
‘SOCIALIST’ SAILING INTO THE CONSTITUTION OF INDIA – A POLITICO-LEGAL NARRATIVE*

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ABSTRACT

The Preamble of the Constitution of India, as on the day of enactment and adoption, declared India as ‘Sovereign, Democratic, Republic’, though the voice for socialism was strongly echoing in the Constituent Assembly at the time of making of the Constitution. Great socialist thinkers, who were earnestly committed to rebuild Indian society on socialist lines, and to bring about socio economic revolution in Indian society, considered it as the only best option to lead the nation to achieve the goal of ‘growth with justice’. It took nearly three decades for the term ‘socialist’ to find its way into the Preamble as one of the guiding stars of governance. It was a history filled with interesting and significant politico-legal events ultimately changing India into a ‘Sovereign, Socialist, Secular, Democratic, Republic’.

The object of the research paper is to throw light upon the constitutional developments that led to the major change. It traces the reasons for conscious omission to include the term ‘socialist’ in the preamble of the Constitution initially and the reasons for conscious inclusion of the same after more than a quarter century of the working of the Constitution. It highlights the fact that the events leading to insertion of the word ‘socialist’ in the preamble is nothing but a long story of Constitutional battle between the executive and the legislature on one side and the judiciary on the other. It was a story of Fundamental Rights vs. Directive Principles of State Policy and a tug of war between Judicial Review and Parliamentary Supremacy. The scope of the paper is limited to the constitutional partnership of three organs of the state *vis-a-vis* land and industrial reforms up to forty-fourth amendment of the Constitution, and not beyond that.

Keywords: Socialism, Socialist, Preamble, Fundamental Rights v. Directive Principles of State Policy, Judicial Review v. Parliamentary supremacy.

* The gist of the research paper is derived from the doctorate thesis of the author, with a view to share the knowledge on the fundamental aspects of the development of the law of the land, the Constitution of India.

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INTRODUCTION

On the eve of independence, India was infested with mass poverty, absentee landlordism, subsistence agriculture, social inequality, crippled economy and semi-feudal industrial structure. This situation warranted a stable polity with a commitment to bring about an egalitarian society wherein social and economic justice would form the core values of governance. It was widely realized that independence which ensured freedom from political slavery would not be meaningful unless it contributes for freedom from economic servitude and social pathologies. To quote Nehru,

*"I see no way of ending the poverty, the vast unemployment, the degradation and the subjection of the Indian people, except through socialism that involves vast and revolutionary changes in the feudal and autocratic Indian state system ... In short, it means a new civilization radically different from the present capitalist order."*¹

Despite the political will, there were many barriers that prevented the framers of the constitution to expressly include 'socialism' in the Preamble. Ultimately the barriers were dismantled and India was declared as a 'Sovereign, Socialist, Secular, Democratic, Republic'. The present paper highlights the situational background of the country on the eve of independence, the determination of the leaders to shape India's constitution as law of the land, the debates that took place within the Constituent Assembly on the need to proceed in the path of socialism and the Constitutional developments that led to include the term 'Socialist' in the preamble. The whole discussion revolves round the land reform legislations and the right to property post-Independence.

The Constituent Assembly Debates on adoption of the word 'Socialism' in the Preamble of the Constitution²

The past experiences become the guiding stars for future plans. Jennings Ivor, a great British academician and an expert in Constitutional Law wrote: "All Constitutions are the heirs of the past as well as testators of the future."³ It is absolutely true in the framing of India's

¹ B. C. Rout, *Nehru's Views on Secularism, Socialism and Democracy*, [ed.] Jagadish P. Sharma, *Nehru and the people's movement*, Manak Publications, New Delhi, (1991), p. 21.

² Constituent Assembly Debates, Vol. I, II and III

³ Jennings Ivor, *Some Characteristics of the Indian Constitution*, OUP, Bombay, (1953), p. 56.

