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SOCIALISM AND SECULARISM: THE SOUL OF THE INDIAN CONSTITUTION

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Introduction:

India's Constitution is not merely a legal document. It is the embodiment of the ideals and the aspirations of a nation that was forged in the crucible of an anti-colonial struggle. Among its most fundamental principles are socialism and secularism, values that are not confined to the Preamble alone but which are woven throughout its text, reflected in the Directive Principles of State Policy, in the Fundamental Rights, and in its very structure. Recent calls by the current government to remove the words socialism and secularism from the Preamble are not just an attack on semantics but are also a direct assault on the foundational vision of the Indian republic itself.

Constitutional Foundations and Legal Backing:

- **Socialism and Economic Justice:** Socialism is embedded through **Directive Principles of State Policy** such as **Articles 38, 39, 41, 42, and 43**, which advocate reducing inequality and establishing a welfare state.
- **Secularism and Religious Freedom:** The Constitution upholds secularism through **Articles 25–30**, ensuring freedom of religion, cultural rights, and minority protections, even prior to the explicit insertion of the word in 1976.
- **Basic Structure Doctrine and Judicial Support:** In **Kesavananda Bharati v. State of Kerala (1973)**, the Supreme Court ruled that Parliament cannot amend the **basic structure** of the Constitution. Secularism was affirmed as part of that inviolable structure.

Historical Evidence and Constituent Intent:

- **Objective Resolution of 1946:** The **Objective Resolution**, adopted by the Constituent Assembly, emphasized justice, equality, liberty, and fraternity — values that align closely with socialism and secularism.
- **Constituent Assembly Debates:** **B.R. Ambedkar** in his final speech (1949) spoke of equality as the foundation of the Constitution, reinforcing the spirit of both socialism and secularism, even if not named explicitly in the original Preamble.
- **Legality of the 42nd Amendment:** The **42nd Amendment Act, 1976** formally introduced “socialist” and “secular” into the Preamble. It was consistent with the pre-existing spirit of the Constitution and did not violate the basic structure doctrine.

How Western Concept of Secularism Different from Indian Concept?

Aspect	Western Concept of Secularism	Indian Concept of Secularism
Definition	Primarily refers to the strict separation of religion from state affairs .	No strict separation between state and religion. Emphasises equal respect for all religions and the state's positive role in promoting



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		religious harmony. E.g., Temple entry and Criminalising triple talaq
Role of Religion	Religion is often seen as a private matter , and the state remains neutral.	The state recognises and accommodates multiple religions, promoting their coexistence.
Government's Obligation	The government has no obligation to endorse or support any religion.	The government is expected to treat all religions equally and ensure their fair respect in society.
Individualism Vs Collectivism	Focus on individual rights to practise religion freely without state interference.	Focus on collective rights of religious communities and ensuring their cultural and religious practices are protected.
Cultural Context	Often developed in societies with a history of religious conflict , emphasising neutrality.	Developed in a pluralistic society with a long history of coexistence among various religions.
Educational Institutions	Public schools are typically secular, prohibiting religious instruction .	Schools may incorporate religious education , reflecting the cultural diversity of the community.

How Western Concept of Socialism is Different from Indian Concept?

Aspect	Western Concept of Socialism	Indian Concept of Socialism
Main Focus	Advocates for collective or government ownership of the means of production to achieve economic equality.	Emphasises on democratic socialism though equitable distribution of resources while allowing for a mixed economy with both public and private sectors.



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Economic Structure	It involves an imperative planning model where the state controls key industries, especially in Marxist or Leninist contexts.	It involves an indicative planning model where the state indicates areas of cooperation and the private sector also plays a significant role in achieving the targets.
Class Struggle	Focuses on the conflict between classes (proletariat vs. bourgeoisie) as a driver for social change and revolution. Capitalists and socialists consider each other as their enemy .	Emphasises social justice and upliftment of marginalised communities without necessarily advocating for class struggle.
Role of the State	The state often plays a central role in economic planning and resource allocation , especially in more radical forms of socialism.	The state has a regulatory role and implements welfare schemes , while encouraging private enterprise and liberalisation .
Cultural Context	Developed in response to industrial capitalism and urbanisation in the West, often rooted in Marxist theory .	Evolved from the context of colonialism, independence , and the need to address deep social inequalities and diverse cultural identities.
Globalization and Trade	May be critical of globalisation , viewing it as a form of capitalist exploitation .	Generally supportive of globalisation , recognizing the need for India to engage with global markets while ensuring social welfare.

