
75 YEARS OF THE INDIAN CONSTITUTION: A JOURNEY OF HOPE, STRUGGLE, AND PROMISE

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Preface

As a law student, I have grown familiar with the Indian Constitution not just as a subject in textbooks, but as a document that quietly shapes everyday life in our country. My understanding has come from lectures, long hours in the library, discussions with classmates, and observing how constitutional principles appear in court judgments and public debates. Writing on the Constitution's 75th anniversary is an opportunity to put these learnings into words to reflect on its journey, its strengths, and the challenges it still faces. This essay is written from the point of view of a student still learning the law, aiming to connect the history of the Constitution with its role in present-day India.

Introduction: Why This Document Matters

The Preamble's opening words, "We, the People of India", instantly convey that the Constitution rests on sovereignty. Adopted on November 26, 1949 and coming into force on January 26, 1950, the Constitution sought to heal the wounds of Partition and colonial rule by forging a common legal and political identity. Dr. B.R. Ambedkar called the Constitution a "vehicle of life", a living instrument designed to carry the nation forward. For me, the Constitution is not static; it is a framework that must be continuously interpreted and applied to new social and technological realities. Commemorations such as Samvidhan Diwas and Republic Day parades are not merely ceremonial; they prompt reflection on how constitutional values operate in daily life. This anniversary invites us to assess both the Constitution's resilience and its capacity to adapt.

For a diverse, post-colonial nation in 1947, fragmented by princely states, linguistic divides, and social hierarchies, the Constitution was radical in its vision of equality and justice. It combined rights and institutions in a way meant to protect minorities, create mechanisms for welfare, and channel political competition through democratic processes. Over the decades it has been amended and reinterpreted so that it remains relevant to changing socioeconomic

circumstances. That flexibility is why I see it as a living framework, a tool that must be wielded with conscience and skill.

How It All Began: The Making of a Constitution

The Constituent Assembly met in turbulent times. By 1946, India was reeling from the violence of Partition and the burdens of princely state integration. With 299 members after initial elections, the Assembly embarked on an exhaustive exercise of debate and compromise. Leaders such as Jawaharlal Nehru, Sardar Patel, and B.R. Ambedkar were joined by reformers and regional voices, women, lawyers, activists, and scholars, each contributing perspectives that enriched the final document.

Over nearly three years and 167 days of debate, drafters drew on comparative constitutional models: federal arrangements inspired by the United States, parliamentary procedures from Britain, and administrative lessons from other democracies. They also invoked India's own traditions, local assemblies and consultative models, to root the Constitution in indigenous experience. A key tension shaped the debates: whether to make socio-economic goals legally enforceable or leave them as directive principles of policy. The framers resolved this by guaranteeing fundamental civil and political rights while keeping socio-economic prescriptions as guidance, a compromise that reflected immediate practicalities and long-term aspirations.

The Assembly also included voices who rarely appear in shorthand histories: women members who pressed for broader gender equality, advocates for linguistic reorganization who anticipated the later re-drawing of state boundaries, and delegates from tribal areas who warned against policies that could marginalize indigenous peoples. The drafting process was inherently collaborative: committees handled technical matters, legal experts prepared comparative notes, and spirited floor debates tested assumptions about rights and governance. These iterative exchanges produced a Constitution that often reads like a negotiated settlement among competing but overlapping commitments, personal liberty against social welfare, central authority against regional autonomy, and immediate enforcement against aspirational guidance.

Ambedkar's Vision

Dr. B.R. Ambedkar's role was central not only for drafting the text but for articulating its moral thrust. Nehru's Objectives Resolution established justice, liberty, equality, and fraternity as the

Constitution's guiding principles. Fundamental rights (Articles 12–35) secured civil liberties such as equality before the law and freedom of speech; directive principles (Articles 36–51) urged progressive policies on education, welfare, and land reform.

Dr. B. R. Ambedkar's interventions went beyond drafting mechanics; he constantly reminded the Assembly that law must serve the weakest. He argued for affirmative measures and safeguards for vulnerable communities, embedding social justice in the constitutional fabric. Ambedkar's insistence on clear remedies, separate seats, reservation, legal safeguards, for historically oppressed groups ensured that equality was not left solely to the whims of political mercy. His insistence on a secular, democratic state which reflected both a political choice and a moral commitment. In debates he repeatedly returned to the theme of dignity, what constitutional guarantees should mean in actual life. These threads are visible in how courts later read provisions on life, liberty, and equality. The handwritten constitutional texts, illustrated by artists like Nandalal Bose, also symbolized an attempt to connect modern governance with cultural continuity.

