



Socialist and Secular as Integral Part of Constitution

For Prelims: [Supreme Court](#), [Socialist](#), [Secular](#), [Basic Structure](#), [42nd Amendment, 1976](#), [Preamble](#), [Constituent Assembly](#), [Representation of People Act, 1951](#), [Freedom of Speech](#), [Mixed Economy](#), [Planned Economy](#), [Liberalisation](#), [Articles 25 and 26](#), [Articles 25-28](#), [Right to Life](#), [Fundamental Rights](#), [Directive Principles of State Policy \(DPSP\)](#), [Article 31C](#).

For Mains: [Equitable Distribution of Resources](#), Significance of the terms socialist and secular in the Indian Constitution, Judicial interpretation related to terms socialist and secular.

Source: [HT](#)

Why in News?

Recently, the [Supreme Court](#) affirmed that "[socialist](#)" and "[secular](#)" are integral to the Constitution's [Basic Structure](#), rejecting a petition to remove these terms from the Preamble.

- The Supreme Court upheld the [42nd Amendment, 1976](#) which introduced the terms **socialist and secular** saying that these terms hold **specific significance** in the Indian context, distinct from their **Western interpretations**.

What 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.
- **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\(1\)\(a\)](#).

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 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.
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	Generally supportive of globalisation , recognizing the need for India to engage with global markets while ensuring social

DIRECTIVE PRINCIPLES OF STATE POLICY

DPSP in Part IV Article (36-51) of the Indian Constitution, draws inspiration from the Irish Constitution.

Article 37 DPSP are not justiciable, yet fundamental to governance.

I Socialist Principles

- ⊕ **Article 38:** Promote social order and minimise inequalities in income, status and opportunities (44th CA*)
- ⊕ **Article 39:**
 - ⊕ Right to adequate means of livelihood
 - ⊕ Equitable distribution of resources
 - ⊕ Prevention of concentration of wealth
 - ⊕ Equal pay for equal work
 - ⊕ Protection of the strength and health of the workers
 - ⊕ Opportunities for development of children
- ⊕ **Article 39A:** Free legal aid to the poor (42nd CA)
- ⊕ **Article 41:** Right to work, education and public assistance
- ⊕ **Article 42:** Just and humane conditions of work and maternity relief
- ⊕ **Article 43:** Wage and a decent standard of life to all workers
 - ⊕ **Article 43A:** Participation of workers in the industries (42nd CA)
- ⊕ **Article 47:** Raise the level of nutrition and improve public health

*CA = Constitutional Amendment

I Gandhian Principles

- ⊕ **Article 40:** Organise village panchayats
- ⊕ **Article 43:** Promote cottage industries in rural areas
 - ⊕ **Article 43B:** Cooperative societies (97th CA)
- ⊕ **Article 46:** Educational & economic interests of SCs, STs and other weaker sections
- ⊕ **Article 47:** Prohibit consumption of intoxicating drinks/drugs
- ⊕ **Article 48:** Prohibit slaughter of cows, calves and cattle

I Liberal-Intellectual Principles

- ⊕ **Article 44:** Uniform Civil Code
- ⊕ **Article 45:** Early childhood care & education for children (0-6 yrs) (86th CA)
- ⊕ **Article 48:** Agriculture and animal husbandry
 - ⊕ **Article 48A:** Protection of environment, forests and wildlife (42nd CA)
- ⊕ **Article 49:** Protect every monument or place of historic interest
- ⊕ **Article 50:** Separation of judiciary from executive
- ⊕ **Article 51:** Establish international peace & security via honourable relations, laws & treaties and dispute settlement



What is 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)**.

What is 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**.
- **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 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**.

Drishti Mains Question:

How do terms socialist and secular in the Indian Constitution evolved over time and how do they differ from their Western interpretations?

UPSC Civil Services Examination Previous Year Questions (PYQ)

Prelims:

Q.What was the exact constitutional status of India on 26th January, 1950? (2021)

- (a) A Democratic Republic
- (b) A Sovereign Democratic Republic
- (c) A Sovereign Secular Democratic Republic
- (d) A Sovereign Socialist Secular Democratic Republic

Ans: (b)

Q. The Preamble to the Constitution of India is (2020)

- (a) a part of the Constitution but has no legal effect
- (b) not a part of the Constitution and has no legal effect either
- (c) a part of the Constitution and has the same legal effect as any other part
- (d) a part of the Constitution but has no legal effect independently of other parts

Ans: (d)

Q. Who among the following were the founders of the “Hind Mazdoor Sabha” established in 1948? (2018)

- (a) B. Krishna Pillai, E.M.S. Namboodiripad and K.C. George
- (b) Jayaprakash Narayan, Deen Dayal Upadhyay and M.N. Roy
- (c) C.P. Ramaswamy Iyer, K. Kamaraj and Veeresalingam Pantulu
- (d) Ashok Mehta, T.S. Ramanujam and G.G. Mehta

Ans: (d)

Q. Consider the following statements: (2010)

1. The “Bombay Manifesto” signed in 1936 openly opposed the preaching of socialist ideals.
2. It evoked support from a large section of the business community from all across India.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (a)

Mains:

Q. Discuss each adjective attached to the word ‘Republic’ in the ‘Preamble’. Are they defensible in the present circumstances? (2016)