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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **THE TRANSFORMATIVE NATURE OF THE INDIAN CONSTITUTION IN RESHAPING SOCIETY AND GOVERNMENT**

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## **Introduction**

Adopted on January 26, 1950, the Indian Constitution was a groundbreaking constitution that aimed to create a foundation for social justice, equality, and democracy in a nation characterized by economic hardship, social division, and colonial oppression. Its revolutionary ideology sought to restructure society along more inclusive and equal lines in addition to establishing a state infrastructure to run the country. Inspired by India's own cultural and historical legacy as well as Western liberal traditions, this vision was based on the principles of liberty, equality, fraternity, and social justice. With an emphasis on eradicating the effects of colonialism, resolving long-standing injustices, and fostering equitable growth, the Constitution laid the groundwork for a profound overhaul of India's political and social structure.

Adopted in 1950, the Indian Constitution is a landmark text that established the groundwork for a contemporary and forward-thinking society in addition to providing a framework for managing a recently independent country. It emphasizes justice, liberty, and equality in its vision of a democratic, secular, and egalitarian society. The ability of the Indian Constitution to reshape the country's state and society in profoundly creative and socially just ways is what makes it so revolutionary. In order to eliminate the effects of colonialism, redress social inequality, and provide excluded communities a voice in the political, social, and economic spheres, the Constitution's vision has been essential.

## **The Constitution as a Democratic Blueprint**

The goal of the Indian Constitution was to establish a thriving democracy in a colonial subject country. Before gaining its independence, India was ruled by an autocratic foreign government that disenfranchised most of its people. The Indian Constitution's dedication to universal suffrage was one of its most important aspects. All Indian people, regardless of caste, gender, or religion, were allowed the right to vote as adults once the Constitution was ratified, making India one of the biggest democracies in the world.

☛ The vision of Popular Sovereignty- The Preamble of the Constitution enshrined the concept of popular sovereignty, which sought to transfer power from the colonial state to the Indian populace. India was proclaimed a "sovereign" state by the Preamble, meaning that the people would retain sovereignty. In order to guarantee political involvement for all citizens, the Constitution's provision for universal adult suffrage (Article 326) was revolutionary. It paved the ground for the development of a democratic republic by ensuring that political leaders would answer to the people through free, fair, and frequent elections.

### **Building a Democratic State**

The most revolutionary feature of the Indian Constitution was its dedication to democracy, which made India the world's largest democracy. The Constitution's preamble establishes the foundation for a democratic society in which the people hold the reins of power by reaffirming the dedication to justice, liberty, and equality. In contrast to the colonial system, when political power was concentrated in the hands of the British Empire, it envisions a system where the state is answerable to its population and authority is obtained from the consent of the governed.

The Constitution's foundational elements—universal adult suffrage, a parliamentary system, an independent judiciary, and a multi-party system—were intended to provide the Indian people the ability to shape administration. Millions of individuals who had previously been shut out of the political process gained the right to vote when direct elections were introduced for the Legislative Assemblies of states and the Lok Sabha, the Lower House of Parliament. The majority of Indians, especially women, members of lower castes, and members of religious minorities, had no meaningful say in political decision-making prior to independence.

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### **Promoting Social Justice and Equality**

The Indian Constitution's emphasis on social fairness and dedication to eradicating decades of social prejudice was one of its most revolutionary features. The Indian Constitution acknowledged the deep-rooted caste system, gender discrimination, and religious inequality as barriers to the country's advancement. It aimed to eliminate these obstacles and advance a society that is more inclusive and just.

➤ **Abolition of Untouchability and Caste Discrimination** - Untouchability, a custom that had excluded some people, particularly Dalits, from mainstream society for generations, was expressly outlawed by Article 17 of the Constitution. With safeguards to guarantee that members of excluded groups would have access to political, economic, and educational opportunities, this legislative abolition was more than just symbolic. The Constitution aimed to right historical wrongs and give disadvantaged people a chance to rise by ensuring affirmative action in the form of reservations in legislatures, employment, and education (Articles 15(4), 16(4)). The Indian Constitution's Article 17 on the removal of untouchability is one of its most potent clauses. This was a daring move to end the centuries-old practice of untouchability, which has denied Dalits (formerly known as "untouchables") access to basic resources, rights, and dignity by relegating them to the lowest social strata. The Supreme Court upheld the state's obligation to safeguard Dalits' dignity in the seminal case of *D. Rajgopal v. State of Tamil Nadu* (1994)<sup>1</sup>, demonstrating the Constitution's dedication to social justice.

