## Chapter 6 - Nature of Indian State

India's freedom struggle was not only a movement against colonial rule but also a pursuit of creating a state capable of uniting its diverse population and addressing the challenges of governance after independence. The aspiration for democratic rights and self-rule, where people would govern themselves, laid the foundation of the Indian State.

Initially, the Preamble described India as a **'Sovereign Democratic Republic'**. However, the **42nd Constitutional Amendment (1976)** expanded this vision by adding the terms **'Socialist'** and **'Secular'**, reflecting the government's ideological commitments and policy priorities at the time. Consequently, the present character of the Indian State, as expressed in the Preamble, is that of a **'Sovereign, Socialist, Secular, Democratic, Republic'**—each term carrying profound constitutional and philosophical significance.

### I. Sovereign:

**Sovereignty** refers to the **supreme legal authority** of the state, which is an indispensable attribute of its existence. The term is derived from the old French word *Souverain*, meaning supreme power within a defined territory. The idea of sovereignty traces back to Aristotle, who described it as the "supreme power of the state." Sovereignty enables a state to make binding laws, command obedience to its orders, punish non-compliance, enter into treaties with other states, and even wage war against adversaries. Broadly, sovereignty has **two dimensions**:

**a) Internal Sovereignty** – It denotes the state's absolute authority over individuals and associations within its territory. This includes the power to make laws, implement them, and punish those who violate them.

**b) External Sovereignty** – It refers to the state's freedom to engage with other states and international organizations as an autonomous entity, free of foreign influence. This rests on the principle of **'sovereign equality of states'**, meaning that all states, irrespective of their size or power, enjoy equal status in the international system, and no state can lawfully exercise authority over another.

> "Sovereignty is the daily operative power of framing and giving efficacy to the laws." – Woodrow Wilson

**Attributes of Sovereignty:**

- **Permanence**: Sovereignty lasts as long as an independent state lasts. It is the chief characteristic of sovereignty.
- **Exclusiveness**: There cannot be two sovereigns in one independent state and if the two sovereigns exist in a state, the unity of that state will be destroyed.
- **Comprehensiveness and Universality**: Every individual and every association of individuals is subject to the sovereignty of the state.  Inalienability: The state cannot part with its sovereignty.
- **Unity**:Unity is the essence of sovereignty, for a sovereign state embodies oneness and indivisibility.

- **Imprescriptible**: If the sovereign does not exercise its sovereignty for a certain period of time, it does not lead to the destruction of sovereignty.
- **Originality**: Originality means the sovereign derives its authority from its own inherent right, not as a concession from any external power.
- **Comprehensiveness**: Every individual and every association of individuals is subject to the sovereignty of the state.
- **Absoluteness**: means that sovereignty is unlimited in authority and is not subject to any higher power or external constraint.

**Sovereignty in the Indian Context:**

During the drafting of the Constitution, the Constituent Assembly faced the challenge of reconciling India's sovereignty with its membership in the Commonwealth. To safeguard full independence, India was declared a sovereign state in the Preamble while opting to remain a republic within the Commonwealth. This ensured that India owed no legal obligation to the British Crown, retaining only a voluntary association with the Commonwealth.

Jawaharlal Nehru viewed India's voluntary membership in the Commonwealth a practical and diplomatic choice. It allowed India to balance its newly gained independence with its historical ties, while also strengthening its global presence. For Nehru, sovereignty did not mean isolation; rather, it meant engaging with the world on equal terms, maintaining international connections, and enhancing India's role on the global stage without compromising its status as a fully sovereign republic.

In an act of constitutional autochthony, the Preamble declares India to be a sovereign state. Beyond the Preamble, sovereignty finds mention in several provisions of the Constitution. For example, **Article 51A(c)** makes it the fundamental duty of every citizen to uphold and protect the sovereignty, unity and integrity of India. Similarly, references to sovereignty are embedded in the oaths of high constitutional authorities such as the Chief Justice, Union Ministers and Members of Parliament under the Third Schedule.

Sovereign India means that it has its own supreme law and is not bound by the authority of any other state or nation. It enjoys complete freedom from external interference in its internal affairs. Even when India joins international or global organizations, its sovereign character remains intact. Sovereignty also empowers India to acquire foreign territory or, if required, cede a part of its own territory to another state.

*India's strategic autonomy is reflected in its decision to continue crude oil imports from Russia during the Ukraine war despite Western pressure, and in decisive national-security responses (e.g., Operation Sindoor, 2025; Doklam stand-off, 2017) that underline sovereign control over security policy.*

**Limitations of Sovereignty:** .
- **Moral limitations:** Sovereignty is often seen as being constrained by higher principles such as divine law, natural law, or moral law. Religious and ethical values influence how sovereignty is exercised.
- **Constitutional limitations:** The State's absolute power is restricted by the Constitution itself. For example, Fundamental Rights and the Basic Structure doctrine act as checks on sovereign authority.
- **International limitations:** Sovereignty is also limited by international law, treaties, and conventions that a state signs. States are accountable internally to their citizens and externally to the international community, as reflected in Article 51(c), which directs the State to respect international law.
- **Digital limitations:** In the digital era, States often struggle to control data, content, digital infrastructure, or cross-border data flows, as seen in debates on data localization.

**Sovereignty in the Globalized World:**

In today's globalized world, the idea of sovereignty is facing new challenges. Globalization seeks to reduce government-imposed restrictions in order to promote an open and borderless global economy. As a result, the authority of nation-states often gets diluted. External state and non-state actors increasingly intervene in the internal affairs of sovereign nations, especially in developing countries, sometimes in the name of promoting human rights or human development. For instance, **IMF and World Bank conditionalities** often require economic reforms that directly impact domestic policy-making. Similarly, **WTO agreements** restrict the freedom of states in trade and tariff matters. Even humanitarian interventions, such as **NATO's role in Kosovo (1999)** or debates around interventions in **Syria and Libya**, reflect how external actors can override or influence national sovereignty.