Constitution. The disastrous effects of British imperialism had its sway on political, economic and social situation. Constant drain of Indian wealth, total ruin of Indian industries and complete destruction of village economy had left Indians physically and morally destituted. In this historical background, the mind set of almost all the prominent leaders of nationalist movement who found their way to Constituent Assembly through people's mandate to draft the Constitution was tuned to the noble philosophy of socio-economic justice. All the members were acquainted with the socialist movements that had grown into a big tree with many branches along with the growth of nationalist movement in India. They were also well acquainted with the plight of the then existing shattered economy, wherein millions of Indians were starving and living semi-naked. It was the time when the clarion calls of the philosophers of Russian and French revolutions, preaching 'socio-economic and political justice' and 'equality and liberty' respectively were vibrating the international arena, having its impact on Indian soil. In this backdrop, the founding members of the Constitution, with a commitment to secure to all socio, economic and political justice and to build up an egalitarian society, initiated the herculean task of framing of the Constitution for a free India. Addressing the Assembly, Nehru said:

*"The task of this Assembly is to free India through a new Constitution, to feed the starving people, and clothe the naked masses and to give every Indian the fullest opportunity to develop himself according to his capacity"*⁴.

K. Santhanam, one of the stalwarts of Indian national movement and a member of fourth estate, made a reference to three revolutions - the Political Revolution to end with independence, the Social Revolution to free India from social inequalities and the Economic Revolution to transform the primitive Indian rural economy to scientific and planning agriculture and industry⁵. Such views were held by many more in the Assembly. The reason was that most of the members were socialists by themselves but of distinct varieties like Fabian socialists, Gandhian socialists, Marxists, Humanists, Democratic socialists and Radicals, each one with his own definition of 'Socialism'.

It was the time when the British-pampered industrial capitalism was raising its head having the potentiality of class conflict, in terms of Marxist analysis. Labour and trade unionism

⁴ Constituent Assembly Debates, Vol II p. 316.

⁵ K. Santhanam, The Hindustan Times, 8th September, 1946, New Delhi.

was making a swift entry into Indian Industrial Sector. The global socialist movements like Fabianism, Syndicalism, Communism and Radicalism were emerging simultaneously. In the background of such an intellectual, ideological and emotional commitment to good governance, the constitutional vision of socialism emanated. The debates relating to insertion of the word 'socialism' started as follows:

Maulana Hasrat Mohani suggested that in the Preamble, for the expression 'Sovereign Democratic Republic', the expression 'Union of Indian Socialist Republics to be called UISR, on the line of USSR' be substituted.

Dr Rajendra Prasad, as Chair Person, asked Maulana:

"Do you really suggest that the Constitution we have passed is on the line of USSR?"

It echoed the sense of the House that the suggested amendment was inconsistent with the whole Constitution, the Assembly had passed. At the end, this amendment was negated.

Prof. Shibban Lal Saxena suggested the following Preamble to be adopted and moved a resolution -

*"We, the People of Bharat, having solemnly resolved to constitute Bharat into a Sovereign, Independent, Democratic, **Socialist 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 and freedom of the individual."

Shri Brajeshwar Prasad moved an amendment for adopting the following Preamble:

*"We the People of India, having resolved to constitute India into a **Secular Cooperative Commonwealth** to establish **Socialist Order** and to secure to all its citizens*

1. an adequate means of *Livelihood*
2. *Free and Compulsory Education*

3. *Free Medical Aid*
 4. *Compulsory Military Training*
- do hereby ordain and establish this Constitution
for India".*

When Dr. P.S. Deshmukh asked a sarcastic question – “What about a camel and motorcycle?” Shri Brajeshwar Prasad replied – “It is for you to suggest those things.”

K.T. Shah moved an amendment for the inclusion of the word ‘socialist’ in the preamble but it was also rejected by Dr. Ambedkar on the ground that -

“The expression ‘Socialist’ is vague and would mean different things to different persons. Moreover, the inclusion of this word in the preamble seemed to be superfluous because a republic in which there is social, political and economic justice is undoubtedly socialist”.