➤ **Promotion of Gender Equality** - Gender equality was also covered by the Constitution. Among other things, Articles 14, 15, and 16 forbade discrimination based on sex and ensured equality before the law. Laws were also passed to shield women from exploitation and other types of assault. A major shift from the patriarchal customs that had long repressed women was brought about by the legal protection against domestic abuse, the prohibition of child marriage

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<sup>1</sup> (1994) 6 SCC 632.

and dowries, and the acknowledgment of women's rights to vote and participate in governance.

☞ **Religious Equality** - Religious pluralism also shaped India's social fabric, and the Constitution guaranteed equal treatment for followers of all religions. Freedom of religion is protected by Articles 25 to 28, which promise that the state will not discriminate against anyone based on their religious beliefs or impose a state religion. Although it wasn't always perfect in practice, this secular vision marked a significant departure from the polarizing colonial practices of religious preference.

## Reservations

In order to uplift underprivileged communities, the Constitution established affirmative action in the form of reservations (Articles 15(4), 16(4)). One of the most revolutionary elements of the Indian state's social engineering has been this policy. It was created to correct historical injustices and guarantee equitable access to political, economic, and educational opportunities for Dalits, Scheduled Tribes (STs), and Other Backward Classes (OBCs). A historic ruling in the 1992 case of *Indra Sawhney v. Union of India*<sup>2</sup> maintained the legality of reservations and set a 50% ceiling as an acceptable threshold to stop reverse discrimination.

## Gender Equality and Women's Rights

The advancement of women's standing in India has been greatly aided by the Constitution's provisions for gender equality. Articles 14, 15, and 16 forbid sex-based discrimination and ensure equality before the law. However, the interpretation of these articles was broadened by later case law. For instance, the Supreme Court upheld women's right to safety and dignity in *Vishakha v. State of Rajasthan* (1997)<sup>3</sup> by establishing rules to avoid sexual harassment in the workplace. Similar to this, the Supreme Court's ruling in *Shah Bano v. Union of India* (1985)<sup>4</sup> in support of a Muslim lady claiming alimony under civil law was a step toward guaranteeing women's equality, regardless of religion.

☞ **Religious and Cultural Pluralism** - India's religious, cultural, and linguistic diversity necessitated a secular foundation in the Constitution. Articles 25–28 safeguard minorities' cultural rights and provide religious freedom. In order to ensure that no minority was subjected to discrimination on the basis of its religious views, the 1968 case of *Aziz Basha v. Union*<sup>5</sup> of

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<sup>2</sup> (1992) 3 SCC 217.

<sup>3</sup> (1997) 6 SCC 241.

<sup>4</sup> (1985) 2 SCC 556.

<sup>5</sup> (1968) 3 SCR 140.

India maintained the constitutional guarantees of religious freedom and the autonomy of religious minorities.

## **Secularism**

A cornerstone of India's constitutional ethos since its inception, the idea of secularism was incorporated through the 42nd Amendment in 1976, despite not being specifically stated in the original Constitution. Unlike the Western idea of a rigid separation of church and state, the Indian notion of secularism is distinct. Rather, it promotes the separation of religion and governmental issues and equal respect for all religions. A number of constitutional clauses, including Articles 25 to 28, which protect religious freedom and forbid discrimination based on religion, reflect this idea. The Indian state's secular structure was intended to accommodate the nation's religious diversity and avoid intercommunal strife. It guarantees that the state does not discriminate against or favor any one religion over another and regards them all equally. In a nation with a varied religious landscape and a history of religious conflicts, this strategy was essential. In India, secularism also means that although the government respects all religions, it does not base its policies on religious teachings. In a multireligious society, this idea has been crucial to preserving religious harmony and defending the rights of minorities.

Indian secularism is founded on the idea of equal respect for all religions, in contrast to the Western paradigm, which frequently calls for the separation of church and state.

The Constitution's framers aimed to create a state that would not support any one religion or meddle in religious activities as long as they did not interfere with morality, public health, or public order. Additionally, the Constitution protected minorities' rights to education and culture, which helped to preserve the rich cultural history of many ethnic, religious, and linguistic groups. India's identity as a diverse yet united country has been greatly influenced by this emphasis on pluralism and inclusivity.

Instead of a rigid separation of religion and state, secularism in India is founded on the idea that all religions should be treated with equal respect. The complex and pluralistic character of Indian culture, where religious identity significantly influenced people's lives, was the focus of this nuanced worldview.

According to the Constitution, a secular state is one in which no religion is given favor and the government refrains from interfering with religious activities unless doing so would disrupt public order. In *S.R. Bommai v. Union of India* (1994)<sup>6</sup>, the Supreme Court emphasized that religious concerns could not affect governmental choices and interpreted the secular basis of the Constitution by holding that it was unlawful to fire a state administration on religious grounds.