Additionally, the role of the state as the protector and guarantor of human rights has shifted, with some responsibilities being transferred to universal human rights codes and international norms. For instance, the **Universal Declaration of Human Rights (1948)** and conventions under the **UN Human Rights Council** place obligations on states, thereby somewhat diluting national sovereignty and redefining citizenship.

Economically, **multinational corporations (MNCs)** such as Google, Apple, and Amazon now wield significant influence over policy formulation within national governments, particularly on issues like **data protection, taxation, and labor rights**. Similarly, international economic organizations and trading blocs such as the **European Union (EU)**, **ASEAN**, and agreements like **NAFTA/USMCA** have limited the freedom of states in shaping independent economic policies.

The growing interdependence among nations has also led to voluntary constraints on external sovereignty. For example, by joining the **WTO**, states commit to trade liberalization rules that restrict unilateral tariff decisions. Likewise, loans and aid from the **IMF and World Bank** often come with structural adjustment conditions, as seen in **India's 1991 economic reforms**. These developments highlight that while states remain sovereign in theory, their practical sovereignty is increasingly shaped by global economic and human rights regimes.

Despite these challenges, the sovereignty of nations in a globalized economy can be safeguarded through robust democratic institutions, active civil societies, and a free press. Effective distribution mechanisms are also essential to ensure that the benefits of globalization are shared equitably, thereby supporting the welfare functions of the state.

## II. Socialist:

The socialist character of the Indian state reflects the commitment to the **principles of socialism**. Socialism, as a political and economic ideology, aims to reduce social and economic inequalities and promote a more just society. It seeks to ensure that wealth and resources are not concentrated in a few hands but are distributed fairly for the welfare of all. In practice, socialism balances ownership and control of the means of production between the state and private enterprises, ensuring both social justice and economic growth.

The term 'Socialist' was added to the Preamble by the 42nd Amendment, 1976. The inclusion of the term "Socialist" signified a stronger commitment to economic equality and the welfare state, reflecting the growing emphasis on addressing socio-economic disparities and redistributing resources more equitably. However, various Constitutional provisions already indicate the socialistic nature of our Constitution. For instance, just and humane conditions of work, and equitable distribution of wealth are mentioned in Part IV of the Constitution.

## Perspectives on Socialism:

Socialism has a dual nature as both a political ideology and an economic system. As a political ideology, it stresses equality, social justice and the welfare of all sections of society. As an economic system, it focuses on fair distribution of resources and regulation of ownership and production. This dual nature shows how socialism influences governance on the one hand and provides alternative models for managing the economy and society on the other.

- **Socialism as a political ideology:** Socialism as a political ideology shapes welfare policies, labour rights and other measures aimed at ensuring social justice. From the liberal or leftist perspective, socialism is seen as a means to redistribute wealth from the rich to the poor to achieve social, economic and political equality. On the other hand, the conservative or rightist perspective often regards socialism as a threat to individual liberty and the free market, since it involves greater government control and intervention.
- **Socialism as an economic system**: From an economic perspective, socialism emphasizes collective ownership of means of production, distribution & exchange of resources and wealth. The government owns and manages these resources with limited participation of private individuals. Further, socialism as an economic system is classified into market socialism and planned socialism.

- **Market socialism** is a system where ownership of resources is shared between the public sector and the private sector. However, the government exercises close regulation over prices and economic policies to ensure that social welfare and equality remain the primary goals.
- **Planned socialism** is a system where the government exercises complete control over the economy. Resource allocation and goal-setting are done through a central plan, leaving very little scope for market forces to influence economic decisions.

**Different types of socialism:**

Based on distinct political ideologies and economic strategies:

- **Democratic Socialism:** This system combines a democratic political framework with a socialist economic system. It supports welfare policies, equitable resource distribution, and political freedom.
  *Example:* Nordic countries like **Sweden, Norway, and Denmark**, where democracy coexists with strong welfare measures.
- **Libertarian Socialism:** This ideology values individual free will and direct democracy. It promotes cooperative societies for collective ownership instead of state control.
  *Example:* The **Zapatista movement in Mexico** and the **anarchist collectives in Catalonia during the Spanish Civil War** reflected libertarian socialist ideas.
- **Fabian Socialism:** Advocates gradual and reformist transition from capitalism to socialism through democratic and legislative means rather than revolution.
  *Example:* The **Fabian Society in the United Kingdom**, which influenced the **British Labour Party's** policies.
- **Marxism:** Developed by **Karl Marx and Friedrich Engels**, it highlights class struggle between the bourgeoisie (capitalists) and the proletariat (workers), aiming for a classless society.
  *Example:* The **Soviet Union under Lenin and Stalin** was primarily based on Marxist principles.
- **Revolutionary Socialism:** Seeks to replace capitalism through revolution and radical restructuring of society.
  *Example:* The **Russian Revolution of 1917** and **Cuban Revolution under Fidel Castro**.
- **Syndicalism:** Promotes direct action by labour unions, such as strikes and boycotts, to dismantle capitalism and build socialism.
  *Example:* The **Confédération Générale du Travail (CGT) in France** and **Industrial Workers of the World (IWW) in the United States**.
- **Eco-Socialism:** Integrates socialist principles with ecological sustainability and environmental justice, emphasizing collective responsibility for protecting nature.
  *Example:* The **Green Parties in Europe** and movements like **Bolivia's Law of Mother Earth** under Evo Morales.

