



Mains Practice Question

Q. Critically assess the constitutional validity and contemporary relevance of inserting 'Socialist' and 'Secular' into the Preamble through the 42nd Amendment. (150 words)

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Approach :

- Briefly explain the 42nd Amendment (1976) and its addition of 'Socialist' and 'Secular' to the Preamble.
- Discuss the constitutional validity and contemporary relevance of inserting these terms into the Preamble.
- Highlight the criticism in this context.
- Conclude with a suitable way forward.

Introduction:

The Preamble of the Indian Constitution is its moral compass, embodying the vision of the Constituent Assembly. The **42nd Constitutional Amendment (1976)**, enacted during the Emergency, inserted the words "Socialist" and "**Secular**" to explicitly affirm the state's commitment to welfare and religious neutrality. This raises debates on both constitutional validity and contemporary relevance.

Body :

Constitutional Validity

- **Inherently Secular and Socialist Constitution:** Even before the **42nd Amendment (1976)**, **secularism** and socialism were implicit in various provisions.
 - **Fundamental Rights:** Articles 14, 15, 16, 25-28 protect religious freedom and prohibit discrimination.
 - **Directive Principles (Part IV):** Reflect socialist goals such as equitable distribution of wealth, social justice, and state welfare.
- **Judicial Endorsement:**
 - **Kesavananda Bharati v. State of Kerala (1973)** — secularism and socialism held as part of the basic structure, beyond Parliament's amending power.
 - **S. R. Bommai v. Union of India (1994)** — secularism reaffirmed as a basic feature of Indian democracy.
 - **Minerva Mills v. Union of India (1980)** — socialist objectives in DPSPs are fundamental to the Constitution
 - **Balram Singh v. Union of India (2024)** — Supreme Court dismissed petitions challenging the insertion of "socialist" and "secular" into the Preamble, upholding their validity and alignment with the Constitution.

Contemporary Relevance

- **Socialist:** It signified the state's **commitment to reducing inequality** and ensuring

distributive justice through a mixed economy model.

- It anchors the state's duty to reduce inequality, reflected in schemes like **MGNREGA, Right to Education, and Ayushman Bharat.**

- **Secular:** it reaffirmed the principle of equal respect for all religions, ensuring that the state maintains neutrality in religious matters without endorsing any faith.
 - The Indian Constitution allows the state to intervene in religious affairs to eliminate discrimination and uphold fundamental rights.
 - **Examples include:**
 - **Abolition of untouchability** under Article 17.
 - **Reforms in temple entry** and religious practices to ensure equality.
 - Invalidation of Triple Talaq through the **Muslim Women (Protection of Rights on Marriage) Act, 2019.**

Criticisms

- **Ambiguity in "Socialist":** Economic liberalisation since 1991 and emphasis on market efficiency dilute the classical socialist ethos.
- **Western Imposition:** Viewed as Western constructs alien to the Indian ethos.
- **Procedural Concern:** Preamble as guiding soul (26 Nov 1949) — retrospective amendment undermines its sanctity.
- **Instrumental misuse:** Preamble ideals are sometimes invoked for political rhetoric rather than policy depth.
 - **Political mobilisation** on religious lines, selective enforcement of laws, and communal violence test the ideal.

Conclusion :

The 1976 insertion of '**Socialist**' and '**Secular**' is constitutionally valid and morally significant, but its strength lies in realising it through action — clarifying socialist goals, strengthening institutions, promoting pluralism, and ensuring judicial balance to uphold the Constitution's seamless web of unity, democracy, and social justice.

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