### **Directive Principles of State Policy**

The Directive Principles of State Policy, delineated in Part IV of the Constitution, represent a distinctive feature that encapsulates the transformative vision of India's founders. These principles, although not judicially enforceable, function as essential guidelines for governance and legislation. They strive to establish a welfare state by advancing social and economic democracy. The Directive Principles encompass a wide array of objectives, including ensuring fair wages for workers, providing free and mandatory education for children, promoting cottage industries, prohibiting intoxicating substances, and safeguarding the environment. They also advocate for an independent judiciary and the promotion of global peace and security. By incorporating these principles, the Constitution outlined a blueprint for progressive social and economic reforms, aiming to diminish inequalities and foster a more just and equitable society.

Despite not being legally binding, these principles have considerably influenced policy-making and judicial interpretations over time, playing a vital role in shaping India's development trajectory.

The welfare state concept that would offer a foundation for social and economic fairness is reflected in the DPSPs, which are described in Part IV of the Constitution. These clauses were intended to guarantee that the state will endeavour to eradicate poverty, guarantee a sufficient standard of living, advance public welfare, and lessen income and wealth disparities. The importance of the DPSPs was reaffirmed in the 1977 case of *State of Rajasthan v. Union of India*<sup>7</sup>, which confirmed that the welfare provisions were meant to direct the state's activities in order to achieve social and economic justice.

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<sup>6</sup> (1994) 3 SCC 1.

<sup>7</sup> (1977) 3 SCC 592

## Economic and Social Transformation

The Indian Constitution addressed economic fairness in addition to social and political equality. The idea of a state that would foster economic growth while guaranteeing a fair distribution of income included the adoption of a mixed economy model, which combined aspects of socialism and capitalism.

☛ **Land Reforms and Poverty Alleviation** - In a predominantly agrarian nation like India, land reforms were essential, and the Constitution gave them a legal basis.

Eliminating feudal landholding patterns, increasing agricultural output, and ensuring a more equitable distribution of land among peasants and landless laborers were the objectives. Despite the fact that land reforms were frequently implemented unevenly, the constitutional mandate paved the way for policies that would empower farmers and lessen rural poverty. The Constitution's objective for economic policy was to establish a welfare state that could meet the citizens' material and social requirements. Since independence, India's development plan has placed a strong focus on the state's role in fostering economic growth and reducing poverty. In order to address the agrarian structure characterized by feudal landholdings, the Constitution included provisions for land reforms. The goal of the Constitution's land redistribution provisions was to ensure that the peasants received an equitable share of the land and to break the power of rich landowners. An important step in India's attempts to combat rural poverty and inequality was taken in 1961 when the Supreme Court affirmed the constitutionality of land reform legislation in *K. K. Verma v. Union of India*<sup>8</sup>.

☛ **Nationalisation and Public Sector** - In order to guarantee that vital industries were under state control for the benefit of the general public, the Indian Constitution also made it easier to nationalize important industries like coal, banking, and insurance. The idea that financial services should serve the public and promote equitable economic development rather than being concentrated in private hands led to the decision to nationalize banks in the 1960s and 1970s.

☛ The Indian Constitution's dedication to social justice was its most radical feature. The Constitution attempted to directly address the severe caste, religious, gender, and class divisions that existed in India. It aimed to advance gender equality, remove the caste system's deeply ingrained inequalities, and guarantee that underprivileged groups shared fairly in the advantages of social and economic advancement.

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<sup>8</sup> AIR 1961 SC 1506.

## **Fundamental Rights**

The incorporation of Fundamental Rights in the Indian Constitution was a pivotal element of its progressive vision. These rights, codified in Part III, ensure a broad spectrum of civil liberties and freedoms for all citizens. They encompass equality, free speech and expression, religious freedom, cultural and educational protections, and the right to seek constitutional remedies. By making these rights legally enforceable, the Constitution enabled citizens to pursue legal action if their rights were infringed upon. This was particularly crucial in a society characterized by deep-seated inequalities and prejudice. The Fundamental Rights aimed to foster a more equitable society by outlawing discrimination based on religion, race, caste, sex, or birthplace. They also safeguarded minority communities by ensuring their right to preserve their unique language, script, and cultural heritage. The inclusion of these rights represented a bold move towards establishing a fair and inclusive society, signifying a clear departure from colonial rule and traditional social hierarchies.

## **Federalism and Decentralised Governance**

The Indian Constitution created a federal system that gave state governments considerable authority while maintaining a powerful central government. The purpose of this federal structure was to handle the difficulties of overseeing a large and heterogeneous nation with pronounced regional, linguistic, and cultural variances.