During the discussion, Mr. Alladi Krishna Swamy Ayyar pointed out that the Constitution was not committed to any particular economic reorganization of society, and that the people of India were free to modify the economic conditions designed for their betterment. K. Santhanam, another member, responding to the demand for a ‘Socialist State’ said that there was nothing in the Constitution to prevent the people of India from enforcing a fully socialist republic, but the Constitution was an inappropriate place for the incorporation of party slogans⁶.

Taking into account these and similar sentiments, it appears that when the Constitution was originally framed, there were two channels of thinking: one group consisting of Nehru, Moulana Mohani, Shibban Lal Saxena, Brijeshwar Prasad and others insisting for specific mention of the word ‘socialist’ in the preamble, the second group consisting of Alladi Krishnaswamy, Santhanam, Patel and others for specific non-inclusion. Ultimately, it was considered not necessary to declare India as a ‘socialist republic’ expressly. Thus, the preamble as on the day of enactment and adoption stood as follows:

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

⁶ B. Shiva Rao, *The Framing of India's Constitution-A Study*, p. 837.

social, economic and political; LIBERTY, of thought, belief, faith and worship; EQUALITY of status and opportunity; and promote among them all; FRATERNITY assuring the dignity of the individual and the unity of the Nations; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do hereby ADOPT, ENACT AND GIVE OURSELVES THIS CONSTITUTION.

The circumstances leading to insertion of the word ‘socialist’ in the preamble by bringing out the Constitution (Forty-Second Amendment) Act of 1976 during Mrs. Indira Gandhi’s period is nothing but a politico-legal narrative of constitutional developments that took place between 1950 and 1976.

The Constitutional developments that led to include the term ‘Socialist’ in the preamble⁷

Though the word ‘socialist’ could not be incorporated into the Preamble, for reasons discussed, the socialist principles were widely seen into the Preamble, some of the Fundamental Rights and the entire gamut of Directive Principles of State Policy. To begin with, the Objective resolution⁸ moved by Pt. Nehru on December 13, 1946 was a declaration of dedication for socio-economic justice, the corner stone of Indian breed of democratic socialism⁹. The later addition of the expression ‘socialist’ in the preamble in 1976, reflected political compulsions of the then government.

Post independence, the period between 1950-76 witnessed a long story of constitutional battle and the subject matter was property. ‘Right to Property’ occupies a special place in the socialist history of India. No other right has been subjected to so much controversy while implementing socialist measures in agrarian and industrial relations. When the Constitution was framed, right to property was recognized as a fundamental right under Arts. 19 (1) (f)¹⁰ and 31(1)¹¹. They gave protection to the property holders against State’s arbitrary power to appropriate their property for either public use or private use. Simultaneously, Art. 38¹² was incorporated as a significant directive principle of State

⁸ “The constituent assembly declares its firm and solemn resolve to proclaim India as an independent sovereign republic and to draw up for her future governance a Constitution..... (5): wherein shall be guaranteed and secured to all the people of India, Justice, Social, Economic and Political”

⁹ The adjective ‘democratic’ sharply distinguishes it from socialism practiced in Totalitarian economies.

¹⁰ Provides freedom to citizens to acquire, hold and dispose of their property within the territory of India.

¹¹ No person shall be deprived of his property save by authority of law.

¹² 38 (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 national life.

Policy, suggesting that the state shall take all steps to prevent concentration of economic power and to bring down the inequality in distribution of wealth. While the government and the legislature were committed to bring about distributive justice, through nationalization of industries and banks, Zamindari Abolition Act, Land Ceiling Acts and other land reforms, the property owners apprehended that their fundamental right to property was violated. Thus, the question arose whether right to property would prevail over DPSP or vice versa. When cases reached the courts, the judiciary heavily leaned in favor of the democratic values of individuals' right to property resulting in amendments to the constitution by the parliament. The 1st, the 4th, the 17th, the 23rd, the 24th, the 25th, the 26th, 29th and the 42nd constitutional amendments speak out the tug of war between the executive and the judiciary, both committed to save the constitution. The first and the fourth Amendments took place during Nehru's period and the remaining amendments were carried out during Indira Gandhi's period.

