

THE PREAMBLE AS A GUIDING LIGHT: CONSTITUTIONAL VALUES AND THEIR IMPACT ON GOOD GOVERNANCE IN INDIA

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Abstract

The Preamble of the Constitution of India serves as the philosophical foundation and guiding light for governance, reflecting the core values of justice, liberty, equality, and fraternity. These constitutional ideals provide a framework for democratic administration and public policymaking, ensuring governance remains people-centric, accountable, transparent, and inclusive. The Preamble not only articulates the nation's aspirations but also shapes the interpretation of constitutional provisions and governmental actions. Its principles promote social justice, protection of fundamental rights, participatory democracy, and the rule of law, all essential to good governance. In contemporary India, adherence to the values enshrined in the Preamble strengthens institutional integrity, fosters public trust, and contributes to sustainable and equitable development while upholding constitutional morality and democratic ideals.

Keywords: Constitutional Values, Preamble of India, Good Governance, Rule of Law, Democratic Accountability.

INTRODUCTION

A panel discussion was held in New Delhi in October 2018 by EBC Publishing, one of India's top publishers of legal studies [1]. This panel discussion was not your typical one. It was held in honour of Dipak Misra, the soon-to-retire Chief Justice of India. Misra himself, A.K. Sikri, a Supreme Court judge at the time, K.K. Venugopal, the Attorney General, and Madhava Menon, a well-known legal scholar, were among the outstanding participants in the discussion.

The topic of debate, "India and Constitutional Morality," was perhaps the most remarkable of all. Indian courts have developed the notion during the past twelve years that a morality known as "Constitutional Morality" (henceforth referred to as "CM") is ingrained in the Indian Constitution. In disputed circumstances, CM serves as an interpretative tool to assist in determining the (so-called) actual meaning of the Constitution's language. Individual rights, group rights, minority rights, federalism, the duties of constitutional actors, and the proper constitutional procedures governing institutional connections are only a few of the contexts in which courts have used CM [2].

George Grote is usually cited by academics as the intellectual founder of CM. Grote was a British classical historian of the 19th century who is most renowned for his multi-volume "History of Greece," which was published between 1846 and 1856 [3]. According to Pratap Bhanu Mehta, "the goal of Grote's History of Greece had been, in part, to rescue Athenian democracy from the condescension of its elitist critics like Plato and Thucydides." In Chapter 31, Grote discusses the time following Hippias (510 BC), who is frequently regarded as Athens' final despot. According to Grote, there was a brief succession dispute between Isagoras and Cleisthenes, two strong aristocrats who had the backing of common Athenians and close links to the Spartan monarch Cleomenes I. After his triumph, Cleisthenes rose to prominence as the political leader of Athens. After taking office, Cleisthenes created a democratic system in Athens and amended the constitution. Historians and political theorists now frequently give credit to Cleisthenes as the father of democracy [4].

Ambedkar's statements during the Constituent Assembly

We can now understand Ambedkar's views on CM. Ambedkar is a key figure in Indian political and constitutional thought as the chair of the Constitution Drafting Committee. In a speech to the Constituent Assembly on November 4, 1948, Ambedkar presented the draft Constitution and made the first mention of "constitutional morality" in Indian constitutional philosophy. We should consider the context of Ambedkar's statements before delving into their content. Ambedkar said that using

"fundamental ideas of a Constitution" did not constitute plagiarism in response to criticism that the proposed Constitution duplicated certain parts of the Government of India Act, 1935. At the same time, Ambedkar expressed impotent regret over one kind of concept administrative detail that the Drafting Committee had borrowed. The proposed Constitution was extensive, with eight schedules and 315 articles. Its content included a wealth of administrative and procedural information about the structure and operations of the State [5].

The populace and the institutions that represent them

To understand how and why the Supreme Court increased its reach in India, we must first turn to the country's representative institutions. The judiciary has historically used its review powers to keep an eye on these bodies' power. The individuals these organisations represent, and the ways they strive to address their issues, have a significant impact on how a nation's courts function. Since the Parliament is the most influential and important of India's representative institutions, it will be the subject of this section.

A. The "Social Question" of India

Tocqueville noted in the first few words of *Democracy in America* that he was impressed by Americans' "equality of condition" and how, above all else, this equality (among those who cast ballots) influenced the government of the then-young United States. On the other hand, India's circumstances after independence have mirrored those of eighteenth-century France far more than those of eighteenth-century America. The "social question" of millions of impoverished Indians in need of economic improvement, which Hannah Arendt claimed eventually doomed the French Revolution, also faced India [6]. India has defied the advice of philosophers from Aristotle to Arendt, who contend that a stable democracy necessitates a sizable middle-class electorate and minimal poverty, by maintaining a democracy virtually constantly since independence. India's impoverished have significantly influenced its judicial and representational institutions, but they have not destroyed the nation's democracy [7].