**Democratic Socialism in India**

India adopted 'Democratic Socialism', i.e., the achievement of socialist ends through democratic means. It holds faith in a mixed economy wherein both private and public sectors co-exist side by side and function together towards socialist goals. The government regulates some parts of the economy and also provides essential services, such as healthcare, education, and transportation. The evolution of socialist ideals in India can be seen in two phases:

### 1. Pre-Independence Phase:

Socialist ideals like equality, anti-colonialism, and social justice shaped the freedom struggle. In 1936, under the leadership of Jawaharlal Nehru, the Indian National Congress officially adopted socialism as a guiding principle for its socio-economic policies. Prominent socialist thinkers such as **Acharya Narendra Dev, Jayaprakash Narayan, and Ram Manohar Lohia** mobilized workers, peasants, and marginalized communities, providing grassroots energy to the nationalist movement.

> **A social movement** is a sustained and organised collective endeavour by individuals or groups bound by shared ideology and objectives—typically aimed at effecting policy transformation—rather than emerging from spontaneous or fleeting impulses.

### 2. Post-Independence Phase:

The Constitution enshrined socialist values of equality and justice, which became the basis for policies in independent India. Socialist leaders and movements gave rise to regional parties that played an important role in strengthening democracy and holding the State accountable. Landmark initiatives reflected this socialist orientation — for instance, the **Bhoodan Movement (1951)** led by Acharya Vinoba Bhave promoted land redistribution to benefit the landless poor. Similarly, **Jayaprakash Narayan's Sarvodaya Movement** emphasized voluntary land donations by landlords, shaping debates on land reform and social equity.

Socialist policies emphasized the role of the state in economic policy and the development of key sectors like steel, energy, heavy industries, etc. This led to the development of the **Mahalanobis Plan** under the Second Five-Year Plan (1956- 61) and the creation of Public Sector Enterprises (PSEs). In the 1970s, aggressive socialist policies were pursued in the form of nationalization of industries, expansion of the public sector, and control of private enterprises via licensing, quota and permit system. Parallelly, socialist principles influenced the establishment of different welfare programmes for weaker and marginalized sections such as the Public Distribution System, reservation policies, etc.

Later, in the 1980s and 1990s, through LPG reforms, India pursued pro-market policies by reducing state control over the private sector and further opening the economy for foreign investment. Thus, diluting the

socialistic credentials of India. Presently, while continuing with its socialistic ideals, India is aligning with free-market capitalism, with a significant role for private enterprises and foreign investment.

**Socialist Policies and Their Evolution in India:**

After Independence, India adopted socialist policies that emphasized the role of the State in guiding economic policy and developing key sectors such as steel, energy, and heavy industries. This vision was most evident in the Second Five-Year Plan (1956–61), based on the Mahalanobis Model, which laid the foundation for industrialization through the creation of large Public Sector Enterprises (PSEs). The State assumed a dominant role in building the economy and providing essential goods and services to the people.

In the 1970s, the socialist tilt became sharper under Indira Gandhi's leadership. Aggressive policies were pursued in the form of nationalization of banks and major industries, expansion of the public sector, and stringent regulation of private enterprises through the licensing, quota, and permit system, popularly known as the "**License Raj**." Alongside these measures, socialist principles inspired welfare-oriented programmes such as the Public Distribution System and reservation policies, which sought to uplift the weaker and marginalized sections of society.

By the 1980s, however, inefficiencies arising from excessive state control began to show, including low productivity, red tape, and lack of competitiveness. This culminated in the economic crisis of 1991, which paved the way for the **Liberalization, Privatization, and Globalization (LPG) reforms**. The reforms reduced the role of the State in economic affairs, encouraged private enterprise, and opened the economy to foreign investment. These shifts diluted India's earlier socialistic orientation and aligned the country more closely with market capitalism.

In the contemporary period, India has adopted a balanced approach by retaining socialist ideals while embracing the benefits of a market economy. Welfare schemes such as **MGNREGA, the Right to Education, the National Food Security Act, and Ayushman Bharat** continue to reflect the State's commitment to social justice and equity. At the same time, private enterprises, start-ups, and foreign direct investment are actively promoted as engines of growth. Thus, the Indian model of socialism has gradually evolved into a unique blend of welfare orientation and market dynamism, often described as a pragmatic version of democratic socialism.

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**Socialism in India: Constituent Assembly Debates and Judicial Interpretation:**

The idea of socialism, though not originally a part of the Preamble, was central to the Constituent Assembly debates. Dr. B.R. Ambedkar firmly believed that the Constitution should lay the groundwork for a new society based on justice, liberty, and equality, without explicitly committing to a particular economic model. He opposed adding the word "socialist" to the Preamble, arguing that the nature of India's socio-economic structure should be left to the democratic will of the people. While some members like K.T. Shah pressed for explicit socialist commitments, Ambedkar maintained that the values of socialism were already embedded

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in the Directive Principles of State Policy and Fundamental Rights.

The courts have consistently upheld and expanded upon this vision. In **D.S. Nakara v. Union of India (1983)**, the Supreme Court defined socialism as ensuring a decent standard of life and security for all, especially the disadvantaged, thus reflecting the redistributive goals of the Constitution. Similarly, in **Minerva Mills v. Union of India (1980)**, the court emphasized that the Constitution's edifice rests on socialist ideals, particularly through Part IV (Directive Principles), which guide the state toward social and economic justice.

The judiciary has interpreted Articles 39(b) and (c) as central to India's socialist orientation, especially in cases like **State of Karnataka v. Ranganatha Reddy (1977) and Sanjeev Coke v. Bharat Coking Coal Ltd. (1982)**. These decisions affirmed that material resources must be distributed to serve the common good, with nationalization seen as a legitimate means toward this end.