The Constitution (First Amendment) Act 1951

All started with *Kameswar Singh Vs. State of Bihar*,¹³ when the Bihar State legislation on abolition of zamindari was challenged in the Patna High Court. Similar State laws were under challenge¹⁴ in other High Courts and there was an apprehension that the implementation of the program of abolition of zamindars would be delayed. Hence Parliament enacted the Constitution (First Amendment) Act in 1951, which added two new Articles 31A and 31B and the ninth schedule to the Constitution in order to make laws acquiring zamindaries immune from challenge in the courts of Law. Notwithstanding this amendment, the Supreme Court on appeal from various high courts, declared those Acts unconstitutional on the grounds of the quantum of compensation, the ceiling limits, the principles determining the compensation and the concepts of 'public purpose'¹⁵ and 'equal protection of law'.

The Constitution (Fourth Amendment) Act 1955

Following land reform cases, many more cases followed, filed by property and industry

38 (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 among groups of people residing in different areas or engaged in different vocations

¹³ AIR 1954, SC 392

¹⁴ *Surajpal v. U.P. Government*, AIR 1951 All 674; *State of Bihar v. Kameswar*, AIR 1952 SC 252: 1952 SCR 889; *Visheswar v. State of U.P.*, AIR 1952 SC 427.

¹⁵ State can acquire any private property and the acquisition will be justified if it is for public use

owners. *St of WB v. Mrs. Bella Banerjee & Ors*,¹⁶ and *St of WB v. Subodh Gopal Bose*¹⁷ regarding inadequacy of compensation as violating Arts. 19 (1)(f) and 31(2), *Dwarakdas of Bombay v. Sholapur Spinning Mills*,¹⁸ relating to ‘taking over of company’ and *Saghir Ahmed v. St of UP*,¹⁹ relating to ‘nationalization of bus routes’ were all decided in 1954 against Government’s policy towards social revolution. Judicial insistence of paying full market value for the property acquired was considered as burdensome by the infant republic which was to carry out the various socio-economic programs. Hence in 1955, the Constitution was amended by the Constitution (Fourth Amendment) Act with a view to keep the question of adequacy of compensation non-justiciable and to amend Art. 305 to clarify the position with regard to State Monopoly.²⁰ It was accompanied with Nehru’s Avadi Resolution, 1955 wherein he declared ‘Socialistic Pattern of Society’ as the economic goal of Indian governance, thereby, according an ‘official status’ to socialism.

The Constitution (Seventeenth Amendment) Act 1965

Following the court’s decision in *Kochuni v. State of Madras*,²¹ *Kunhikoman v. State of Kerala*²² and *Purushotham Namboodri v. State of Kerala*²³ a complete umbrella to property rights in matters of restriction, deprivation, acquisition and requisition”.²⁴ It was not a smooth passage for the Government to bring about the intended reforms in the country and hence Nehru moved the seventeenth amendment amidst great protest from the opposition. With his death in the meanwhile in 1964, Nehruvian era ended. With great difficulty, the seventeenth amendment was made in 1965, expanding the ninth schedule to include 64 more State Land reform legislations.

The Constitution (Twenty-fourth Amendment) Act 1971

The conflicting pattern of judicial decision in relation to property rights became more evident, during the post seventeenth amendment era, in at least three important cases namely

¹⁶ AIR 1954 SC 170: 1954 SC 558

¹⁷ (1954) 1 SCR 587.

¹⁸ AIR 1954 SC 119

¹⁹ AIR 1954 SC 728

²⁰ Laws relating to total or partial exclusion of citizens from any trade, business or occupation should not be questioned with ref. to Art. 301.

²¹ AIR 1960 SC 1080: (1960)3 SCR 887.

²² AIR 1962 SC 723: 1962 Supp. 1 SCR 829.