All Forms of Discrimination Against Women ("CEDAW"), which India had ratified [8]. Although the Court said the guidelines it crafted could be overridden by legislation, Parliament has passed no legislation to do so in the more than ten years since. India's Parliament has a reputation not only for underperformance but also for corruption and even criminality. In December 2005, a television station ensnared eleven MPs in a sting operation in which it paid them money to ask questions in Parliament on behalf of a fictitious body [9]. In 2008, before a major trust vote, opposition members waved money in the Lok Sabha, alleging they had been offered bribes to abstain. Criminals have even begun to become politicians themselves. In 2006, the National Social Watch Coalition reported that criminal cases were pending against almost 25% of Lok Sabha members. Half of these were for charges that could carry a sentence of five or more years in prison. All of these factors contribute to large sections of the public seeing Parliament as having largely abdicated its governing responsibilities. In this climate, the Supreme Court has been able to more readily assert its power and duty to assume many of Parliament's responsibilities [10].

B. State and Executive Level Governance

The issues that afflict Parliament as a whole have also affected the executive, whose ministers come from various parts of the ruling coalition. The president frequently becomes fixated on maintaining middle-ground political coalitions, or even on keeping the nation together. Nineteen of 28 states had active armed opposition to the government in 2006, according to the Ministry of Home Affairs [11]. The administration has less time to concentrate on the intricacies of governance because it is preoccupied with maintaining or mending broken political coalitions while battling violent threats to the state. Additionally, a number of ministers have been implicated in high-profile criminal and corruption scandals [12].

Many of the issues at the center also affect state-level representative institutions. Due to these deficiencies, the higher judiciary has been prompted to broaden the scope of its public-interest litigation jurisprudence into areas that have hitherto been within the jurisdiction of state governments.

C. The Supreme Court of the Backstops

The Supreme Court's expanded role in good governance has been made possible by more than simply the perceived limits of India's representative institutions' capacity to rule. Given these institutions' obvious flaws, the Court is also well positioned to expand its authority because of its unique institutional structure.

Scholars like Pratap Bhanu Mehta, Marc Galanter, and Jayanth Krishnan characterise the Indian judiciary as a two-tier system. The Supreme Court and High Courts, which make up the top judiciary, are regarded as reasonably capable and reliable [13]. The lower judiciary, which consists of district, session, family, rent, and other courts, is perceived as being far less competent, extremely corrupt, and beset by backlogs that appear intractable [14]. This description may exaggerate the competency or reliability of the upper judiciary while downplaying the more favourable characteristics of the lower judiciary, such as its response to real-world situations. However, many people—possibly even the higher judiciary itself—have accepted this depiction.

The Constitution granted the Supreme Court broad authority to remedy injustices committed by subordinate courts [15]. Originally, the Court had eight justices, who may convene on smaller benches to hear various appeals but had to sit on at least a five-judge bench to hear constitutional cases [16]. The top judiciary has often made appeals fairly simple to overcome the perceived flaws of the lower courts. Beginning soon after independence and continuing to this day, the Supreme Court has experienced chronic case overload due to the ease of appeal, inadequate case management, delays in appointing new justices, and procedural inefficiencies in the upper judiciary [17]. Between the 1950s and the 1980s, a number of constitutional changes increased the Court's membership by 14 justices to address this issue [18].

The Supreme Court is now authorised to have twenty-six justices [19]. With the exception of the Chief Justice, who has a bench of three, the justices typically sit in ten to twelve courtrooms and hear cases in benches of two. On Mondays or Fridays, a single bench will handle dozens of cases [20].

Table 1. The Hindu Search Results [21]

Year	Supreme Court	Parliament/Congress	Manmohan Singh/Bush	High Court/Circuit Court
2007	4960	4220	3810	6500
2006	4300	3980	3970	5880
2005	3070	2750	2600	4830
2004	2630	2440	1460	3680
2003	634	493	29	860

Table 2. The New York Times Search Results[21]

Year	Supreme Court	Parliament/Congress	Manmohan Singh/Bush	High Court/Circuit Court
2007	2130	5620	7640	97
2006	2960	6570	10500	116
2005	3900	6150	10900	153
2004	2420	4810	12700	98
2003	1800	4010	8840	111

On March 7, 2008, this information was obtained by searching news.google.com for the terms "supreme court," "parliament," "Manmohan Singh," and "high court" for each year of The Hindu and "supreme court," "congress," "Bush," and "circuit court" for each year of the New York Times. This approach has drawbacks. Searches for "supreme court" return results for both international supreme courts covered by The Hindu and the Indian Supreme Court. A similar issue occurs in the United States, where news articles on state supreme courts are also included in searches of The New York Times. Articles regarding foreign parliaments are included in the number of hits for "parliament" in The Hindu. This study provides a general overview of reporting on the judiciary compared with other arms of government in India and the US, despite methodological issues.

Constitutional values at their core in the Indian experience

In the Indian experience, the essence of constitutional values lies in two key factors: first, how compassionately these values align with the values of common people; and second, how effectively they uphold the moral structure of constitutional validity. By reorganizing the political and social spaces, constitutional values foster unity in India's diverse socio-political spectrum. They help to revive the spiritual connection with political morality and endorse the values of truth and justice within the political sphere.