## III. Secular:

The term 'Secular' means being 'separate' from the religion. Secularism entails the separation of religion from political, economic, social and cultural spheres, treating religion as a purely personal concern. On an individual level, a secular person derives their moral values from rational and scientific reasoning rather than aligning with religious beliefs.

A secular state is a government system in which religion is separated from the institutions and functions of the state. In such a state, religious beliefs and practices do not influence or interfere with governmental policies, laws, or public affairs. It stands against any form of discrimination and partiality on the grounds of religion.

The term secular in the Constitution of India, however, means that all the religions in India get equal respect, protection and support from the state. The word 'Secular' was incorporated in the Preamble by the 42nd Amendment, 1976. It was added to underscore the state's commitment to maintaining neutrality in religious matters and ensuring equal treatment of all religions, reinforcing the principle that the state would not favour any particular religion. India does not have an official state religion. However, different personal laws - on matters such as marriage, divorce, inheritance and alimony, vary with an individual's religion.

## Secularism – an Indian perspective

The Indian philosophy of secularism is rooted in the principle of *Sarva-dharma Samabhava*, which means equal respect for all religions. Unlike the Western notion of secularism, which emphasizes a strict separation of religion and state, the Indian model represents a form of positive secularism. Here, the state not only maintains neutrality but also intervenes in religious practices when necessary to eliminate social evils such as untouchability, gender inequality, or discriminatory customs. The objective is to balance religious freedom with the larger goals of social justice, equality, and individual rights.
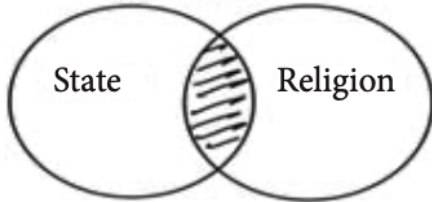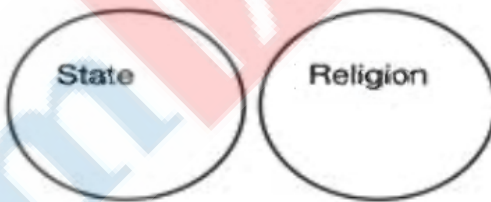
This approach reflects the cultural ethos of India, where religious plurality has been a defining feature of society. Leaders like Swami Vivekananda and Mahatma Gandhi strongly advocated for positive secularism, emphasizing that respecting all faiths is essential for harmony and nation-building. Thus, Indian secularism is not merely an abstract ideal; it is a practical tool to manage diversity, promote peaceful coexistence, and ensure that no religious group dominates others in the public sphere.

**Indian vs. Western Model of Secularism**

Over the years, India has developed its unique concept of secularism that is fundamentally different from the parallel Western concept of secularism in various ways:

| Indian Secularism | Western Secularism |
|---|---|
| | |
| In India, religion and the state follow the ideal of Principled distance - the state can interfere or engage with religion (separated by a permeable wall) | In the west religion and the state are mutually exclusive (separated by an impermeable wall). |
| Origin: During the ancient Vedic period in the form of 'Dharma Nirapekshata' (indifference of State to religion or religious identity) and 'Sarva Dharma Samabhava' (the destination of the paths followed by all religions is the same). | Origin: During the European Renaissance, in response to unwarranted interference by the Church in the affairs of the State. |
| Application: Largely in a multi-religious and multi-ethnic society. | Application: Largely in a society with a single religion characterized by homogeneity. (E.g., France) |

**Indian Secularism – an analysis**

Indian secularism, though remains an ideal way of life yet it faces several counterarguments. Some argue it to be 'anti-religious' which threatens religious identity. It is said that the 'secular state' is a Western concept

unsuitable for India, even when this separation of religion and state has no universal definition. Certain concerns have been raised that Indian secularism promotes minority rights excessively. Critics also claim that secularism is interventionist that excessively interferes with religious freedom. Indian secularism is said to be a failure as it continues to foster vote bank politics, creating further divisions in the society.

Indian secularism, while being upheld as an **ideal way of life**, faces several criticisms. Some argue that it is "**anti-religious**" which threatens religious identity. Others see it as a Western concept unsuitable for India, despite the fact that the separation of religion and state has no universal definition. Concerns are often raised that Indian secularism **excessively promotes minority rights at the cost of the majority community**. Critics also highlight that it is **interventionist in nature**, leading to excessive state interference in matters of religion. Furthermore, secularism in India is often accused of fostering **vote-bank politics**, which undermines its true spirit and deepens social divisions rather than bridging them.

However, it must be noted that Indian secularism is praised for its **inclusivity and adaptability**, making it well-suited to India's diverse social fabric. Unlike the Western model of strict separation of religion and state, Indian secularism embraces and recognizes the importance of various religious practices and beliefs, while ensuring that the state does not favour any particular religion. This model supports the **protection of religious freedoms and minority rights** without compromising the integrity of secular governance.

Even the Western idea of secularism varies across countries, as seen in the examples of France and the United States. In France, secularism is enforced in a strict manner, keeping religion entirely separate from public life and state institutions. This is reflected in policies such as banning religious symbols in public schools and government buildings to ensure neutrality. In contrast, the United States follows a more flexible model of secularism. While the U.S. Constitution mandates the separation of church and state, it places greater emphasis on the freedom of religion. As a result, religious expressions in public life are permitted, including the display of religious symbols and voluntary religious activities.

Indian secularism, unlike the Western model, is not anti-religious but opposed to institutionalized religious dominance. It permits affirmative action and special provisions for marginalized communities, thereby addressing historical inequalities and fostering social harmony. This approach rests on the idea of **"principled distance,"** where the state maintains neutrality yet engages with religious communities when necessary to uphold equality and justice. Such a pragmatic model balances the diverse needs of India's multi-religious society, making secularism a vital instrument for promoting unity, peace, and stability.

