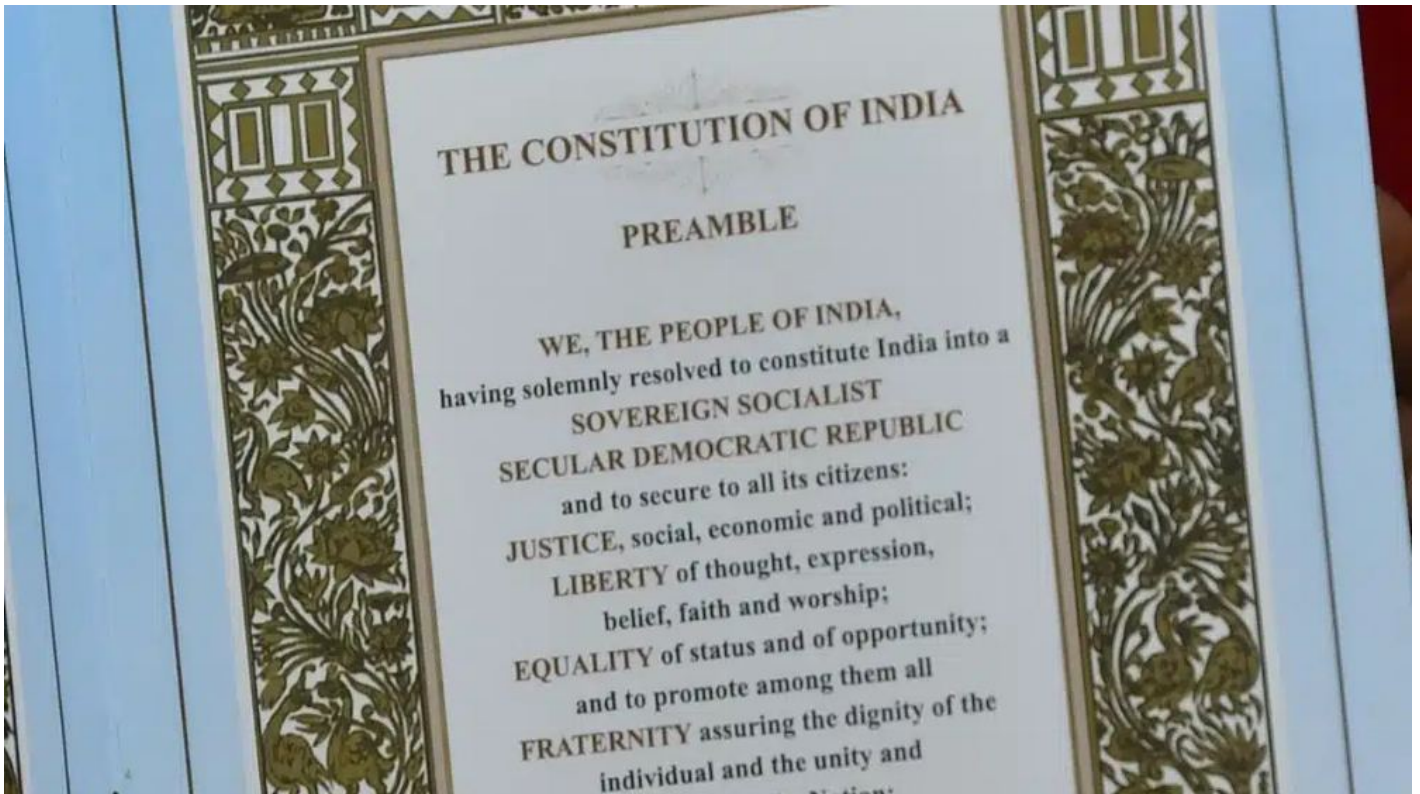


SC Upholds Inclusion of 'Secular' and 'Socialist' in Preamble to the Constitution

