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## Evaluation of Indian Constitutional Law: A Chronological Perspective

~*DHRANGADHARIYA KRISHNA HITESHBHAI*

### **Introduction**

*The Constitution of India serves as the central frame work guiding India's democratic governance and legal order. Enforced on 26 January 1950, It embodies the national's enduring commitment too justice, liberty, equality and human dignity. Over the decades, Indian constitutional law has evolved through judicial interpretation, constitutional amendments, and changing social and political conditions. A chronological analysis provides insight into how these developments have collectively shaped the contemporary constitutional frame work .<sup>1</sup>*

### **Colonial Foundations and Pre-Independence Influence**

The roots of Indian constitutional law can be traced back to the colonial era. Colonial legislation significantly influenced the development of India's administrative and legal institutions. The Government of India Act 1935 was particularly significant, as it introduced provincial autonomy, a federal structure, and a division of powers.

Although it was enacted to serve colonial interests, many of its features were later incorporated into the Indian Constitution. It laid the institutional groundwork upon which independent India later constructed its democratic framework.<sup>2</sup>

### **Framing and Adoption of the Constitution (1950)**

Following independence, the Constituent Assembly undertook the task of drafting a Constitution that reflected the aspirations of a newly sovereign nation. Under the leadership of Dr. B. R. Ambedkar, the Constitution came into force on 26 January 1950.

It established India as a sovereign democratic republic and introduced key features such as Fundamental Rights, Directive Principles of State Policy, and a federal structure with a strong central government. This phase signified the commencement of a new constitutional era focused on both political democracy and social justice.<sup>3</sup>

### **Early Judicial Interpretation (1950s–1960s)**

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<sup>1</sup> DURGA DAS BASU THE CONSTITUTION OF INDIA 2 (16<sup>TH</sup> ED, VOL 1., 2021)

<sup>2</sup> DURGA DAS BASU THE CONSTITUTION OF INDIA 25-30 (25<sup>TH</sup> ED., 2021)

<sup>3</sup> DURGA DAS BASU THE CONSTITUTION OF INDIA 20-45 (25<sup>TH</sup> ED., 2021)

During the initial years, the judiciary followed a relatively restrained approach in interpreting the Constitution. The focus was on maintaining a balance between parliamentary authority and the protection of Fundamental Rights.

During this period, several constitutional amendments were introduced to implement land reforms and socio-economic policies. However, differences between Parliament and the judiciary regarding amendment powers gradually began to emerge, setting the stage for future constitutional conflicts.<sup>4</sup>

### **Emergence of the Basic Structure Doctrine (1970s)**

A significant turning point in Indian constitutional law came in the 1970s. In *Kesavananda Bharati v. State of Kerala*<sup>5</sup>, the Supreme Court of India established the Basic Structure Doctrine. This doctrine establishes that while Parliament can amend the Constitution, it cannot alter its essential features such as democracy, rule of law, and judicial review.

Around the same time, the 42nd Amendment of the Indian Constitution was enacted during the Emergency period, expanding the powers of the central government. This raised concerns about the concentration of power and led to increased judicial vigilance. This principle has been both praised for safeguarding constitutional identity and criticized for expanding judicial authority.<sup>6</sup>

### **Expansion of Fundamental Rights (Late 1970s–1980s)**

The post-Emergency period witnessed a more active judiciary. In *Maneka Gandhi v. Union of India*<sup>7</sup>, the Supreme Court expanded the meaning of the right to life and personal liberty under Article 21. It held that life includes the right to live with dignity and fairness.

This phase witnessed the emergence of Public Interest Litigation (PIL) as a transformative judicial mechanism, which made justice more accessible to disadvantaged sections of society. The judiciary actively intervened in matters relating to environmental protection, human rights, and social justice, thereby strengthening the role of the Constitution in everyday life.<sup>8</sup>

### **Decentralization and Democratic Deepening (1990s)**

The 1990s represented a crucial phase of democratic decentralization. The 73rd Constitutional Amendment and 74th Constitutional Amendment introduced Panchayati Raj Institutions and urban local bodies.

These amendments were designed to strengthen local governance and increase public participation. They brought democracy closer to the people and strengthened accountability at the grassroots level.<sup>9</sup>

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<sup>4</sup> DURGA DAS BASU THE CONSTITUTION OF INDIA 60-75 (25<sup>TH</sup> ED., 2021)

<sup>5</sup> (1973) 4 SCC 225

<sup>6</sup> M.P. JAIN THE CONSTITUTION OF INDIA 160-200 (8<sup>TH</sup>., 2023)

<sup>7</sup> (1978) 1 SCC 248

<sup>8</sup> M.P. JAIN THE CONSTITUTION OF INDIA 250-300 (8<sup>TH</sup>., 2023)

<sup>9</sup> M.P. JAIN THE CONSTITUTION OF INDIA 900-940 (8<sup>TH</sup>., 2023)

### **Contemporary Developments (2000s–Present)**

In the contemporary period, Indian constitutional law has continued to evolve in response to new challenges. The judiciary has addressed issues such as privacy<sup>10</sup>, freedom of speech<sup>11</sup>, environmental protection, and digital rights.<sup>12</sup>

The acknowledgment of privacy as a fundamental right highlights the adaptability of the Constitution in the modern technological era. However, challenges such as judicial delays, misuse of laws, and maintaining institutional balance remain areas of concern.

The concept of constitutional morality has also gained importance, emphasizing ethical governance and respect for democratic principles. However, persistent challenges such as judicial delays and institutional inefficiencies continue to affect effective implementation.

### **Conclusion**

The chronological analysis demonstrates that Indian constitutional law is both dynamic and continuously evolving. From its colonial roots to modern developments, It has consistently adapted to changing socio-political conditions while firmly preserving its foundational values.<sup>13</sup>

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<sup>10</sup> (2017) 10 SCC 1

<sup>11</sup> (2015) 5 SCC 1

<sup>12</sup> DURGA DAS BASU THE CONSTITUTION OF INDIA 450-480 (25<sup>TH</sup> ED., 2021)

<sup>13</sup> M.P. JAIN THE CONSTITUTION OF INDIA 1350-1400 (8<sup>TH</sup>., 2023)