

The fraternity which is professed in the Preamble is thus not confined within the bounds of the national territory; it is ready to overflow them to reach the loftier ideal of universal brotherhood; which can hardly be better expressed than in the memorable words of Pandit Nehru:

The only possible, real object that we, in common with other nations, can have is the object of co-operating in building up some kind of a world structure, call it one world, call it what you like.⁷

Thus, though India declares her sovereignty to manage her own affairs, in no unmistakable terms, the Constitution does not support isolationism or "Jingoism". Indian sovereignty is consistent with the concept of "one world", international peace and amity. The International Convention and norms can be read into them in the absence of enacted domestic law occupying the field when there is no inconsistency between them.^{7A} The rules of Customary International Law which are not contrary to municipal law shall be deemed to have been incorporated in the domestic law shall be followed by the courts of law.^{7B}

The picture of a "democratic republic" which the Preamble envisages is

Democracy. democratic not only from the *political* but also from the *social* standpoint; in other words, it envisages not only a democratic form of government but also a democratic society, infused with the spirit of "justice, liberty, equality and fraternity".

(a) As a form of government, the democracy which is envisaged is, of course, a representative democracy and there are in *our* Constitution no agencies of direct control by the people, such as "referendum", or "initiative".

A Representative Democracy. The people of India are to exercise their sovereignty through a Parliament at the Centre and a Legislature in each State, which is to be elected on adult franchise⁸ and to which the real Executive, namely, the Council of Ministers, shall be responsible. Though there shall be an elected President at the head of the Union and a Governor nominated by the President at the head of each State, neither of them can exercise any political function without the advice of the Council of Ministers⁹ which is collectively responsible to the people's representatives in the respective Legislatures (excepting functions which the Governor is authorised by the Constitution itself to discharge in his discretion or on his individual responsibility). The Constitution holds out equality to all the citizens in the matters of choice of their representatives, who are to run the governmental machinery.

Also, known as parliamentary democracy, it envisages (i) representation of the people, (ii) responsible government, and (iii) accountability of the Council of Ministers to the legislature. The essence of this is to draw a direct line of authority from the people through the legislature. The character and content of parliamentary democracy in the ultimate analysis depends upon the quality of persons who man the legislature as representatives of the people. The members of the legislature, thus, must owe their power directly or indirectly to the people.¹⁰

The ideal of a democratic republic enshrined in the Preamble of the Constitution can be best explained with reference to the adoption of universal suffrage (which has already been explained) and the complete equality between the sexes not only before the law but also in the political sphere. Political Justice means the absence of any arbitrary distinction between man and man in the political sphere. In order to ensure the "political" justice held out by the Preamble, it was essential that every person in the territory of India, irrespective of his proprietary or educational

Political Justice.