

## **The Preamble to the Indian Constitution**

■ **Dr. M.N. Buch**

As originally drafted and enacted the Preamble to the Constitution read “We, the people of India, having solemnly resolved to constitute India into a sovereign, democratic republic ....” By the Constitution (Forty-second Amendment) Act, 1976 the words ‘socialist and secular’ were introduced and now the Preamble read sovereign, socialist, secular democratic republic. This amendment was made when India was in a state of Emergency proclaimed under Article 352 of the Constitution and it could be argued that it had not really been enacted in an environment in which democracy thrived. In fact there is a large section of Hindu activists from RSS and the Shiv Sena who question the propriety of including the words ‘socialist secular’ in the Preamble and would like to go back to the words originally adopted by the Constituent Assembly on 26<sup>th</sup> November 1949. In this behalf, in an atmosphere surcharged with revival of a form of Hinduism which is so extreme as to be totally foreign to the very basic principles of the Sanatan Dharma, any threat by the Shiv Sena to have the words ‘socialist secular’ deleted can only increase social tension and jeopardise the equipoise of our polity.

In order to understand the nature of India and the tenor of its Constitution one has to look at the Preamble in totality and also study other Articles of the Constitution, because this would enable us to realise that both secularism and socialism in the context of equality are the real pillars of the Indian Constitution. India became independent in an atmosphere in which one part, Pakistan, broke away in an effort to create an Islamic State, whereas India decided to remain secular in its temporal form and to create a homeland where everyone, regardless of religion, creed, caste, language, place of birth or sex, would be equal in all respects. In the ultimate analysis separation of Church and State and an equal status to all citizens is as good a definition of secularism as one can think of. Our Preamble mandates social, economic and political justice for all, liberty of thought, expression, belief, faith and worship for all, equality of status and of opportunity for all and the promotion of fraternity assuring the dignity of the individual. A State which is not secular will not give liberty of thought, expression, belief, faith and worship because the religion which the State adopts as its own will always have preference above all other religions. This is true of every country in the world which has declared itself to be Islamic, including Pakistan and Iran. In a theocratic State there is no real fraternity because fraternity demands a brotherhood based on equality. In a State which is not socialist there can be no economic justice and no equality of opportunity because it is the rich who dominate. Socialist in the context of our Preamble does not have a political connotation and is not doctrinaire. In the Indian context socialist means that which is based on equity because only where there is equity can there be equality of status and opportunity.

Let us go further. Article 14 of the Constitution mandates equality before law. If there is equality before law then the laws on all temporal issues have themselves to be secular and not recognise any differences on account of religion. Equality before law is possible only in a secular State. Article 15 specifically prohibits discrimination on account of religion, race, caste, sex or place of birth. In Pakistan a non Muslim cannot become the President of the country. There are separate electorates, the law of blasphemy applies and Islam has a special status in a country which calls itself “The Islamic Republic of Pakistan”. In that country discrimination on account of religion can be built into the legal system. In India this is prohibited by the Constitution. Therefore, regardless of whether or not the word secular is included in the Preamble, India is a secular State because that is what the Constitution demands. Article 25 gives the freedom of conscience and free profession, practice and propagation of religion.

Automatically this makes India a secular State because whereas on the one hand there is no State religion, on the other hand everyone is free to follow the religion of his choice.

Article 38 of the Constitution calls upon the State to secure a social order for the promotion of welfare of the people. This Article needs to be reproduced in full so that we can truly understand the nature of a social order which promotes welfare and also stresses the need for equity.

**“Article 38:** State to secure a social order for the promotion of welfare of the people – (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

(2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.”

Article 39 further expands on what is advocated by Article 39, whereas Article 41 calls on the State to intervene positively in all cases of undeserved want, including the right to work, to education and to public assistance to those who need it. When these Articles are read together with the Preamble one can understand and fully support the justification for including the word socialist in the Preamble.

One has observed that since the new government came to power at the centre both the rhetoric and the actions of the more extreme Hindu religious groups have become more strident, more shrill and more focused on promoting an exclusive Hindutva agenda which includes conversion to Hinduism and now a call for amendment of the Preamble to the Constitution. Obviously this is aimed at intimidating the minorities, in particular the Muslims. Moving away from percentages let us look at absolute numbers and at relative sizes of communities in a global context. India is the largest Hindu country in the world, the largest Sikh country, the largest Jain country and largest Parsee country. It has a healthy representation of Buddhists and Christians number more than 2.5 crores. India is also the second largest Islamic country in that after Indonesia it has the largest Muslim population. The size of the target communities at which the extremist groups are aiming is so large that anything which is unfair or provocative can lead to retaliation which would seriously disrupt communal and social harmony. There is no place for this in a secular world and certainly there is no place for it in India.

My suggestion to government would be to ruthlessly intervene in every case where there is an attempt to disrupt communal harmony. The secular nature of our State must be emphasised and in particular we must never remove the words ‘secular socialist’ from the Preamble. One welcomes their addition in 1976.

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