In India:

1. Constitutional values are not merely dogma. They are regularly practiced in the daily life of ordinary Indian people. For example, values like liberty, equality, and fraternity are experienced when common citizens exercise their freedom of speech, enjoy their freedom of thought, or apply their right to vote equally.

Additionally, these values are expressed through articulating socio-cultural goals and promoting religious freedom, thereby maintaining a democratic environment essential for free socio-political interaction. The success of such interactions determines how effectively constitutional values deliver justice to ordinary people [27]. Similarly, to govern the relationship between rulers and the ruled, the principles of "Equality before Law" and "Equal Protection of Law" have been adopted, which are essential for providing legal protection to every Indian citizen. Fraternity is fostered through the spiritual outlook embedded in constitutional values.

These values, which promote peace, justice, harmony, and honesty, bring people closer to their human goals. Their universal appeal has fuelled various social movements and encouraged common people to pursue further achievements. After independence, numerous social movements arose, demanding truth. The RTI Movement, India Against Corruption Movement, and the Movement for Justice in Bhopal are among the most notable. It is important to note that the Indian people have wholeheartedly absorbed these values and respect them from their innermost core to build a strong nation, stable society, and committed political community

2. The ideals upheld by the Constitution are intimately linked to the feelings and goals of the political community that defines a country [28]. As a result, these ideals have enormous potential to inspire people to support specific national objectives and to help them assimilate values relevant to their country's interests, regardless of their moral stance. The people of this nation honour the diverse fabric of Indian democracy and hold deep affection for the principles enshrined in the Indian Constitution. They fulfil their responsibilities by upholding a just social order to safeguard and preserve the ethos of democratic pluralism, as mandated by the Constitution, and by showing tolerance for others' opinions.

3. Constitutional values establish norms of moral obligation [29] to maintain a high standard in sociopolitical life. In the case of India, such obligations not only uphold high standards in the socio-political life of the Indian people but also make them more accountable for their constitutional duties and responsibilities [30] to protect the sanctity of the Indian Constitution. As long as people voluntarily accept these constitutional values, they will honor the moral obligations imposed by this value system. However, if the appeal of constitutional values fades, people will no longer feel bound by these moral obligations, and a legitimacy crisis will begin to take root.

4. Since constitutional values are largely based on the emotional appeal to the Indian people [31], they possess enormous power to influence the minds of the populace by regulating their thought processes. This enables constitutional values to act as a mechanism for generating support, helping to garner more backing for constitutionally accepted organizations.

Why are these values still in use despite the changing nature of state policy?

In the present Indian context, a significant shift in state policy has posed a serious threat to existing constitutional values and their structural orientation. On one hand, right-wing extremism purportedly entangles new ethics of politics that attribute new causes to nationality and nationalism. It allows a reverse flow of power, concentrating it in the hands of a few, and denies the universal application of constitutional values essential for a "sovereign, socialist, secular, democratic republic." On the other

hand, it customizes the values of populist politics, embracing the principle of “otherization” and using the power of thought to defend political morality. This morality is justified by the feeling of becoming one nation, more dependent on unity rather than diversity. Such unity is mistakenly described as a similitude of belonging—similarity in origin, history, language, land, and blood—which poses a serious threat to the existing constitutional values. Now, the question is:

In the present era, while constitutional values justify that the basis of state power should lie in the pluralistic values of the political community (thus emphasizing communitarian goals and assigning state power accordingly), political morality defines political values based on individualism and state power from a neoliberal perspective. Despite these thematic, cultural, and procedural differences, present Indian state rulers still maintain the basic structure of constitutional values, as they have not changed the constitutional basis of the Preamble to the Indian Constitution, which defines India as a “sovereign, socialist, secular, democratic republic,” although the purity of these values is rarely maintained.

Conclusion

The Preamble of the Constitution of India is not merely an introductory statement but a powerful expression of the nation's constitutional vision and democratic aspirations. It lays down the fundamental values of justice, liberty, equality, and fraternity, which continue to guide the functioning of the State and its institutions. These principles form the cornerstone of good governance by ensuring that public administration remains transparent, accountable, participatory, and responsive to citizens' needs.

In the contemporary governance landscape, the Preamble serves as a moral and constitutional compass for policymakers, administrators, and judicial bodies. It influences the interpretation of laws, protects fundamental rights, and promotes social and economic welfare. By emphasizing human dignity, social justice, and national unity, the Preamble helps address challenges such as inequality, discrimination, corruption, and exclusion. Furthermore, its values encourage citizen participation and strengthen democratic institutions, thereby enhancing public trust in governance.

As India continues to evolve as a diverse and dynamic democracy, the relevance of the Preamble remains undiminished. Its ideals provide a framework for balancing economic development with social justice and individual freedoms with collective welfare. Therefore, the effective realization of the constitutional values enshrined in the Preamble is essential for achieving good governance, safeguarding democratic principles, promoting inclusive growth, and ensuring the nation's overall progress and stability. The Preamble thus remains a guiding light for building a just, equitable, and prosperous India.

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