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**Secularism and Indian Constitution: Assembly Debates and Supreme Court Insights**
So far, we know that the 42nd Constitutional Amendment in 1976 formally introduced the word 'secular' into the Preamble. However, even before that, the spirit of secularism was implicit in key constitutional

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guarantees such as equality before law (Article 14), non-discrimination on religious grounds (Articles 15 and 16), and the right to freedom of religion (Articles 25 to 28). These provisions ensured that religion would not be the basis for differential treatment, while simultaneously protecting individual and group religious rights.

Interestingly, the Constituent Assembly debated whether the word 'secular' should be explicitly mentioned. **Brajeshwar Prasad** moved an amendment to include the terms 'secular' and 'socialist' in the Preamble, which was rejected — not because of disagreement with the concept of secularism, but because the Assembly believed that the Constitution, in its structure and spirit, already upheld secular ideals. As one interpretation of the debates notes, the Assembly "virtually took for granted India's secular status," recognising that a republic that guarantees freedom of religion and equality under law necessarily operates within a secular framework.

Amid these debates, two visions of secularism emerged. The first model, inspired by the Western liberal tradition, and the second one proposed that the state maintain equal respect for all religions, without formally aligning with any of them. **K.M. Munshi** articulated this distinct Indian approach when he observed, "The non-establishment clause [of the U.S. Constitution] was inappropriate to Indian conditions… Our state could not possibly have a state religion, nor could a rigid line be drawn between state and church." This understanding was echoed by **H.V. Kamath,** who clarified that secularism in India did not mean irreligiosity: "A secular State is neither a God-less State nor an anti-religious State." Similarly, **Nehru and Ambedkar's** support for secularism stemmed from the ideals of justice and social equality, not hostility toward religion. Interestingly, Political theorist **Rajeev Bhargava** later gave shape to this model as one of "principled distance."

Judicial pronouncements further consolidated this philosophy. In the landmark **S.R. Bommai v. Union of India case(1994)**, the Supreme Court declared secularism to be part of the basic structure of the Constitution. The Court, in **Aruna Roy v. Union of India(2002)**, reiterated this balance: "All religions have to be treated with equal respect (Sarva Dharma Sambhav), and there has to be no discrimination on the ground of religion (Panthnirapekshata)." **In Gopalakrishnan Nair v. State of Kerala (2005**), it reaffirmed that secularism under the Indian Constitution does not imply an atheist state, but one where all religions enjoy equal status without state preference or prejudice.

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Gandhian Secularism: Communal Harmony lies with the communities themselves, but when this harmony disturbs, the state has to step in. And for this to happen state should distance itself from the religion and promote fraternity.

**Constitutional Provisions Relating to Secularism:**

> "The state doesn't owe loyalty to any particular religion as such, it is not religious or anti – religious. It gives equal freedom to all religions." - J. Gajendragadkar (Ex- CJI)

The Constituent Assembly preferred not to explicitly mention the idea of 'secularism' in the Draft of the Constitution. This was based on the premise that the Indian Constitution, implicitly, would incorporate the principles of secularism in various provisions like Fundamental Rights, Directive Principles of State Policy, Fundamental Duties, etc.

- The preamble defines the nature of the state as 'secular', added by the 42nd Amendment, 1976.
- Article 14 grants equality before the law and equal protection of laws to all.
- Article 15 enlarges the concept of secularism by prohibiting discrimination on the grounds of 'religion,' among others.
- Article 16(1) guarantees equality of opportunity to all citizens in matters of public employment and reiterates that there would be no discrimination on the basis of religion.
- Article 25 provides 'Freedom of Conscience', that is, all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion.
- Article 26 provides that every religious group or individual has the right to establish and maintain institutions for religious and charitable purposes, and to manage its own affairs in matters of religion.
- Article 27 provides that the state shall not compel any citizen to pay any taxes for the promotion or maintenance of any particular religion or religious institution.
- Article 28 allows educational institutions maintained by different religious groups to impart religious instruction.
- Articles 29 and 30 provide cultural and educational rights to minorities.
- Article 51A obliges all the citizens to promote harmony and the spirit of common brotherhood; and to value and preserve the rich heritage of our composite culture.

## IV. Democratic:

Democracy is a political virtue in which the supreme power is vested in the people, usually involving periodic free elections. The term has its origin in the Greek word 'Demokratia', wherein 'demos' means people and 'kratia' means rule. So, democracy is "rule by the people." In simplest terms, according to Abraham Lincoln: "Democracy is government of the people, by the people and for the people." The Indian constitution provides for a Representative Parliamentary Democracy under which the Executive is responsible to the Legislature and can be removed by it (PYQ 2020). The term 'democratic' is used in the Preamble in a broader sense to include Political democracy, Social democracy and Economic democracy.

Democracy is a system of governance in which the supreme power rests with the people, usually exercised through periodic free and fair elections. The word originates from the Greek term *demokratia*, where *demos* means people and *kratia* means rule, literally meaning "rule by the people." Abraham Lincoln described democracy as "government of the people, by the people, and for the people." The Constitution of India establishes a Representative Parliamentary Democracy in which the Executive is accountable to the Legislature and can be removed by it (PYQ 2020). Importantly, the term "democratic" in the Preamble has a wider connotation, as it encompasses not only political democracy but also social and economic democracy, ensuring equality and justice in all spheres of life.