²³ AIR 1962, SC 694

²⁴ V.S. Rekhi, *The Kochuni Decision: A Rejoinder*, Journal of the Indian Law Institute, Vol. 8, p. 111.

Vajravelu,²⁵ *Metal Corporation*²⁶ and *Golak Nath*.²⁷ In the *Vajravelu*, the apex court introduced the concept of ‘colourable legislation’, meaning that ‘the legislature has transgressed its legislative powers in a convert or indirect manner and it adopted a device to out-step the limits of its power’. In *Metal Corporation case*, the Supreme Court struck down as unconstitutional the Metal Corporation of India (Acquisition of Undertakings) Act of 1965 which was passed with a view to acquiring in the public interest a business undertaking of the Metal Corporation of India. In *Golak Nath*’s case, which is another land mark judgement in the Constitutional history of socialism, the petitioner challenged the Punjab Land Tenure Act as violative of Art 14 and 19(1)(f) and (g), the power of the parliament to amend the Fundamental Rights and the validity of 1st, 4th and 17th amendments to the Constitution made by the Parliament. The Supreme Court pointed out that the Constitution 1st, 4th and 17th amendments abridged the scope of Fundamental Rights, especially the right to property, and were, therefore, invalid. However, the Supreme Court invoked the doctrine of ‘prospective overruling’ and said that ‘because these Amendments have regarded as valid in the past and had served as the basis for a redistribution of rights in land, they would be accepted as operative. The Parliament would have no power from the date of this decision to amend any provision of Part III so as to take away or abridge the Fundamental Rights enshrined therein’. This decision of Supreme Court invoked heated debate and provoked the Government to pass the Constitution 24th Amendment Act 1955 which gave the Parliament full constituent power for ‘addition’, ‘variation’ or ‘repeal’ and nullified the decision rendered in *Golak Nath*’s case.

The Constitution (Twenty-fifth Amendment) Act 1971

During Indira Gandhi’s period, 14 commercial banks were nationalized as a measure of socialist transformation and it was challenged in *R.C. Cooper v. UOI*,²⁸ as violative of Articles 14, 19(1)(f) and (g), 31(2) and 301 on the grounds of illegal take-over, inadequate payment of compensation and lack of legislative competency. The Supreme Court by a majority of ten judges to one (Ray J. dissenting) declared the Banking Companies (Acquisition and Transfer of Undertakings) Act 1969 as entirely void. This ruling undoubtedly created problems for the government led by Mrs. Gandhi and she wasted no

²⁵ *P. Vajravelu Mudaliar v. Special Deputy Collector, Madras*, AIR 1965 SC 1017: (1961) SCR 614.

²⁶ *Union of India v. Metal Corporation of India Ltd.*, AIR 1967 SC 637: (1967)1 SCR 255

²⁷ *Golaknath v. State of Punjab*, AIR 1967 SC 1643: (1967)2 SCR 762.

²⁸ AIR 1970 SC 564.

time in bringing about the (Constitution Twenty-Fifth Amendment) Act 1971, which made it clear that the Fundamental Rights, particularly property rights, did not stand in the way of implementing the Directive Principles of State Policy. Under this Amendment, Art. 31C was added, which provided any law giving effect to Directive Principles of State Policy in Art. 39 (b & c) is not void on the ground of violation of Art. 16, 19 and 31 thereby barring Judicial Review.

24th and 25th Amendments successfully cleared the way for large scale nationalization of hundreds of industries. There was a strong current in socialist directions.

The Constitution (Twenty-sixth Amendment) Act 1971

As one more step in the direction of leveling the economic inequality and impelled by a strong public demand, the government abolished privy purses and other privileges granted to erstwhile rulers of the princely states under the treaty of accession with Indian Union through a Presidential Ordinance. It was challenged in *Madhava Rao Scindia v. UOI*,²⁹ in which the majority of the court held that ruler ship is not a privilege that the President, at his discretion, was entitled to bestow or withdraw and Privy Purse is the property and therefore, it could not be taken away merely by an executive order, and hence declared it as illegal and unconstitutional, violating the Arts. 19(1)(f), 21 and 31(1) of the Constitution. To nullify the said decision, the Constitution (Twenty-Sixth Amendment) Act, 1971 was passed.