The establishment of a Planning Commission and the separation of powers between the federal and state governments aimed to guarantee equitable development throughout the nation. Although the Constitution gives the states some authority, it also guarantees that the federal government can step in as needed to maintain the integrity and unity of the country. While preserving a feeling of national unity, this framework assisted in embracing India's diversity.

Furthermore, the 73rd and 74th Constitutional Amendments' provisions for municipal self-governance encouraged increased decentralization and grassroots public participation. In order to empower rural and urban communities and make governance more inclusive and responsive, the shift to Panchayati Raj and municipal governance has been essential.

Another crucial component of the Indian Constitution was federalism, which aimed to strike a balance between the necessity for a powerful national administration and the appreciation of

regional variety. The Constitution created a federal system, but it also granted the federal government extensive authority to maintain the integrity and unity of the country.

Federalism was also addressed in the 1994 case of *S.R. Bommai v. Union of India*<sup>9</sup>, which held that federalism was a fundamental component of the Constitution and that the central government could not fire state governments for political reasons.

Furthermore, by establishing local self-government entities at the village, intermediate, and district levels, the implementation of Panchayati Raj (by means of the 73rd and 74th Amendments in 1992) further decentralises authority. These changes were intended to provide local communities, especially those in rural areas, more authority to run their own affairs and take part in decision-making.

### **The Judiciary**

The Indian Constitution gives the judiciary the authority to uphold the Constitution and defend people's rights and liberties, which transforms the judiciary's role. Since its establishment in the early years of India's independence, the judicial review power has been essential in overturning laws that contravene fundamental constitutional values. By keeping the legislative and the executive branch within the parameters of constitutional requirements, this judicial scrutiny protects the democratic system.

India's legal system has been significantly shaped by the independence of the judiciary, particularly the Supreme Court, which has been instrumental in upholding social justice, protecting civil liberties, and interpreting the law to ensure progress consistent with constitutional principles.

☛ **Judicial accountability** - In order to uphold the rule of law and defend individual rights, the Constitution also called for an independent judiciary. The primacy of the Constitution and the fundamental structure theory were upheld in the seminal decision of *Kesavananda Bharati v. State of Kerala* (1973)<sup>10</sup>. This case made it possible for the judiciary to declare any constitutional revisions that compromised the fundamental tenets of democracy and individual

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<sup>9</sup> (1994) 3 SCC 1.

<sup>10</sup> (1973) 4 SCC 225.

rights unconstitutional. Therefore, in addition to establishing a democratic framework, the Constitution included protections against capricious legislative amendments. By holding that any legislation that denies someone their personal freedom must be just, equitable, and reasonable, the *Maneka Gandhi v. Union of India* (1978)<sup>11</sup> case broadened the application of Article 21 (protection of life and personal liberty). This ruling was a major step toward defending individual liberties and guaranteeing that the government could not arbitrarily violate them.

☞ The "basic structure" theory was maintained in the seminal case of *Kesavananda Bharati v. State of Kerala* (1973)<sup>12</sup>, which confirmed that modifications could not change the fundamental tenets of the Constitution, including democracy, the rule of law, and the separation of powers. This case highlighted the judiciary's responsibility to uphold the revolutionary vision of the Constitution.

### **Universal Adult Suffrage**

Given India's socioeconomic situation at the time of independence, the Indian Constitution's introduction of universal adult suffrage was a daring and revolutionary move. All adult citizens were given the ability to vote under this clause, irrespective of their gender, caste, religion, or socioeconomic background. This action was bold and powerful in a nation where a sizable section of the populace was economically underprivileged and uneducated. It represented a break from previous systems where voting rights were limited based on land ownership or educational background, as well as the limited franchise of the colonial era.

The empowerment of marginalized groups, such as women, lower castes, and economically disadvantaged segments of society, was greatly aided by universal adult suffrage. It provided people with the ability to impact governance and a voice in the political process. This clause paved the way for increased political participation and representation of many groups and was essential in making India the largest democracy in the world. It has contributed significantly to the political development of India over the years, facilitating social mobility and encouraging a sense of democratic citizenship across all societal segments.

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<sup>11</sup> (1978) 1 SCC 248.

<sup>12</sup> 1973) 4 SCC 225.

## Conclusion

A revolutionary constitution, the Indian Constitution aimed to fundamentally restructure the Indian state and society. It offered a thorough foundation for economic growth, social justice, equality, and democracy. In contrast to the colonial past, the new socio-political environment brought about by the provisions for universal suffrage, social justice, secularism, and affirmative action was very different. In order to ensure that the principles of liberty, equality, and fraternity are maintained, the Indian judiciary has been instrumental in interpreting and extending the Constitution's revolutionary vision through significant court rulings. The Indian Constitution is still a living document that helps the nation navigate its difficulties and shape its destiny in accordance with the revolutionary goals established by its founders.