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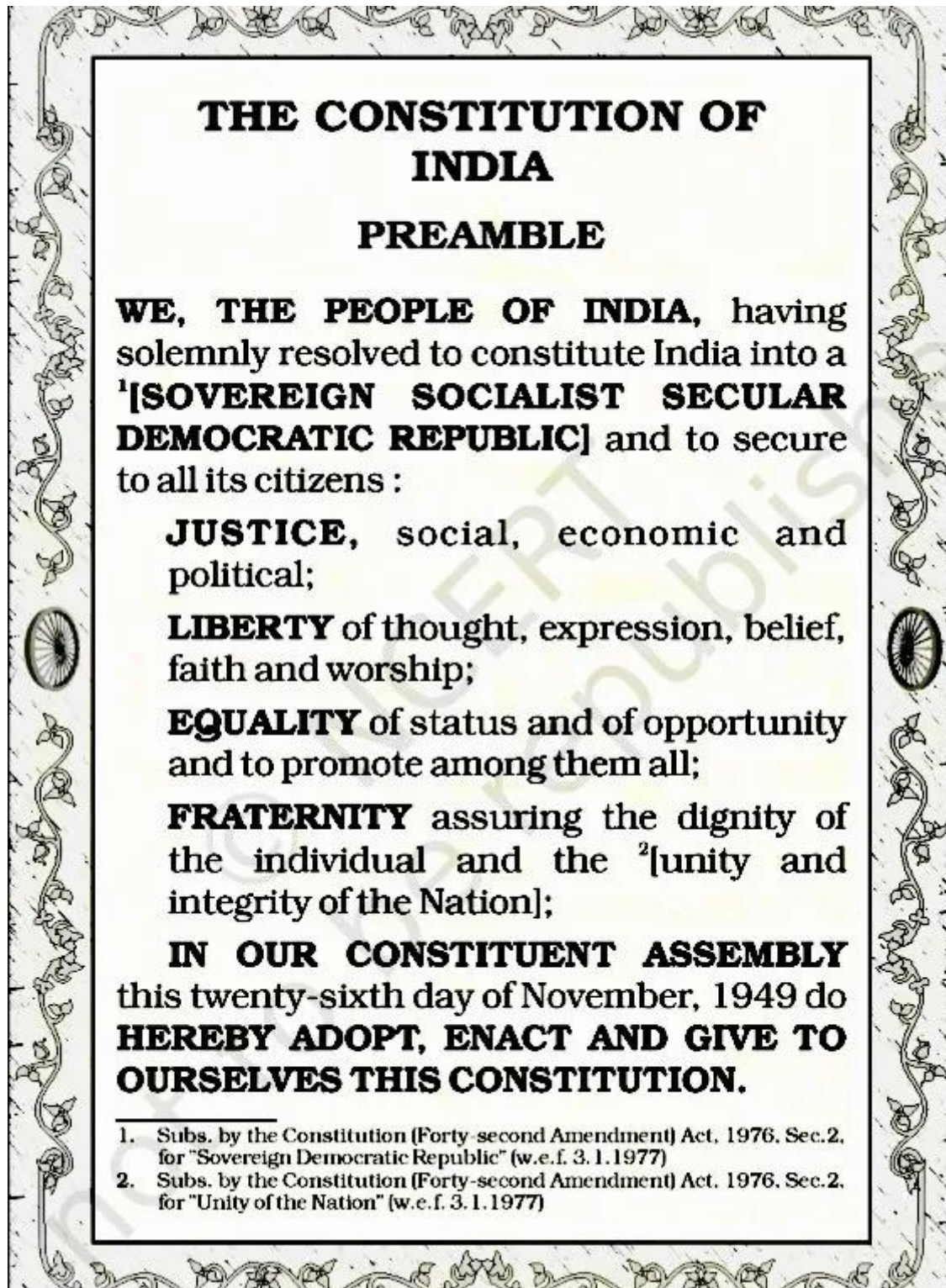
What's in today's article?

- Why in News?
- What is the Preamble to the Constitution of India?
- The Terms 'Socialist' and 'Secular' in the Preamble
- Highlights of the SC Judgment in Dr Balram Singh Case
- Conclusion

Why in News?

- The Supreme Court of India **dismissed petitions challenging the constitutional validity of the 42nd Amendment Act**, which added the words '**secular**' and '**socialist**' to the Preamble of the Constitution in 1976 during the Emergency.
- In its verdict (**Dr Balram Singh and ors v Union of India**), the court emphasised the widespread acceptance of these terms and their clear understanding by the people of India.

