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Preamble of Indian Constitution

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Why is in news? ‘Socialist’ and ‘secular’: What do these words mean in the Constitution, and how did they come to be part of the Preamble?

About the issue:

Leader of the Congress in Lok Sabha has claimed that the words “socialist” and “secular” were missing in the Preamble of the Constitution of India, the copies of which were given to MPs on September 19.

These two words were **originally not a part of the Preamble**. They were added by The **Constitution (42nd Amendment) Act, 1976** during the Emergency imposed by then Prime Minister Indira Gandhi.

The description of India as a “secular” country in particular, has been debated intensely over the past four decades; with critics, mostly on the Right, claiming that these “imposed” terms sanction “pseudo-secularism”, “vote-bank politics” and “minority appeasement”.

Preamble:

Every Constitution has a philosophy.

The philosophy underlying the Constitution of India was summed up in the Objectives Resolution, which was **adopted by the Constituent Assembly on January 22, 1947**.

The Preamble of the Constitution puts in words the ideal contained in the Objectives Resolution.

It serves as an introduction to the Constitution, and contains its basic principles and goals.

Preamble contains the **summery or essence of the constitution**.

It also embodies the **basic philosophy and fundamental values** as political, moral and religious on which the Constitution of India is based.

Preamble contains the noble vision of the Constituent Assembly and reflects the dreams and aspirations of the framers of the constitution.

Keywords of Preamble:

Sovereign: The phrase indicates that India is an independent country with its own government and is not under the control of any other external entity. The country’s legislature has the authority to enact laws, but only within specific bounds.

Socialist: The phrase refers to socialist goals being achieved using democratic means. It adheres to the idea of a mixed economy in which the public and private sectors coexist side by side. The 42nd Amendment of 1976 adds it to the Preamble.

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Secular: The phrase indicates that the government in India accords equal respect, safety, and support to all major religions. The Preamble of the Constitution was amended by the 42nd Constitutional Amendment in 1976.

Democratic: The phrase emphasizes that the Indian Constitution has an established form that is based on the desire of the people as expressed through elections.

Republic: The phrase implies that the people elect the state's head of state. The President of India is the country's elected head of state.

Amendment of Preamble:

After the **Kesavanand Bharati case verdict**, it was acknowledged that the preamble is a component of the Constitution and enacted the 42nd Amendment Act in 1976.

Preamble can be changed because it is a part of the Constitution under Article 368, but its fundamental format cannot be changed.

Currently, the **42nd Amendment Act of 1976** is the **only amendment** to the preamble.

Through the 42nd Amendment Act of 1976, the words "**Socialist,**" "**Secular,**" and "**Integrity**" were added to the preamble.

Between "Sovereign" and "Democratic," the terms "Socialist" and "Secular" were added. "Unity and Integrity of the Nation" was substituted for "Unity of the Nation."

Cases related to Preamble:

Berubari Union Case, 1960:

It was used as a reference under Article 143(1) of the Constitution, which dealt with the Berubari Union's implementation under the Indo-Pakistan Agreement, and in exchanging the enclaves that the panel of eight judges agreed to take into consideration.

The Preamble is the key to unlock the minds of the framers, the Court said in the Berubari case, but **it cannot be regarded as a part of the Constitution. So it cannot be enforced in a court of law.**

Kesavananda Bharati Case, 1973:

In this instance, a bench of 13 judges was gathered for the first time to hear a writ petition. The Court determined that:

The Constitution's Preamble will now be regarded as a component of the document.

Though not the ultimate authority or the source of any restriction or ban, the Preamble is significant in how laws and Constitutional provisions are interpreted.

Therefore, it can be said that the **Constitution's preamble is a part of its introduction.**

LIC of India case, 1995:

The Supreme Court has once again ruled that while the **Preamble is an essential component** of the Constitution, it is not immediately enforceable in an Indian court of justice.

This ruling was made in the 1995 case of Union Government vs. LIC of India.

Removal of the words socialist and secular:

On several occasions, many petition filed were in the Supreme Court, seeking the removal of the words “socialist” and “secular” from the Preamble.

In **2008**, the Supreme Court had **rejected a plea demanding the removal of “socialist”**. “Why do you take socialism in a narrow sense defined by Communists? In a **broader sense**, it means welfare measures for the citizens. It is a facet of democracy,” a three-judge Bench headed by then Chief Justice of India K G Balakrishnan had said.

“It hasn’t got any definite meaning. It gets different meaning in different times.”