

# Essay on The Preamble Embodies the Basic Principles of Governance

*"The Preamble to Constitution of India embodies the spirit and soul of the constitution, the determination of the people of India to be united themselves for the sacred cause of building a new and independent nation which ensures justice, liberty, equality and fraternity to all its citizens".*

The Preamble to the Constitution of the Indian Republic is one of the best of its kind, ever drafted so beautifully, encompasses both ideas and ideals and in expression, that it becomes the foundation of the governance of the country.

The Preamble to the Constitution of India reads as under:

"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."

The sentiments characteristically, embodies the views expressed by Mahatma Gandhi, in 1931, when he was on board a ship to London as a representative of nationalist India, to the Second Round Table Conference, he was questioned by a newspaper correspondent as to what Constitution, he would bring if he could help it. Gandhiji replied, "I shall strive for a Constitution which will release India from all

thralldom and patronage and give her if need be, the right to sin. I shall work for an India in which the poorest shall feel that it is their country in whose making they have an effective voice; an India in which there shall be no high class and low class of people; an India in which all communities shall live in perfect harmony. There can be no room in such an India for the curse of untouchability or the curse of intoxicating drinks and drugs. Women shall enjoy the same rights as men. Since we shall be at peace with all the rest of the world neither exploiting nor being exploited, we should have the smallest army imaginable. All interest not in conflict with the interests of the dumb millions will be scrupulously respected, whether foreign or indigenous. Personally, I have no distinction between foreign and indigenous. This is the India of my dreams."

The Preamble not only shows the path of governance to the leaders but also embodies, the purposes that it serves, like the declaration (1) the source of the authority (2) a statement of objectives (3) the date of its adoption.

The first line of the Preamble emphasizes the ultimate authority of the people, who have resolved to constitute the country into a Sovereign Socialist Secular Democratic Republic. Since the Constituent Assembly enacted and adopted the constitution in the name of the people of India, the question was sometimes raised, whether the Constituent Assembly was indeed representing the people of India. Does the Constitution really reflect the 'will' of the people of India? The question was raised both within and outside the assembly and called for a new house to be elected on the basis of adult franchise, to frame the Constitution. The demand was however rejected as there was none to support it.

The concept of Socialism was provided in Part IV of the Constitution, which deals with Directive Principles of State Policy. The Directive

Principles intend to realize the aim of bringing about a socialist order of society. Similarly, Articles 14 to 28 are intended to ensure the establishment and maintenance of a Secular State of India. The securing of Fundamental Rights represents the secular character of the Indian constitution.

The term democratic not only refers to the form of government but also refers to a representative and a responsible system under which the rulers mean the leaders are chosen by the electorate and are accountable to them.

A democratic state may have an elected or hereditary head, but the word Republic implies that the Head must also be an elected one. Under the republican form, the Head of the State is always elected for a prescribed period, thus making the governance free from any Monarchy, Dictatorial, or Hereditary rulers. In India, the Head of the State, the President is elected at regular intervals for a period of five years.

The Preamble further defines the objectives of the Indian democracy. The Preamble itself secures Justice, Liberty, Equality, and Fraternity to its citizens. The essence of justice is the attainment of the common good. Justice is a very comprehensive term, it means a justice of all kinds. The term liberty signifies not only the absence of any arbitrary restraint on the freedom of an individual but also the creation of such atmosphere in the society necessary for the fullest development of the personality of the individual. Again the liberty means reasonable freedom for action not at the cost of freedom or rights of others.

Justice, liberty, and equality are complementary to one another. Equality signifies the equality of status, equality of opportunities, equality before the law of the nation. Equality of opportunity

implies the availability of opportunity to everyone to use his potentialities, capabilities, capacities. The concept of equality is very comprehensive, has a far-reaching impact, and actually gives the socialistic approach in the governance of the country.

The objective of fraternity ensures both dignities of an individual and the unity and integrity of the nation. Any animosity among the individuals can endanger the unity and integrity of the nation. In a country like India, with so diversified culture, religion, belief, the unity and integrity of the nation can only be preserved with fraternity and brotherhood. Thus the Preamble to the Constitution, in brief, are the guidelines or basics on which the rulers of the country should base the policies, rules, laws, etc.

From a legal point of view, the scope of the Preamble is limited to some extent. It cannot qualify the provisions of any enactment, so long its text is clear and unambiguous. But if the statute is ambiguous, the Preamble can be referred to, in order to explain and elucidate it as "It is a key to open the mind of the makers of the Act and the mischief they intended to redress." The Supreme Court opined.

The Preamble is the most precious part of the Constitution, the soul of the Constitution and directives or guiding force to the rulers, to rule the nation as per they are embodied in it.