> "Democracy is not merely a form of Government. It is primarily a mode of associated living, of conjoint communicated experience." - Dr. B.R. Ambedkar

**Features of Democracy:**

The defining features of democracy rest upon certain foundational principles. At its core lies the doctrine of popular sovereignty, where the supreme power resides with the people. Democracy's superior virtue lies in the fact that it calls into activity the intelligence and character of ordinary men and women (PYQ 2017). Free and fair elections form the backbone of this system. The term *free* implies that citizens can vote without fear, coercion, or undue influence, while *fair* ensures that all registered political parties enjoy equal opportunities to contest elections. In India, the Election Commission of India (ECI) plays a crucial role in safeguarding these principles by enforcing the Model Code of Conduct and ensuring transparency in electoral practices, such as through the introduction of EVMs and VVPATs. Complementing this is the principle of universal adult franchise, which upholds the ideal of political equality through the maxim "One person, one vote, one value."

Democracy also functions within the framework of limited government. In India, this is achieved through a constitutional system that limits the government within the provisions of the Constitution (PYQ 2020). The landmark Kesavananda Bharati case (1973) reinforced this by establishing the doctrine of the *basic structure*, ensuring that Parliament cannot alter the essential features of the Constitution. Mechanisms like the **Right to Information Act, 2005**, further strengthen limited government by enhancing transparency and accountability. Equally important is the rule of law, which guarantees that all citizens, including those holding authority, are subject to the same legal standards. Judicial interventions in cases like the **Indira Gandhi vs. Raj Narain (1975)** underscore the principle that even the Prime Minister is not above the law.

Supporting this framework is an independent judiciary, entrusted with upholding the Constitution and administering justice impartially. The Supreme Court's suo motu interventions on issues of environmental protection, fundamental rights, and electoral disqualifications highlight its proactive role in sustaining democracy. Another essential feature is the separation of powers, which distributes authority among the Legislature, Executive, and Judiciary to prevent concentration of power in any single organ. For example,

judicial review ensures that legislative and executive actions remain within constitutional boundaries, while parliamentary committees exercise oversight over executive policies.

Together, these principles—popular sovereignty, free and fair elections, universal franchise, limited government, rule of law, judicial independence, and separation of powers—along with their contemporary applications, form the foundational pillars of Indian democracy, ensuring both political participation and protection of individual rights.

**Types of Democracy:**

a) **Direct Democracy (Pure/ Participatory Democracy):** In a direct democracy, power is wielded directly by the people themselves, without intermediaries. Various mechanisms facilitate this direct exercise of power, including Referendum, Initiative, Recall and Plebiscite. For instance, in Switzerland, citizens regularly participate in decision-making processes through such mechanisms. In India, the Gram Sabha serves as a notable example of direct democracy, wherein citizens actively engage in local-level decision-making, contributing to grassroots governance and community development.

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**Tools of Direct Democracy:**

Direct democracy empowers citizens to directly participate in the decision-making processes, bypassing representative institutions. The key tools of direct democracy include:

1. **Referendums**: A referendum is a type of direct vote that is used to make a final decision on a specific issue or proposal. It is usually initiated by the government and is binding, which means that the results of the vote must be implemented by the government.

2. **Initiatives**: Voters can propose new laws or amendments to existing laws by gathering a required number of signatures. If the proposal meets the criteria, it is put to a public vote.

3. **Plebiscites**: A plebiscite is a type of direct vote that is used to gauge public opinion on a specific issue. It is often initiated by the government or a particular group and is non- binding, which means that the results are advisory and do not have to be implemented by the government.

4. **Recall**: This tool allows voters to remove elected officials from office before their term ends. A petition must be filed and, if successful, a recall vote is held to determine whether the official should be removed.

5. **Popular Assemblies**: Citizens gather in assemblies to discuss and make decisions on specific issues or policies. This approach is often used in local governance. Thus, enabling citizens to have a direct say in their governance and ensuring that public policies reflect the will of the people.

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**b) Indirect Democracy (Representative Democracy):** In contrast, an indirect democracy operates through elected representatives who exercise power on behalf of the people. Indirect democracy can manifest in

different forms, including Presidential systems (as that of the United States) and Parliamentary systems (like India and the UK).

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**International Day of Democracy:** Every year, on September 15, the International Day of Democracy is celebrated worldwide. This observance was established in 2007 by a resolution of the UN General Assembly, and it encourages governments to bolster and solidify democratic values. It can be traced back to the Universal Declaration on Democracy, which was formally adopted on September 15, 1997, by the Inter-Parliamentary Union (IPU).

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### Democracy in India—an analysis

In India, Democracy faces challenges in various ways. Political instability, driven by frequent elections and conflicting ideologies, often results in unstable governments, weakening democracy. The democratic process, which relies on consensus and compromise, can lead to delays in decision-making. Populism further complicates governance as representatives may prioritize short-term political gains over the long-term needs of the people. On the other hand, decision-making based on majority rule can marginalize minority rights, leading to a sense of disengagement and apathy among minority communities.

In India, democracy faces multiple challenges that test its resilience. Political instability, often arising from frequent elections, fractured mandates, and competing ideologies, can lead to weak or short-lived governments, thereby affecting policy continuity and governance. The democratic process, which depends on negotiation, consensus, and compromise, sometimes results in delayed decision-making. Populism adds another layer of complexity, as elected representatives may prioritize short-term electoral gains over long-term national interests. Moreover, decision-making based on majority rule can inadvertently marginalize minority communities, creating feelings of alienation, disengagement, and political apathy.

On top of it, the nexus between politics and corporations results in **'Crony capitalism**,' eroding public trust by undermining the rule of law. Also, lobbying by powerful groups also exerts undue influence on political parties, benefiting a select few at the expense of broader interests. The media, one of the pillars of democracy, may witness a downward spiral marked by the manipulation of news and the spread of misinformation, undermining public trust.