The subsequent year, the Constitution Twenty-Ninth Amendment Act, 1972 came into force, placing the Kerala Land Reforms Act in the Ninth Schedule of the Constitution.

The Constitution (Forty-second Amendment) Act 1976

Challenging the previous 24th, 25th, 26th and 29th Constitutional Amendments, a batch of writ petitions were filed in the Supreme Court by His Holiness Keshavananda Bharathi and others which later on came to be known as the famous *Keshavananda Bharathi Case*,³⁰ milestone in the constitutional history of India. All the Constitutional amendments were reviewed in this case. The Court heard the arguments for sixty-nine days spread over five months. The largest Bench sat for the longest time to decide on issues that were important not merely for

²⁹ (1971) 3 SCR 9

³⁰ *His Holiness Keshavananda Bharathi v. State of Kerala*, 1973, Supp. SCR 1.

the future of this country but for the future of socialism and democracy too. The judgement covered 700 closely printed pages in the official report. Six Judges decided the case in favour of the citizen and six in favour of the State. Justice Khanna agreed with none of the twelve judges and took a position midway between the two conflicting views. The most famous doctrine of 'Basic structure of the Constitution' was evolved and he held that the power of amendment was not limited but it did not enable Parliament to alter the basic structure or framework of the Constitution.³¹

Not willing to accept the basic structure doctrine, which is a fetter on the power of the parliament, a review petition was filed but due to political pressure, it was withdrawn. The government took all measures to see that the constitutional obligation of governing the country on the socialist pattern comes to reality. Towards that determination, the 42nd amendment was brought in with many changes.

The Statement of Objects and Reasons to the Forty-Second Amendment states:

*"The question of amending the Constitution for removing the difficulties which had arisen in achieving the objective of socio-economic revolution, which would end poverty and ignorance and disease and inequality of opportunity, had been engaging the active attention of the Government and the public for some years. The democratic institutions provided in the Constitution had been subjected to considerable stresses and strains and vested interests had been trying to promote their selfish ends to the great detriment of public goods. It was, therefore, considered necessary to amend the Constitution to spell out expressly the high ideals of socialism and the integrity of the nation, to make the Directive Principles more comprehensive and give them precedence over those fundamental rights which had been relied upon to frustrate socio-economic reforms for implementing the Directive Principles."*³²

Shri H.R. Gokhale, the then Minister of Law, Justice and Company Affairs, moving the amendment on October 25, 1976 said –

³¹ Gobind Das, *The Supreme Court: An Overview*, Essay in Honour of the Supreme Court of India. p. 22

³² Lok Sabha Debates (Vol. 65), p. 58.

“We are a sovereign democratic republic. Now we have a proposal to introduce the words, ‘socialism’ and ‘secularism’ in addition to the existing words. This is not a play of words. Because, everyone realizes, ... that the Preamble is the key to the whole Constitution when we interpret the Constitution, its letter, its provision. ... Even courts have taken note of the fact that the Preamble, being the key to the Constitution, is something which you cannot ignore as an expression, as a desire made by Parliament or a legislative body. Therefore, the objectives which we had always in view, namely, socialism and secularism, which we have tried to implement, will be more and more implemented and will be more accurately and correctly reflected in a basic part of our Constitution, namely, the Preamble.”³³

Ultimately, the amendment was passed by a thumping majority of 366 ayes against 4 noes. The words in the Preamble ‘sovereign democratic republic’ were replaced by the words ‘sovereign, **socialist**, secular, democratic republic’.