The Wins: What the Constitution Has Done

Over three quarters of a century, the Constitution has delivered several notable achievements that transformed India's polity and society.

Keeping Democracy Alive

First, it sustained a functioning democracy across immense diversity. The Election Commission, established under Article 324, has overseen regular elections and managed logistical complexities that would challenge any democracy. From remote border districts to densely populated cities, the electoral system has enabled political competition, the peaceful transfer of power, and a remarkably high degree of popular participation. Decentralization through the 73rd and 74th Amendments strengthened local governance, bringing decision-making closer to citizens. These reforms institutionalized grassroots democracy and increased representation, especially for women, by reserving seats in panchayats and municipal bodies. In practice, local governance has translated national rights into local improvements in roads, water, sanitation, and school functioning, concrete outcomes that make constitutional governance visible in daily life.

Fighting for Fairness

The Constitution's equality-focused provisions have enabled affirmative action, expanding education and employment opportunities for historically marginalized communities. The insertion of the Right to Education as Article 21A and legislative measures like the Right to Information Act operationalized constitutional values, increasing accountability and citizen participation. Social welfare measures inspired by directive principles, land reform efforts, labour protections, and schemes aimed at poverty reduction, sought to translate ideals into material uplift. These legal tools have empowered communities to seek redress, claim entitlements, and become active participants in governance rather than passive subjects.

Economic and Digital Leap

The Constitution's flexibility permitted major economic shifts, notably the liberalization of 1991, which transformed India's economy without undermining constitutional governance. Structural reforms and fiscal measures such as the GST in 2016 reshaped taxation and markets. Digital initiatives, Aadhaar, UPI, e-governance, built on constitutional aims of welfare and efficient governance, enabling direct benefit transfers and greater financial inclusion. Wherever digital tools were deployed with safeguards, they reduced leakages and expanded access to services; wherever oversight lagged, new risks emerged. Judicial oversight has played a balancing role, protected individual rights while allowed welfare delivery.

The Judiciary's Role

The judiciary has been an active interpreter of the Constitution, often expanding the understanding of fundamental rights to meet new realities. Landmark decisions established doctrines that are now pillars of Indian constitutionalism: the Basic Structure doctrine that limits Parliament's power to amend away essential features of the Constitution; expansive readings of Article 21 that link life and liberty to dignity, health, and a clean environment; and judgments that filled regulatory gaps to protect employees, minorities, and vulnerable groups. Public interest litigation democratized access to justice: a single petitioner could trigger remedies for widespread environmental harm, human rights violations, or administrative failures. The judiciary's interventions have not been uncontested, debates about separation of powers and judicial overreach persist, but courts have often been the last institutional safeguard when political branches were inert or compromised. In the best instances, judicial activism has catalysed legislative and administrative responses, creating a virtuous loop of reform.

The Struggles: Where We've Fallen Short

Nevertheless, the Constitution's promise has sometimes been compromised by events and long-term structural problems.

Dark Moments

The Emergency of 1975–77 remains an unmistakable reminder of how constitutional powers can be misused. The suspension of civil liberties and press censorship illustrated the fragility of protections during political crises. While later amendments sought to prevent easy repetition of such centralization of power, democratic backsliding risks persist in subtler forms: pressures on institutions, curbs on dissent, and excessive centralization can all erode constitutional balances. Recent internal conflicts and federal tensions in different states remind us that sustaining constitutional norms requires constant vigilance.

Inequality and Injustice

Despite affirmative action and welfare policies, socio-economic inequality remains pronounced. Wealth concentration and persistent poverty show that legal guarantees do not automatically translate into social transformation. Caste-based discrimination and violence continue to indicate gaps in protection and enforcement. Educational expansion has increased enrolment but uneven learning outcomes and infrastructure deficits persist. The law provides instruments, special courts, faster trials, commissions, but these mechanisms require sustained political will, resources, and effective implementation. Civil society movements, legal aid clinics, and grassroots advocacy have often bridged the gap between constitutional promise and public reality, but systemic change requires coordination across institutions.

New Challenges

The digital revolution poses complex constitutional questions: data protection, cybersecurity, and the virality of misinformation challenge traditional doctrines of speech and privacy. Climate change imposes new constraints on development choices and demands urgent rights-respecting policies to protect vulnerable communities from displacement and loss of livelihood. Additionally, the persistence of criminality in electoral politics and the opacity of campaign finance mechanisms erode public faith in democratic processes. These modern challenges require modern governance responses that join legal safeguards with administrative capacity.

