



# The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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## The Evolution of Indian Constitutional Law

*-Rishabh Jain*

The Indian Constitution is not just a legal document rather it is the story of transformation, vision, and constant change. This document, which came into effect on January 26, 1950, replaced the colonial era laws and set the stage for a modern democracy.<sup>1</sup> But how did it all happen? Let's explore.

### **From Colonial Rule to New Beginnings:**

The journey began when India's leaders recognized that the nation needed rules tailored to its unique situation, not leftovers from British rule. The Constituent Assembly, full of visionaries like Dr. B.R. Ambedkar, Jawaharlal Nehru, and Sardar Patel, started work in December 1946.<sup>2</sup> After years of debates and drafting, the new, homegrown Constitution was adopted in November 1949 and put into force just a couple of months later.<sup>3</sup>

### **Inspired by the World (But Not a Copy)**

What is fascinating is how the Constitution blends global influences with Indian realities. The leaders borrowed the parliamentary format from Britain, federalism from Canada, judicial review from the United States, Fundamental Rights from the American Bill of Rights, and Directive Principles from Ireland.<sup>4</sup> Each borrowed feature was adapted—India needed a document that could handle its vast diversity and complex society.<sup>5</sup>

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<sup>1</sup> Wikipedia, "Constitution of India"

<sup>2</sup> iPleaders, "History of the Indian Constitution"

<sup>3</sup> BYJU'S, "Evolution and Framing of Indian Constitutions – Overview"

<sup>4</sup> BYJU'S, "Sources of the Indian Constitution – Features Borrowed"

<sup>5</sup> The IAS Hub, "Evolution of Indian Constitution: Historical Journey"

### **Facing Reality: Amendments and Tough Choices**

From the start, upholding ideals like justice, liberty, and equality was no simple task. The Preamble set out these dreams, but laws had to respond to real-world challenges.<sup>6</sup> Parliament quickly saw the need for change, leading to over 100 amendments. The First Amendment (1951) put limits on freedom of speech for public order; the 42nd Amendment (1976) expanded governmental powers during the Emergency; and the 44th Amendment (1978) rolled back many changes to protect civil liberties.<sup>7</sup>

### **Democratising Governance**

India's Constitution has done more than set principles- it is shaped how democracy actually works. The 73rd and 74th amendments brought local self-government (Panchayati Raj and municipalities) into the constitutional fold, empowering villages and cities and making democracy truly local.<sup>8</sup> Updates have also declared education a fundamental right and introduced reservations for economically weaker sections, constantly evolving to meet social needs.<sup>9</sup>

### **The Supreme Court: Guardian and Interpreter**

No Constitution can foresee every challenge. Enter the Supreme Court, which in 1973's Kesavananda Bharati case established the "basic structure doctrine," ruling that Parliament cannot change certain core features- like democracy or judicial independence- no matter what.<sup>10</sup> The Court continues to play a key role by interpreting rights and keeping the Constitution relevant, with decisions affecting privacy, the environment, and more.<sup>11</sup>

### **Still Growing- A Living Document**

The story is not over. Every social, economic, and political development - be it digital privacy, environmental concerns, or minority rights, tests the Constitution's boundaries. But its flexibility lets it keep responding without losing sight of the values in its Preamble.<sup>12</sup>

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<sup>6</sup> GLDM College Chiranagar, "EVOLUTION, IDEOLOGY, FEATURES Constitution of India"

<sup>7</sup> BYJU'S, "List of Major Amendments of the Indian Constitution"

<sup>8</sup> LegalEye, "The Evolution Of Constitutional Law In India Since 1950"

<sup>9</sup> LexisNexis, "An Eagle's View of The Constitutional Law in India"

<sup>10</sup> LegalEye, "The Evolution Of Constitutional Law In India Since 1950"

<sup>11</sup> LexisNexis, "An Eagle's View of The Constitutional Law in India"

<sup>12</sup> The IAS Hub, "Evolution of Indian Constitution: Historical Journey"