What is the Preamble to the Constitution of India?



- The Preamble is **an introductory statement of the Constitution** that **explains its philosophy and objectives**. It lays down the basic **principles and goals** of the Constitution.
- The objectives were first laid in the **Objective Resolution** (adopted in 1947), and after much debate and deliberation, the Preamble was **drafted and adopted on November 26, 1949**.
- The Preamble indicated that the source of authority of the Constitution lies with the **"people of India"**.
- It is an **"integral part and scheme"** of the Constitution. It is **non-justiciable** – a violation of any principle mentioned in the Preamble cannot be a reason to go to the courts in India.

- However, judges can use it as an additional factor in their reasoning and judgements.

The Terms 'Socialist' and 'Secular' in the Preamble:

- **History:** The two terms were inserted into the Preamble by the **42nd Amendment of the Constitution in 1976**, which is also called "**mini-Constitution**" because of the number and expanse of the changes introduced.
- **Meaning:**
 - **Socialist:**
 - **Western concept:** Socialism supports **government/ collective ownership** of the means of production in order to achieve economic equality.
 - **Indian concept:** Emphasises democratic socialism by distributing resources fairly and permitting a **mixed economy** that includes both the public and private sectors.
 - **Secular:**
 - **Western concept:** Secularism primarily refers to the **absolute separation** of religion and state.
 - **Indian concept:** No strict division between religion and the state. Highlights the **importance of the state in fostering religious harmony** and the equal respect for all religions.

Highlights of the SC Judgment in Dr Balram Singh Case:

- **Context of the 42nd amendment:**
 - The petitioners argued that the amendment was introduced during the **Emergency** imposed by the Indira Gandhi government, questioning its **legitimacy**.
 - The SC pointed out that this issue was **deliberated** during the **Constitution Forty-Fourth Amendment Bill, 1978**, which retained the terms after extensive parliamentary discussion.
- **Parliament's power to amend the Preamble:**
 - A bench comprising Chief Justice Sanjiv Khanna and Justice Sanjay Kumar ruled that Parliament's power under **Article 368 extends to amending the Preamble**.
 - Hence, **the argument against retrospective amendments was rejected**.
 - The bench stated that accepting the retrospectivity argument would **undermine all constitutional amendments**, despite Parliament's unquestioned authority to amend the Constitution.
- **Constitution as a 'Living' document:** The court noted that while the Constituent Assembly had initially excluded the terms 'secular' and 'socialist' from the Preamble, **their inclusion aligns with India's evolving democratic and social framework**.
- **Delay in filing the petitions:** The court questioned the petitions filed in 2020, 44 years after the amendment, noting the widespread acceptance of these terms in India.
- **Interpretation of key terms:**
 - **Secularism:** The State remains **neutral**, neither endorsing nor opposing any religion. This principle is enshrined in **Articles 14, 15, and 16** of the Constitution.
 - **Socialism:** The term 'socialist' does not constrain economic policies but **reflects the State's commitment to being a welfare state**.

- **Significance of addition of 'secular' and 'socialist':**

- It has not impeded legislation or governance, provided they align with **constitutional rights and the basic structure doctrine**.
- Reinforces India's commitment to **democratic principles and inclusive governance**.

Conclusion: The Supreme Court's verdict **reaffirms the constitutional validity of the 42nd Amendment**, emphasising the **dynamic nature of the Constitution** and the **power of Parliament to adapt it to India's evolving societal and democratic needs**.

Q.1. What is the Indian Constitution's 44th Amendment?

The purpose of the 44th Amendment Act of 1978 provided sufficient protections against the future recurrence of the tendency for the transient majority (governments) to take over fundamental rights of the citizens.

H2: Q.2.What is the significance of the Kesavananda Bharati case?

The 1973 Kesavananda Bharati v. State of Kerala case established that the Preamble is part of the Constitution and that Parliament cannot amend its fundamental features.

News: [Supreme Court upholds 'secular, socialist' in Preamble of the Constitution](#)

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