

The Sovereign Socialist and Secular Nature of the Indian State as introduced in the Preamble to the Indian Constitution

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Abstract: The Indian Preamble introduces the Indian state as a Sovereign, Socialist, Secular, Democratic Republic. While the meaning of Democratic Republic has been consistent with India the other terms namely Sovereign, Socialist and Secular have had different interpretations over time. As the Indian State has progressed over time we see a different meaning attached to the terms Sovereign, Socialist and Secular which by far have been the most debated and talked about terms in the Constitution. The era of the LPG reforms in India brought with it many changes and challenges and also shows how these terms have been modified according to the requirement of the times. They are perhaps the most defining terms of the Indian Preamble and most unique to India making their study an important one.

Index terms – Preamble, Sovereign, Socialist, Secular.

Introduction

The preamble serves as an introduction to the Indian Constitution. The ideals embodied in the historic Objectives Resolution of 1946 and the spirit of the Indian Constitution are reflected in the Preamble. The Preamble was amended in 1976 through the 42nd Amendment Act and as it stands today it proclaims India to be a ‘Sovereign, Socialist, Secular, Democratic Republic’. The Indian Preamble also highlights two important aspects of the Indian Constitution. The wordings ‘WE THE PEOPLE OF INDIA’ highlights and indicates the source from which the Indian Constitution derives its authority. It hints at the fact that the legitimacy and source of acceptance of the Indian constitution comes from the people. Secondly the key phrases attached to the terms ‘JUSTICE, LIBERTY, EQUALITY, FRATERNITY’ state the objectives that the Indian Constitution aims to promote, secure and establish. Though the Indian preamble is not a legal part of the Indian Constitution as by itself it is not enforceable in a Court of law, yet however it is still an important part of it as its principles are binding upon the present and future governments. It is important to understand the nature of the Indian State as mentioned in the preamble, the relevance of these features in the present day context and their challenges.

The Indian Preamble introduces the nature of the Indian State in the beginning lines of its introduction itself when it says that the people of India ‘having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC’ indicating that Indian State was to have a democratic set up along with a socialistic leaning to advance the needs and aspirations of the people of India. However the terms ‘Sovereign, Socialist and Secular’ need to be specifically highlighted and analyzed. These three words have been under the limelight owing to the changing national and international scenario. These changes are particularly seen at times due to compulsion, influence or a change in the way the term is taken to be understood today. Sovereign, Socialist and Secular nature of Indian State as mentioned in the Preamble can be understood as follows:

- 1) **A Sovereign State:** The Preamble defines India as a Sovereign State. This proclamation indicates that sovereignty is taken to mean the end of foreign rule and that India has an independent authority to determine its own fate. It also means India is not bound or under the forceful influence of any foreign nation while framing its domestic policies and laws. It implies that India is not a dependent or dominion of any other country and that there is no authority above it in the conduct of its internal and external affairs. In the country, the laws passed by the legislature are subjected to scrutiny by the courts and this serves as the only limitation to the law making powers of the Indian State. India has a free government directly elected by the people and it makes laws and policies that govern its people and its territories without any external interference.

However there are certain instances whereby this Sovereignty of India has come into questioning. In the early 1990s the era of Coalition politics highlighted the role, influence and importance of regional parties to dictate terms and influence policy making at the national level. Laws were enacted not independently but as per the interests of these regional parties thereby questioning the Indian State being Sovereign internally. Similarly the instances of external sovereignty came into questioning about the same time when due to domestic compulsions in the economy, India was forced to push for the Liberalization, Privatization and Globalization reforms (LPG). India was bound to accept the conditions of the IMF and World Bank and in the process had to initiate economic reforms in order to arrest the Balance of Payment crisis and save its economy. The recent sanctions imposed on Iran by the US has forced India to reduce its energy imports from Iran .The CAATSA sanctions imposed by the US has made India to conform to the US pressure thereby shifting and modifying its foreign relations with Iran.

Despite these challenges India has stood its ground on several occasions. For Example, The case of India not joining the Nuclear Nonproliferation Treaty (NPT), the Non Alignment Movement in the face of severe cold war hostility between the major powers, having a mixed economy approach, its stance on the Two State solution with regard to Israel. It would not be fair therefore to generalize India's sovereignty as one that is completely dependent or free from the influence or interplay of foreign and domestic factors.

- 2) **A Socialist State:** The original Indian Constitution that came into force in 1950 did not have the inclusion of the term "Socialist" in it. However the idea of Socialism was proposed and the socialistic content was reflected in the Directive Principles of State Policy. The Avadi session of 1955 adopted a resolution to establish a 'socialistic pattern of society' and measures were taken accordingly. The word 'Socialist' was inserted into the Preamble by the 42nd Amendment Act of 1976. The Indian brand of Socialism as envisaged by the Indian Constitution is different from the usual scheme of State Socialism. In India it is "democratic socialism" and not "communist socialism" which means the 'nationalization' of all the means of production, abolition of private property and redistribution of wealth. Indian version of socialism is what is called "Mixed Economy" whereby both the public and private players coexist together. It signifies a blend of Marxism and Gandhism with a heavier inclination towards Gandhian Socialism.