Despite its challenges, democracy remains the most effective form of government, as it possesses the tools to correct its own shortcomings. It safeguards individual rights, ensuring basic freedoms and personal autonomy, while providing citizens the power to elect their leaders and actively participate in decision-making. Democracy enforces accountability through mechanisms such as making the executive answerable to the legislature. Civil society, NGOs, and the media play a vital role in promoting transparency and vigilance. The peaceful transfer of power enhances stability and prevents the kind of violence often seen under monarchies.

At the core of democracy lies the idea of 'giving voice to the voiceless,' allowing citizens to express their concerns, dissent, and aspirations, thereby reinforcing both representative and participative governance.

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**Important Supreme Court Judgements - Democracy**
- Kesavananda Bharati vs. State of Kerala (1973): Propounded the Basic Structure doctrine, which upheld important features of democracy such as separation of powers, federalism and judicial review.
- S.R. Bommai vs. Union of India (1994): Only when the central government has compelling reasons, it can dismiss a state government, upholding the quasi-federal nature of the Indian democracy.
- Indira Nehru Gandhi vs. Raj Narain (1975): Reiterated the basic principle of democracy which is the rule of law.

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Strengthening democratic processes and institutions to earn public trust, promoting social and economic justice, combating corruption, and encouraging the active participation of multiple stakeholders can significantly enhance the quality of democratic governance. It is, therefore, rightly said that the ills of democracy can be cured only by more democracy, achieved through greater citizen participation, higher transparency, and more accountability.

## V. Republic:

A republic is a form of government where the head of the state is always elected directly or indirectly for a fixed period. In a republic, political sovereignty is vested in the people rather than a monarch. The term 'Republic' is derived from the Latin term 'Res Publica' – the country is a 'public matter,' not the private concern or property of the rulers.

## Historical Background of Republic:

Historically, the concept of the republic can be traced back to ancient Greece and Rome, where the idea of self-government and the rejection of monarchical rule first emerged. The modern republic, however, is largely a product of the Enlightenment and the American & French Revolutions, which challenged the divine right of kings and promoted the idea of government by the people.

Today, the modern representative democracies are organized as republics, including the United States, France, Germany, India, and Brazil, among others. The Heads of State in these countries are elected through - direct election by the populace (as in a 'Presidential republic') or by a legislative body (as in a 'Parliamentary republic'). The term "Republic" refers to a system where the head of state is not determined by heredity. It can apply not only to democratic countries but also to oligarchies, aristocracies, and other forms of government where leadership is chosen rather than inherited.

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**Foundational Principles of the Republic:**

While the specific structures and practices of republics may vary, they all share a fundamental commitment to certain values. It is based on the principle of 'Rule of law,' i.e., the laws are applied consistently and no one is above the law. All citizens, including leaders, are equally subjected to the law. In a republic, the ultimate source of political power lies with the people – 'Popular Sovereignty.' The government derives its authority from the consent of the governed, rather than from a monarch or other hereditary ruler. Moreover, citizens in a republic are encouraged to actively participate in the political process, whether through voting, advocacy, or other forms of civic engagement. Thus, it promotes 'Participative governance.'

While the specific structures and practices of republics may vary, they all share a fundamental commitment to certain values. It is based on the principle of 'Rule of law,' meaning that laws are applied consistently and no one is above them, including leaders. Political power ultimately resides with the people, reflecting the **principle of popular sovereignty**, and the government derives its authority from the consent of the governed rather than from a monarch or hereditary ruler. Citizens are encouraged to actively engage in the political process through voting, advocacy, and other forms of participation, thereby promoting 'Participative governance.'

**Republic in India:**

In India, the President is the head of the state, elected indirectly by the people. The Republic is based on the idea that every citizen has equal status. All offices, therefore, are open to all citizens. Republic Day is celebrated in India on the 26th of January each year as it marks the adoption of India's constitution and the country's transition from a dominion (1947-1950) to a Republic on January 26, 1950.

As we celebrate the 76th Republic Day in 2025, it is interesting to note that President Droupadi Murmu is the first person from the Santhal tribe to be elected to the office of President. Her ascension to the highest office in India can be seen as a testament to the success of the Indian Republic.

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**Monarchy:**

Monarchy is a political system in which there exists an undivided sovereignty or rule of a single person called a Monarch. She/He acts as the supreme authority and functions as the head of state. The position of the Monarch is hereditary in nature. For instance, the United Kingdom operates under a symbolic monarchy, where the monarch's role is largely ceremonial and symbolic rather than wielding significant political power. As the UK follows parliamentary sovereignty, the monarch is just a signing authority. Similarly, the Mughal Empire in medieval India was characterized by absolute monarchy, where the emperor held complete and unrestricted authority over the government and society.

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In essence, India's approach to statecraft reflects a unique blend of historical experience and cultural diversity. The Indian state asserts its sovereignty while embodying the aspiration for a more equitable society, ensuring that there is no discrimination and that power ultimately rests with the people through regular elections and representative governance. It represents a thoughtful response to India's complex challenges and a commitment to building a just, inclusive, and cohesive society amidst its rich diversity.

**PYQs**

**Discuss each adjective attached to the word 'Republic' in the preamble. Are they defendable in the present circumstances ? PYQ 2016**

*Approach: In the introduction, briefly define what republic means and its linkage with the Indian Preamble. In the body part, discuss briefly the significance of the adjectives attached to the word republic in the preamble, also discuss their defensibility in the present circumstances and the challenges encountered in enforcing the same. In conclusion, highlight the role of vigilant institutions and active citizenry in ensuring India a true republic.*

The Preamble, referred to as the **"identity card of the Constitution"** by the SC (Kesavananda Bharati, 1973), proclaims India as a **Sovereign, Socialist, Secular, Democratic Republic**—a polity where the Head of State is elected and power rests with the people.

