

Bill No. LXV of 2025

THE CONSTITUTION (AMENDMENT) BILL, 2025

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In the Preamble to the Constitution, the words "SOCIALIST" and "SECULAR" shall be omitted.
3. Nothing in this Act shall affect the operation of any provision of the Constitution, unless explicitly amended by Parliament in exercise of its constituent power under article 368.

Short title and commencement.

Amendment of the Preamble.

Act not to affect operation of any provision of the Constitution.

STATEMENT OF OBJECTS AND REASONS

The purpose of this Bill is to omit the words 'Socialist' and 'Secular' from the Preamble to the Constitution of India, which were added by way of the Constitution (Forty-second Amendment) Act, 1976. This Bill seeks to correct the apparent violation of democratic standards and to restore the original, unaltered Preamble adopted by the Constituent Assembly on November 26, 1949 and its constitutional validity in accordance with the original vision of the founding fathers of the Constitution and to address the deep ideological tensions that were triggered during the Emergency period.

The Forty-second Amendment, commonly referred to as the 'Mini Constitution', was enacted in 1976 during a time when the country was placed under a state of Emergency when civil liberties were suspended, and most of the leaders of the opposition were imprisoned. The said amendment was passed by the Parliament expeditiously leading to widespread concerns about its implications. The apparent arbitrariness of this process, the absence of opposition dissent and the imprisonment of leaders have raised questions about its constitutional validity and the sanctity of the democratic process to this day.

The words 'Socialist' and 'Secular' were not in the original Preamble and this was a reasoned priority of the founding fathers of the Constitution. The founding father of the Constitution, Dr. B. R. Ambedkar, clearly opposed the inclusion of the term "Socialist", stating that it would "completely destroy democracy", as it would bind the future generations to a particular economic ideology and deprive them of the freedom to choose their own paths according to time and circumstances. Similarly, he considered the term "Secular" unnecessary, as the fundamental structure of the Constitution had already ensured the religious freedom and the neutrality of the State in Articles 25 to 28. The Preamble was a fundamental principle declaration, not a code bound by any rigid ideological framework. Thus, omission of these words would be a sign of respect towards the original intent and vision of the Constituent Assembly.

It is also significant that even in the absence of these words in the Constitution, it had clearly incorporated the principles of protecting the rights of the minorities, and ensuring religious freedom, and economic justice. From the very beginning, the values of liberty, equality, justice, and fraternity have been at the core of the Preamble and the Constitution. Therefore, it is reasonable to say that the Constitution was inclusive and equitable even without these additional words.

"Socialism" and "Secularism" are often considered western concepts that do not align with cultural and civilisational traditions of India. India's religious perspective is based on the principle of '*Sarva Dharma Samabhava*', which reflects a sense of equal respect for every religion, rather than the necessity of complete separation of religion from the State. In the Indian tradition, religion has been an integral part of life, not an element that should be completely separated from public life. After the addition of the term 'Secular', a misconception arose that the State has to maintain distance from all religious activities, which is contrary to the spirit of the Indian tradition.

Similarly, the Indian version of socialism turned into a system of government control, subsidy-based arrangements, and a bureaucratic mechanism, which stifled the possibilities of innovation, competition, and private initiative. It could neither eradicate poverty nor mitigate economic inequality. Instead, it gave birth to a corrupt and inefficient system. In contrast, Indian economic concepts such as Gandhian 'trusteeship' have been based upon service, obligation, and community welfare.

The addition of these words has led to criticism as promoting 'artificial secularism' and 'politics of appeasement'. Removal of these words will allow India to redefine its national identity and guiding principles based on its own cultural and philosophical heritage.

The addition of these words through the 42nd amendment was an apparent violation of democratic ideals. Through this Bill, the Parliament can send a clear message that constitutional amendments should only be made through free and fair democratic deliberations and not as a tool for centralization of power or authoritarian tendencies.

Though, the Hon'ble Supreme Court of India has held 'Secularism' and 'Socialism' as part of the basic structure of the Constitution, as seen in the rulings such as *Kesavananda Bharati vs. State of Kerala* (1973) and the recent *Dr. Balaram Singh vs. Union of India* (2024), this Bill is a strong assertion of the legislative sovereignty of the Parliament. This gives the judiciary an opportunity to review whether any principle could be part of that "Basic Structure" which has been added to the Constitution through an apparent undemocratic process, while democracy itself is the fundamental basis of the basic structure. This legislative initiative simultaneously challenges the judicial concepts and also demonstrates that the will of Parliament is the highest constitutional expression in a democracy.

Hence, this Bill.

BHIM SINGH.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

RAJYA SABHA

A

BILL

further to amend the Constitution of India.

(Dr. Bhim Singh, M.P.)