The end of the Cold War and the years that followed marked a new beginning in the way Socialism was to function in India. The 1991 Liberalization, Privatization and Globalization (LPG) reforms and the shift from state controlled economy to a more deregulated and liberal privatization in a way has diluted the socialistic credentials of the Indian State. The Balance of Payment crisis compelled India to adopt Structural and Stabilization methods, Disinvestment of many government PSUs and encouragement of FDIs and FPIs in India has signified a marked shift from the Indian State being a Controller to that of being a Facilitator in the economy.

However despite these changes it would not be correct to completely say that the Indian State today is a Capitalist one. The Socialist principles though limited in the economic sector is still relevant and very much important in the welfare schemes and policies of the State. The Socialist principles highlight the need for state intervention in fields where the private sector cannot perform. As the private entities are more concerned with their interests in profit

making, it becomes evident for the State to intervene in areas such as Employment generation, Poverty alleviation, providing Shelter for the below poverty line families, improving the overall health of the populace, providing Compulsory and Free education, providing aid and relief to people affected by natural calamities like earthquakes, floods and droughts, providing social security to people in the unorganized sector etc. Therefore it would be wrong to say that the Socialistic goals enshrined in the Constitution and the Preamble are completely diluted for they are as relevant today as they have been in the past.

- 3) **A Secular State:** The word ‘Secular’ was inserted into the Preamble by the 42nd Amendment Act of 1976. At the time of independence India inherited various problems owing to its sociological variety and cultural diversity, some of which posed as challenges to a liberal, egalitarian democratic system. In this context the idea of a secular state was enshrined for achieving social harmony, social peace and preserving the unity and fraternity of the people of India professing numerous faiths. Though the word ‘Secular’ was initially not mentioned in the Preamble, the original framers of the Constitution adopted articles 25,26 and 27 to further the idea of Secularism. The Indian Constitution embodies the ‘Positive’ concept of Secularism. This is taken to mean that there is no official religion of the State as in other Constitutions, that no special preference or treatment is given to any particular religious community rather promotion of all religions in Indian equally. It is also taken to mean that India is not a Theocratic State yet the State is not completely separated from religion as in the case of the western secular countries.

The Indian Constitution guarantees to its people under Articles 25 to 28 the freedom of religion manifested in the form of the individual’s freedom of Conscience and freedom to profess, practice and propagate any religion. This has been one of the glowing achievements of Indian Democracy when compared with its neighbors such as Pakistan, Sri Lanka, Myanmar and Bangladesh that uphold a State religion.

However the threat of Communalism has been seen to disrupt the Secular fabric of the Indian State. Communalism and the Communal parties and organizations existing today are very much part of the present day political environment. This is very much evident in the manner in which various political parties align themselves directly or indirectly with a particular religion for electoral mobilization and electoral gains. The Communal appeal is seen in the form of Vote bank politics and as a device to appease a particular socio- religious community. Communal riots have taken place in India due to the influence of the communal forces working against the social fabric, unity and harmony among the heterogeneous religious communities. Many cases of Human rights violation have occurred due to communal riots. The Communal riots during the early post independent years particularly in West Bengal, Orissa, Bihar, Punjab, the communal disharmony created due to the Babri Masjid demolition, the Godhra riots in Gujarat etc are such examples of human rights violation due to the work of Communalism.

The issue of Secularism is again being brought into the forefront in the light of the Bharatiya Janata Party (BJP) coming into power in 2014 and again in 2019. There are many scholars, writers and thinkers who perceive that an environment of uncertainty, stifling of dissent and intolerance has crept up into society. Some argue that the agenda of the present regime in India is to transform India into a One State One Religion country reinforcing the ideologies of the Communal Organizations such as the RSS and the VHP.

However despite these fears and apprehensions it can be said that India has withstood the pressures of its time as history has defined it. The emergence of these Communal forces since pre independence has not altered the basic principle of secularism in India as enshrined in its Constitution. The fact that the early national leaders had a vision of a liberal democracy with a Secular perspective highlights the fact that the heterogeneous unity and strength has witnessed the pressure from the communal forces threatening our democracy. There exists a Constitution enforced by the Judiciary that seeks to protect every religious minority from the oppressive dominance and conformist pressure of the majority. This guarantee can be considered as a part of the Basic structure of the Constitution.

Conclusion

The study of the nature of the Indian State as introduced in the preamble of the Indian Constitution is an interesting one. The words Democratic and Republic are taken to mean that the Head of the State is elected by the people for a fixed period of time and also that the people are guaranteed Equality through the exercise of Universal Adult Franchise irrespective of race, caste, gender etc. While these two terms have remained fixed and upheld since the inception of the Constitution the Challenges have been seen with the terms ‘Sovereign, Socialist and Secular’. However the adaptability through the decades and the modifications introduced in the Constitution through various amendment acts has proven the accommodative and versatility of the Indian state to balance the new emerging interests while maintaining the principles that define the Indian state in the Preamble. This is the reason why the Indian Constitution is regarded as the longest Written Constitution in the world and why the Indian State has been able to maintain and preserve the ideals of Liberty, Equality and Fraternity enshrined in our Constitution.

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