The Arguments were presented for Removal of Terms Socialist and Secular:

- **Rejection by Constituent Assembly:** On **15th November 1948**, **Professor KT Shah** proposed including **secular and socialist** in the **Preamble**, but the assembly **rejected** the proposal.
 - Further attempts to insert the term “**secular**” into **Article 18** of the Constitution were similarly **dismissed** by the **Constituent Assembly**.
- **Preamble's Amendment Date:** A petitioner claimed the inclusion of socialist and secular terms in the **42nd Constitutional Amendment Act, 1976** was unconstitutional because of the fixed adoption date of **26th November, 1949** and amendments were made in **1976** with **retrospective effect**.
 - However, the Court recognised the Constitution as a **living document** that **evolves with societal needs**, noting that the inclusion of socialist and secular reflects this evolution.



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- **1989 Amendment to the Representation of People Act:** The petitioners challenged the **1989 amendment** to the **Representation of People Act (RPA), 1951** arguing that requiring political parties to pledge allegiance to **socialism and secularism** for registration infringes on their **freedom of speech** under **Article 19(1)(a)**.

The Role of Indian Judiciary in Shaping Secularism:

- **Sardar Taheruddin Syedna Sahib Case 1962:** The Supreme Court asserted that **Articles 25 and 26 (freedom of religion)** of the Constitution highlight the **secular nature** of Indian democracy.
- **Kesavananda Bharati Case 1973:** The Supreme Court held that **secularism** was a part of the **basic structure** of the Constitution.
 - The basic structure doctrine posits that certain **core elements** of the Indian Constitution have **intrinsic value** and cannot be altered or removed.
- **SR Bommai Case, 1994:** The Court stated that secularism signifies **equal treatment of all religions** and noted that the term secular, added to the **Preamble** by the 42nd Amendment Act, 1976 emphasises the fundamental rights protected under **Articles 25-28**.
- **Ismail Faruqi Case, 1994:** The Court held that any **property belonging to a religious community** could be **acquired** by the State if deemed necessary after paying **fair compensation** of the property.
- **Aruna Roy Case, 2002:** The Supreme Court of India held that the essence of secularism is **non-discrimination of people by the State** on the basis of religious differences.
 - The Court made a distinction between **religious instruction and religious education** or study of religion and said the **latter was permissible**, and indeed desirable, while the **former was banned**.
- **Abhiram Singh Case, 2017:** The Court held that secularism does not require the State to be **aloof from religion**; rather, it mandates **equal treatment for all religions**.
 - It acknowledged that religion and caste are **integral to society** and cannot be entirely separated from politics.
 - A **political candidate or their agent** cannot appeal to **religion**, race, caste, community, or language during elections, as it is considered a **corrupt practice (Section 123(3) of RPA)**.

The Role of Indian Judiciary in Shaping Socialism:

- **Kesavananda Bharati Case, 1973:** The Supreme Court ruled that **socialism** is a fundamental aspect of the Constitution's **basic structure**, reinforcing its role in promoting social justice and equality.
- **State of Karnataka vs Sri Ranganatha Reddy Case, 1977:** The Court emphasised that socialism must focus on **social good**, arguing that **nationalisation or acquisition** should aim for the **common good and equitable wealth distribution**.
- **Maneka Gandhi Case, 1978:** The judgement emphasised that the **right to life** includes the **right to live with dignity**, which is essential to the **socialist principle** of ensuring a **fair quality of life for all citizens**.
- **Minerva Mills Case, 1980:** The Supreme Court emphasised the need to harmonise **Fundamental Rights** with the **Directive Principles of State Policy (DPSP)**, stating that the DPSP should guide state policies to **secure social and economic justice** in line with **socialist principles**.



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- **Sanjeev Coke Manufacturing Company vs Bharat Coking Coal Ltd Case 1982:** The judgement framed **nationalisation** as a necessary step for reorganising the coal industry and **safeguarding resources vital for public welfare**.
 - It noted that even if there was a violation of **Article 14, Article 31C** would protect **legislation**.
 - **Article 31C** protects laws enacted to ensure the “**material resources of the community**” are distributed to serve the common good (**Article 39(b)**) and that wealth and the means of production are **not “concentrated” to the “common detriment”** (Article 39(c)).

Conclusion:

The current SC ruling stresses on the idea that **Constitutional values** have shown continuous evolution to suit the needs of the country. The ideas like **socialism, and secularism** are now well accepted and understood by the people. Hence, **vigilance, dedication, and willingness** to adapt to new challenges while remaining true to the **core values of Constitution like justice, liberty, and equality** would go a long way in dealing with contemporary challenges like persistent inequalities, environmental degradation, etc. The Supreme Court's **affirmation of "socialist" and "secular"** as integral to the **Constitution's Basic Structure** reflects the judiciary's role in interpreting these concepts in the Indian context. The distinctions from Western interpretations highlight the **unique socio-cultural landscape of India**, emphasising **inclusivity, social justice, and equitable resource distribution**.

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