Looking Ahead: A Constitution for 2049

As India approaches its centenary of independence in 2049, the Constitution must guide reforms to make democracy more inclusive, resilient, and future-ready.

Fixing the System

To reduce judicial backlogs, courts can responsibly integrate technology, case management systems, virtual hearings, and AI-assisted research, while ensuring procedural fairness and avoiding algorithmic opacity. Reforming procedural law to discourage interminable adjournments, expanding alternative dispute resolution where appropriate, and strengthening trial court infrastructure will speed up justice delivery. Electoral reforms might include measures to enhance transparency in campaign finance, stronger enforcement of declarations on candidate criminality.

Building a Fairer India

Addressing inequality will require targeted policies backed by reliable data, including updated social and caste surveys that inform reservation and welfare allocations. Strengthening gender-responsive budgeting, expanding access to quality public education, and bolstering healthcare infrastructure will make constitutional promises more tangible. Effective implementation of environmental obligations requires enforceable standards, financed resilience plans, and a national framework for dealing with climate-induced displacement. A robust data protection law tailored to India's welfare-oriented governance but rigorous in personal safeguards should be enacted along with an independent regulator to oversee compliance and redress grievances.

A Global Example

If India reaches its centenary with strong institutions, inclusive growth, and respect for civil liberties, the Constitution will stand as a global example of how a post-colonial democracy can reconcile diversity with unity. This outcome depends less on textual amendment and more on the political will to translate constitutional values into everyday governance. Strengthening cooperative federalism, improving centre-state fiscal arrangements, and investing in infrastructure in historically neglected regions can make inclusion real rather than merely rhetorical.

Conclusion: Our Constitution, Our Duty

The Constitution at 75 is both a record of achievement and a call to action. Its durability is remarkable, but its promise requires vigilant citizens, independent institutions, and leaders committed to constitutional values. As a student, I see the Constitution's influence in classrooms, courts, local assemblies, and everywhere citizens invoke rights and responsibilities.

Dr. B.R. Ambedkar warned that the document's worth ultimately depends on those who uphold it. Our task is to remain informed, to participate, and to work so the Constitution carries all citizens toward dignity, opportunity, and justice.

A final thought: Constitutional endurance demands everyday caretakers, teachers, lawyers, journalists, and citizens, who teach, defend, and renew democratic practices. If every generation contributes this modest, steady work, the Constitution will not only survive but flourish into a more equitable republic by 2049. Let us begin the work together.

Bibliography

Books & Study Materials

- Austin, Granville. *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, 1966. (Selected chapters accessed online)

Government & Institutional Reports

- Election Commission of India. *General Election Report 2024*.
- Ministry of Panchayati Raj. *Annual Report 2023–24*.
- Census of India. *Literacy and Social Indicators 2021*.

Landmark Constitutional Case Law

- *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461 – Basic Structure doctrine.
- *Indira Nehru Gandhi v. Raj Narain*, 1975 Supp SCC 1 – Judicial review & elections.
- *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789 – Limits on constitutional amendments.
- *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 – Expanded interpretation of Article 21.
- *S.R. Bommai v. Union of India*, AIR 1994 SC 1918 – Federalism & Article 356.
- *I.R. Coelho v. State of Tamil Nadu*, AIR 2007 SC 861 – Ninth Schedule & Basic Structure.
- *Kuldip Nayar v. Union of India*, AIR 2006 SC 3127 – Rajya Sabha elections.
- *Union of India v. Assn. for Democratic Reforms*, AIR 2002 SC 2112 – Candidate disclosure.
- *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321 – Decriminalisation of Section 377 IPC.

- *Justice K.S. Puttaswamy (Retd.) v. Union of India*, AIR 2017 SC 4161 – Right to Privacy.
- *Shayara Bano v. Union of India*, AIR 2017 SC 4609 – Triple Talaq.
- *Lily Thomas v. Union of India*, AIR 2013 SC 2662 – Disqualification of convicted legislators.
- *Indra Sawhney v. Union of India*, AIR 1993 SC 477 – Mandal Commission & reservations.
- *Ashoka Kumar Thakur v. Union of India*, (2008) 6 SCC 1 – OBC reservation in education.
- *E.P. Royappa v. State of Tamil Nadu*, AIR 1974 SC 555 – Equality as antithesis of arbitrariness.
- *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180 – Right to livelihood.
- *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011 – Sexual harassment guidelines.