

The Indian Constitution

Posted at: 06/02/2025

The Indian Constitution: Adapting, Evolving, Enduring

Context : India's Constitution, one of the longest and most detailed in the world, has stood the test of time for over 75 years. While some critics have pointed out that it is **lengthy**, **derivative**, and not entirely **Indian** in its origin, the Constitution remains the cornerstone of India's democracy. It has played an instrumental role in shaping a nation that is democratic, secular, and committed to the principles of justice and equality.

The survival of the Indian Constitution for such a long period is no small feat. Despite numerous challenges, including **religious tensions**, **economic disparities**, and **political struggles**, the Constitution has held the country together, providing a framework for governance and protecting the rights of citizens.

What Do the Leaders Say?

- **Dr. B. R. Ambedkar**, the principal architect of the Constitution, defended its **originality** and **importance**. He believed that governance should always adhere to **constitutional principles** and not personal or partisan beliefs. According to him, **constitutional morality** should be the guiding force behind all decisions in a democracy.
- **Benjamin Franklin** stressed the responsibility of both citizens and leaders to **uphold the Constitution**. He emphasized that the Constitution's survival depends on the commitment of the people to its principles and values.

The Journey of the Indian Constitution

India's Constitution did not come into existence overnight. It was the result of years of deliberation and hard work by the Constituent Assembly.

- **1946:** The **Cabinet Mission** was dispatched to India to discuss the modalities for transferring power from British rule to the Indian government.
- **9th December 1946:** The **Constituent Assembly** convened for the first time.
- **29th August 1947:** The **Drafting Committee** was established, with **Dr. Ambedkar** as its chair.
- **4th November 1949:** The **draft was finalized**.

- **26th November 1949:** The **Constituent Assembly** adopted the final draft, making it **official**.
- **26th January 1950:** The **Constitution** came into force, marking India's transition to a republic.

The process took **2 years, 11 months, and 17 days**, with 11 sessions spread across **165 days**.

The Supremacy of the Indian Constitution

The Constitution of India is considered the **fundamental law** of the nation. It is the **supreme legal authority**, ensuring that all laws, policies, and actions by the government are in line with the principles laid out in the Constitution.

Key aspects include:

- **Fundamental Law:** The Constitution outlines the **basic principles** and **laws** that govern the country, guaranteeing citizens certain **rights** and outlining the powers and duties of the government.
 - **Supreme Legal Authority:** It serves as the **ultimate guide**, against which all laws are measured and validated.
 - **Expression of Sovereignty:** The Constitution reflects the **sovereign will** of the people, as articulated through the **Constituent Assembly**.
 - **Living Document:** The Constitution is adaptable and can be amended to meet the evolving needs of society.
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Constitutional Government: Key Principles

A **constitutional government** functions under a framework that limits the powers of political authorities, ensuring they operate within established laws and respect citizens' rights.

Key features include:

- **Limited Government:** The power of government is defined and restricted by the Constitution.
 - **Rule of Law:** All individuals and institutions, including the government, are subject to the law.
 - **Separation of Powers:** The distribution of powers among the legislature, executive, and judiciary ensures **checks and balances** to prevent any one branch from gaining too much power.
 - **Protection of Fundamental Rights:** Guarantees citizens' basic rights and freedoms.
 - **Democratic Principles:** Ensures **representative democracy**, allowing people to have a say in governance.
 - **Judicial Review:** Courts have the power to interpret and review laws to ensure they align with the Constitution.
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Constitutional Morality: Upholding the Core Values

Constitutional morality refers to the adherence to the values, principles, and ideals set forth in the Constitution.

- **Dr. B. R. Ambedkar** emphasized that **governance** should follow **constitutional principles** rather than personal beliefs.
- **Supporting democracy**: It involves protecting democratic processes that serve both individual and collective interests.
- **Respecting rights**: Protecting the fundamental rights guaranteed in the Constitution.
- **Balancing freedom and restraint**: Citizens have the freedom to criticize authorities, but they must also respect constitutional authorities.

Judicial interpretation has been critical in upholding these values. For instance, in the **Navtej Singh Johar Case (2018)**, the Supreme Court referred to **constitutional morality** to decriminalize homosexuality, marking a significant victory for human rights.

Why Does India Need Constitutional Morality?

India requires **constitutional morality** to:

- **Prevent majoritarian rule**: Ensuring democracy functions beyond electoral politics.
- **Protect minority rights**: Provisions like **reservations** safeguard marginalized communities.
- **Ensure the independence of institutions**: Protects the autonomy of the judiciary and other institutions.

Examples include:

- **Sabarimala Case (2018)**: The Supreme Court upheld the entry of women into the Sabarimala Temple, prioritizing constitutional morality over religious traditions.
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Challenges to the Indian Constitution

Despite its resilience, the Indian Constitution faces several challenges:

- **Communalism and Religious Conflicts**: The **Ram Janmabhoomi-Babri Masjid dispute** caused tensions and legal battles.
- **Caste-based Discrimination**: Despite legal protections, **Dalit atrocities** and honor killings remain prevalent.
- **Corruption**: Public institutions are undermined by **corruption**, though laws like the **Lokpal Act (2013)** aim to address this.
- **Threats to Secularism**: Rising **religious intolerance** is testing India's secular fabric.
- **Misuse of Laws**: Laws like **UAPA** have been criticized for curbing **freedom of speech**.
- **Economic Inequality**: The **wealth gap** between the rich and poor continues to widen.
- **Unemployment**: Despite government schemes, **job creation** remains a persistent challenge.
- **Agrarian Crisis**: Issues like **low MSP** and **land acquisition** have led to continued **farmer protests**.
- **Climate Change**: Economic development often conflicts with environmental preservation.

Reasons for the Indian Constitution's Survival

Several key factors have ensured the **survival of the Indian Constitution**:

1. Strong Democratic Institutions:

- An **independent judiciary** that upholds the Constitution.
- The **Election Commission** ensures **free and fair elections**.
- **Media and civil society** act as checks on government power.

2. Constitutional Adaptability:

- **Flexible amendments** ensure the Constitution remains relevant to changing times.
- **Judicial activism** and **Public Interest Litigations (PILs)** have expanded the scope of constitutional rights.

3. Socio-Political Stability:

- **Federalism** ensures cooperation between the Centre and States.
- **Secularism** ensures religious harmony.
- **Welfare policies** reduce social and economic inequalities.

4. People's Faith in Democracy:

- High **voter turnout** indicates strong public trust in the democratic process.

Conclusion

The **Indian Constitution** has endured for over 75 years due to its **strong democratic foundations, adaptability, and commitment to justice**. While it has faced numerous challenges, its ability to evolve and address the changing needs of society has ensured its continued relevance. With a robust system of **checks and balances**, a commitment to **secularism** and **democracy**, and a **people-centric approach**, the Constitution will continue to guide India towards a brighter future.