India's republic character is shaped by the following constitutional ideals enshrined in the Preamble:

| Adjectives | Manifestation | Challenges encountered |
|---|---|---|
| **Sovereign:**<br>a) Sovereignty implies that India exercises **external independence** in domestic and foreign affairs.<br>b) It has been recognized as part of the **basic structure** in Kesavananda Bharati Case (1973). | a) Exhibited **strategic autonomy in foreign policy** (e.g., oil imports from Russia despite Western sanctions).<br>b) Asserted **sovereign control over national security** through decisive counter-terrorism responses (e.g., Operation Sindoor, 2025) & **handling border disputes** (e.g., Doklam stand-off with China in 2017).<br>c) **Active multilateral role & leadership** in global governance (e.g., India's G20 Presidency 2023 | a) **Import dependence** in strategic sectors (e.g., crude oil, critical minerals).<br>b) **Global institutional commitments** compelling alignment of **India's policies with external benchmarks** (e.g., adherence to Paris Climate Agreement, SPS measures).<br>c) Persistent internal disintegration threats (e.g., **secessionist demands** for Khalistan, Nagalim etc.). |

| | & championing Global South agenda). | |
|---|---|---|
| **Socialist:**<br>a) This term was added through **42nd Constitutional Amendment (1976).**<br>b) It seeks to reduce **socio-economic inequalities** and ensure distributive justice.<br>c) It has been interpreted as "**welfare orientation** within **mixed economy**" in Excel Wear v. UoI (1979). | a) Its utility is seen in **welfare programmes** demonstrating India's commitment to **social justice** (e.g., MGNREGA, PM GKAY).<br>b) Expanding **social sector spending** supports its adoption in India (e.g., Education allocation ~ 2.1% of GDP, 2024-25).<br>c) Reflects **redistributive equity** through affirmative action (e.g., 103rd AA, 2019 - EWS quota). | a) **Inequality still persists** i.e. top 1% hold over 40% wealth (Oxfam Inequality Report 2023).<br>b) **Jobless growth,** unemployment and **agrarian distress** undermine socio-economic justice.<br>c) **Social welfare leakages and targeting errors** (CAG report on PM-Kisan, 2022). |
| **Secular:**<br>a) In Indian context, it means - State maintains a neutral stance towards all religions and guarantees **equal protection of all religions** & freedom of conscience (Articles 25–28).<br>b)It has been declared as **part of basic structure** in S.R. Bommai v. Union of India (1994).<br>c) Further, the **"Principled distance" doctrine** has been upheld in Aruna Roy v. UoI (2002) in this context. | a) Laws like **Places of Worship Act (1991)** uphold religious neutrality. Awarding of land for mosque in Ayodhya case by SC, shows India's secular commitment.<br>b) SC stance against **communal appeals in elections** (Abhiram Singh v. C.D. Commachen, 2017).<br>c) Government **protection of minority institutions** under Article 30). | a) **Rising communal polarisation and violence** seen in incidents like Cow vigilantism, religious intolerance (NCRB 2023 ~2,200 communal incidents in the past 5 years).<br>b) **Political mobilisation** on religious lines dilutes neutrality.<br>c) **Judicial pendency** on sensitive issues risks communal flare-ups(e.g., Gyanvapi, Mathura disputes). |
| **Democratic**<br>a) Democracy signifies a **political system** where the government is **of the people,** | a) 2024 General Elections—the world's largest, with ~67% voter turnout— demonstrate **mass participation & spirit of** | a) **Opacity in political funding** (e.g., striking down of Electoral bonds by SC, 2024) & questions on media freedom. |

| | | |
|---|---|---|
| **by the people & for the people.**<br>**b) Regular free & fair elections** through universal adult franchise (Article 326) ensures sustenance.<br>c) Upheld as **part of basic structure** in Indira Gandhi v. Raj Narain (1975). | democracy.<br>b) Vibrant civil society and free press **check state power** (RTI Act, 2005).<br>c) **Grassroots democracy deepened** via 73rd & 74th Constitutional Amendments. | b) **Criminalisation of politics** (e.g., over 40% MPs have declared criminal cases - ADR Report, 2024).<br>c) Weak **intra-party democracy** and **anti-defection** provisions dilute true representation. |

Tackling the above challenges requires **vigilant institutions and an active citizenry** that together uphold the Preamble's promise. Only then can India's identity as a Sovereign, Socialist, Secular, Democratic Republic and move beyond **constitutional text to lived reality**.

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**SC** – Supreme Court, **SPS** – Sanitary and Phytosanitary, **MGNREGA** – Mahatma Gandhi National Rural Employment Guarantee Act, **PMGKAY** – Pradhan Mantri Garib Kalyan Anna Yojana, **GDP** – Gross Domestic Product, **EWS** – Economically Weaker Sections, **103rd AA, 2019** – One Hundred and Third Constitutional Amendment Act, 2019, **CAG** – Comptroller and Auditor General, **PM-KISAN** – Pradhan Mantri Kisan Samman Nidhi, **UoI** – Union of India, **NCRB** – National Crime Records Bureau, **MPs** – Members of Parliament, **ADR** – Association for Democratic Reforms.

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**Forum Learning Centre**: Delhi - Plot No. 36, 4th Floor (Above Kalyan Jewellers) Pusa Road, Karol Bagh, New Delhi - 110005 | Patna - 2nd floor, AG Palace, E Boring Canal Road, Patna, Bihar 800001 | Hyderabad - 1st & 2nd Floor, SM Plaza, RTC X Rd, Indira Park Road, Jawahar Nagar, Hyderabad, Telangana 500020
9311740400, 9311740900 | https://academy.forumias.com | admissions@forumias.academy | helpdesk@forumias.academy

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