active engagement with religion to ensure reform, equity, and welfare	Strict non-interference; religion and state operate in separate domains
<b>Model</b>	Positive secularism – respects all religions equally	Negative secularism – excludes religion from public institutions
<b>Religious Expression in Public</b>	Allowed and protected (e.g., temples, mosques, festivals in public spaces)	Often restricted (e.g., France bans religious symbols in public institutions)
<b>Constitutional Basis</b>	Articles 14–16 and 25–28	U.S.: First Amendment (Establishment Clause); France: Laïcité
<b>Cultural Context</b>	Aims to accommodate religious pluralism in a multi-faith society	Emerged as a reaction to Church dominance in state affairs
<b>Judicial Approach</b>	Supreme Court allows state intervention in religious affairs when necessary	Judiciary in the West typically blocks state involvement in religious activities

## 4. History of Amendment and Rejection in Constituent Assembly

- The original **Preamble (1950)** did not contain the words ‘**socialist**’ or ‘**secular**’.
- Several **amendments proposed in 1948** to include these terms were **rejected** by the Constituent Assembly.
- Despite these rejections, the **42nd Constitutional Amendment Act, 1976**, added the words:
  - **"Socialist"**
  - **"Secular"**
  - Also changed **"unity of the nation"** to **"unity and integrity of the nation"**

## 5. Judicial Endorsements of ‘Socialist’ and ‘Secular’

Case Name	Year	Key Takeaways
<b>Kesavananda Bharati v. State of Kerala</b>	1973	Declared <b>secularism</b> as part of the <b>basic structure</b> of the Constitution
<b>Minerva Mills v. Union of India</b>	1980	Upheld socialism as a <b>constitutional value</b> ensuring <b>economic justice</b>
<b>S.R. Bommai v. Union of India</b>	1994	Reaffirmed that <b>secularism is essential</b> for federal governance
<b>Dr. Balram Singh v. Union of India</b>	2024	Dismissed petitions to remove 'socialist' and 'secular'; upheld their legitimacy

## 6. Arguments in Favour of Retaining the Terms

### 1. Constitutional and Legal Validity

- Added through a legitimate **constitutional amendment** process.
- Judicially upheld and reinforced as part of the **basic structure**.

### 2. Reflective of Indian Values

- ‘Secularism’ promotes **unity in diversity**.
- ‘Socialism’ aligns with India’s commitment to **inclusive growth** and **poverty alleviation**.

### 3. Ensures Social Harmony and Economic Equity

- Prevents **religious favoritism** and **majoritarianism**.
- Helps the government provide **essential services and welfare** to the marginalized.

### 4. Historical Precedent

- Policies like **land reform**, **PDS**, **MGNREGA**, and **Right to Education** reflect socialist commitment.

## 7. Arguments for Removing the Terms

## 1. Contradiction to Original Intent

- The **framers of the Constitution explicitly rejected** adding these terms during the debates.
- Insertion during the **Emergency** lacked public consultation and **popular mandate**.

## 2. Political Motivation

- Critics argue that it was an **ideological imposition** by the **Congress government** during the Emergency.

## 3. Changing Economic Orientation

- India has moved from a **socialist economy to a market-oriented one** since 1991.
- Retaining the word 'socialist' may **limit economic policy flexibility**.

## 4. Misuse of Secularism

- Increasing **religious polarization** and **vote-bank politics** have led to **selective application** of secular principles.

## 5. Judicial Overreach

- Courts have **expanded the interpretation** of secularism and socialism, leading to accusations of **legislative overstepping**.

## 8. Is India Truly Socialist and Secular?

### Socialist

#### For:

- Welfare programs (e.g., MGNREGA, UHC).
- Government regulation of essential sectors.
- Public ownership in key industries.

#### Against:

- Post-1991 liberalization and privatization.
- Increasing reliance on **FDI and private capital**.
- Shift toward **capitalist practices** like disinvestment.

### Secular

#### For:

- Religious freedom protected by **Articles 25–28**.

- Supreme Court's endorsement of secularism as a **basic feature**.
- Examples: banning triple talaq, regulating untouchability.

#### **Against:**

- Communal politics and religious favoritism.
- Misuse of secularism for political gain.
- Public perception of **inconsistent state neutrality**.

### **9. Way Forward**

#### **1. Strengthen Constitutional Values**

- Ensure all religions are treated **equitably**, and **social justice** is made a priority in policy-making.

#### **2. Reform Secularism**

- Clarify the scope of **positive intervention** while **avoiding religious appeasement**.

#### **3. Update Socialist Policies**

- Redefine socialism for the **21st-century economy**, balancing **market efficiency** with **state welfare**.

#### **4. Enhance Interfaith and Economic Dialogue**

- Promote **inclusive governance**, **communal harmony**, and **equal economic opportunities**.

#### **5. Institutional Safeguards**

- Empower the judiciary and Election Commission to **check misuse of religion in politics**.

#### **6. Civic Education**

- Promote understanding of secular and socialist principles through **education and public discourse**.

### **10. Conclusion**

- The inclusion of 'Secular' and 'Socialist' in the Preamble reflects **India's constitutional commitment to equality, justice, and fraternity**.
- Despite challenges in practice, these terms provide the **moral and legal foundation** for India's diverse and democratic society.
- The debate should focus not on **removing the words**, but on **reinforcing their values in policy and governance**.

**Source:** <https://indianexpress.com/article/explained/debate-heats-up-but-apex-court-always-upheld-preamble-amendment-10094914/>