The Constitution (Forty-fourth Amendment) Act, 1978

It was a concrete legislative step taken by the parliament to bring about an egalitarian society. Under the Amendment, Art. 19(1)(f) and Art. 31(1-6) were deleted and Art. 31(1) was incorporated verbatim in a new Art. 300-A in a new chapter, ‘Chapter IV Right to Property’. The effect is that, the right to property ceased to be a Fundamental Right and it is now constitutionally recognized as a legal right on par with other rights under trade and commerce. Legally speaking, the only difference between Fundamental Rights and a non-fundamental constitutional right is that in case of violation of the former, one can move directly the Supreme Court under Art. 32 for a remedy, whereas in case of the latter it is not so. However, the remedy under Art. 226 is still available.

CONCLUSION

The constitutional journey of ‘socialism’ is full of ups and downs, confrontations and compromises and success and failures. From the beginning of presenting the Objectives

³³ *Ibid.*

Resolution, there was a debate whether to include ‘socialism’ in it or not. It was omitted because of Patel’s deference to Nehru’s inclination to include. Later, while framing the Preamble, the same debate arose for the second time and it was deliberately denied an express constitutional status on the reasoning that it was an ideology affiliated to the political party, Indian National Congress. But it was justified on the ground that when Directive Principles of State Policy are socialist in nature, there was no need to mention ‘socialism’ specifically in the Preamble. For the second time, it lost its opportunity.

After coming into force of the Constitution, land acquisition and nationalization measures were tried to be implemented under the garb of socialist transformation. The judiciary declined to recognise its significance and incidentally favoured the capitalist structure of economy by nullifying the socialist measures. For the third time, ‘socialism’ lost the case but it was before the judicial ordeal. The credit goes to Mrs. Indira Gandhi, the third Prime Minister of India for providing a dignified constitutional status to the term ‘socialism’ through the Constitution (42nd Amendment) Act, 1976, under which it was adumbrated into the Preamble.

During this period between 1950-1976, the work of the legislature was reviewed by the Courts and the work of the Court was, in turn, reacted upon by the legislature. Judicial activism in the form of nullification was countered by legislative activism in the form of amendments to the Constitution. The basic assumptions were that the judiciary did not repose faith on the legislative wisdom and the executive’s commitment to establish socialistic pattern of society and suspected them as deprivers of personal liberties and properties under the guise of public interest, without following reasonable procedures. The legislature and the executive, on the other hand regarded the judiciary as clogs in the wheels of progress. This confrontation also reveals an important fact that the Constitutional priorities for the government and the judiciary were not the same during the initial years of independence. While the government gave priority to Directive Principles of State Policy, the judiciary considered fundamental right to property as sacrosanct.

Nevertheless, ‘Socialism’ is both an objective to be achieved and an instrument to be pursued. It is an objective because ‘socialism’ is nothing but socio-economic justice referred to as one of the four goals aspired to be achieved by the Constitution of India. It is an instrument because socialist goal cannot be achieved through non-socialist means.

The Constitution of India has stood the challenges of time on many issues and resurfaced itself with new vigour and added charm. One of the challenges that it is facing today is the non-socialist industrial developments, in the name of new economic policy of 1991, impelled by pro-capitalist waves of globalization. It has necessitated paradigm shifts in the role of the State, in the equilibrium of mixed economy and in the pro-labour industrial jurisprudence. It has refueled the rise of “East India Company Syndrome.³⁴ The term ‘socialism’ is in the verge of requiring redefinition. Certain Indians who are impatient with such developments start finding fault with the constitutional vision of socialism – as ‘becoming redundant’, and put forth their arguments questioning the very existence of the term ‘socialist’ in the preamble. Calls to remove the terms ‘socialist’ and ‘secular, which were not part of the constitution, from the Preamble is resurfacing time and again. But the undeniable truth is that, as long as Directive Principles of State Policy constitute one of the cornerstones of Indian Constitution, and a guiding star of governance, State must be under constitutional obligation to perform its effective role in ensuring Directive Principles of State Policy to work, globally acclaimed as the great socialist charter, indigenous to Indian socio-economic conditions.

³⁴ Misra and Puri, in their work on *Indian Economy* @ p. 682 analyzed East India Company Syndrome as a fear that Foreigners are likely to take over the country, if given an opportunity.