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THE ROLE OF CONSTITUTION IN NATION BUILDING AND SOCIAL TRANSFORMATION

~ *Vanshika Sharma*

INTRODUCTION

Seventy-five years ago, India emerged from the joint chain of colonialism, it took a step of Independence on 15th August 1947 which was a great day of freedom for India. But the freedom which is political in nature didn't mark the complete change of the country. The more comprehensive and strong revolution came which led to the adoption of the Indian Constitution on 26th January 1950. As we see India celebrates its 75th Independence year, it is interesting to see how the Indian Constitution has transformed the Indian nation and built its political and social values. The Indian Constitution is not just a document which is ready by the people it is the soul of India which provides equality, fundamental rights, liberty, dignity, fraternity etc to the citizens of India and it also provide a framework for the governance of the country which ensure stability in the country and leads to welfare. The view of the people who were the framers of the Indian Constitution which is led by a famous and a remarkable personality i.e., Dr B.R. Ambedkar want to make and design a nation which is not only politically free but also socially and economically equitable which ensures fairness among the people.¹ Constitution of India was designed by keeping the idea of the deeply divided society which marked by caste issues, poverty, communalism, illiteracy, gender equality. These are the challenges which was recognized during the making of the constitution and the Constituent Assembly drafted a constitution which serve as a way for cooperation on the national level and it provide social justice and human development also. The Preamble of the Constitution state India a sovereign,

¹ Arjun Bedi, Dr. B.R. Ambedkar's Enduring Legacy: Architect of Indian Law and the Constitution, LawChakra (Apr. 7, 2025).

socialist, secular, democratic, republic which also ensures justice, liberty, equality and fraternity. These are the principles which set a way for the country towards becoming a strong, independent, cohesive and a progressive society.²

CONSTITUTION AND NATION BUILDING

Building of nation is a way that of forming a national identity which also foster unity and it leads to the creation of the institutions which promote democracy and development in the nation. The Indian Constitution is one of the examples of this process because India is a type of a country which allows multiple of cultures, practices, religion etc. Indian Constitution plays an important role in managing all these different diversities by providing a structure which is federal in nature with a strong unitary bias which ensure that sovereignty and integrity remain intact. The Constitution of India recognized 22 languages which is mentioned under the Eighth Schedule of it and it also provide rights to the minorities to conserve their culture under Article 29 and Article 30 of the Constitution of India³ which secure the rights and gives the protection to the minority groups. It also establishes the political institutions like Parliament of India, Election Commission of India and Judiciary which ensures that power will stay within the country and it will not be exercised unfairly that leads to the rights violation of the people. The UAF which stands for Universal Adult Franchise allows every citizen to participate in the elections and in the process of nation building regardless of caste, culture, religion etc. As we know Indian Constitution establishes independent judiciary and the concept of judicial review it makes sure that the laws and actions which is made by respected legislature and the executive remains within the limits which is prescribed by the Constitution of India. The Indian Constitution makes India a secular state which ensures that state will treat all religions equally and it maintain a peaceful and healthy distance from religious matters. Article 25-28 of the Indian Constitution guarantees freedom of religion, which helps in building a society which is based on mutual respect which ensures equality, fairness and discrimination free state.⁴

CONSTITUTION AS AN INSTRUMENT OF SOCIAL TRANSFORMATION

² Chandra Shekhar Sharma, Exploring the Role of the Indian Constitution in Social Progress, 16 Ignited Minds J. 284 (2019).

³ INDIA CONST. arts. 29 – 30.

⁴ INDIA CONST. arts. 25 – 28.

Beyond political integration, the Constitution has been considered as a powerful tool for the transformation which is social in nature which eliminates historical differences and promote positive actions. The society of India is classified into the caste system. In Article 17 of Constitution of India which abolished the practice of untouchability and made its practiced a serious punishable offence.⁵ Also, the Constitution gives power to the state for the making of laws for the backward classes. Reservation in education, employment and legislature have provided the marginalized communities like Schedule Caste, Schedule Tribe, Other Backward Classes the opportunity to improve their social and economic conditions which gives them a opportunity to present themselves in the developing world. Indian Constitution also grants gender equality which eliminates discrimination among the people and it maintain peace in the society. Article 15 of the Constitution of India enable the state to make new laws for the benefit of women's and children's. Over the years the legislature has make various laws like Maternity Benefit Act, Domestic Violence Act, and Sexual Harassment of Women at Workplace Act which ensures safety and protect the interest of the women in the society. With the passage of time the 86th Amendment in the Indian Constitution lead for granting Right to Education as a fundamental right for the children's which lies between the age of 6 to 14 years according to Article 21A. The expansion of Article 21⁶ of the Constitution by the respected judiciary's leads to right to health and livelihood, right to a healthy and clean environment. These are the rights which ensures a medical assurance to the citizens and which maintains a neat and clean environment for the society. As we know with the growing environmental problems in today's time the constitution has evolved according to it also to deal with these environmental problems which is affecting it and the citizens. Article 48A of the Indian Constitution which false under Directive Principles of State Policy i.e., DPSP and Article 51A(g) of the Indian Constitution which false under Fundamental Duties ensures and encourage the protection of the environment which prevents the problems associated with environment. These rights have been effectively and actively enforced by the judicial bodies which leads to the emergence of green jurisprudence in India.⁷

ROLE OF JUDICIARY IN CONSTITUTIONAL DEVELOPMENT

⁵ INDIA CONST. art. 17.

⁶ INDIA CONST. art. 21A.

⁷ INDIA CONST. arts. 48A, 51A(g).

The judicial bodies of India specially the Supreme Court has played a pivotal role in making the Indian Constitution as a living document. There are various landmark judgements by the Supreme Court have increased the scope of rights and it redefined the constitutional morality also. In the *Kesavananda Bharti vs State of Kerala* (1973) is a landmark case in which an important doctrine plays a pivotal role i.e., the doctrine of basic structure which prevents the Parliament of India from changing the important features of the Constitution which is fundamental in nature.⁸ In the other case that is *Maneka Gandhi vs Union of India* (1978), it is also a landmark judgement in which the court interpreted Article 21 of the Constitution of India which leads to the inclusion of a right i.e., right to life with dignity which expands its scope also.⁹ In the case of *Navtej Singh Johar vs Union of India* (2018) in this case Supreme Court decriminalized homosexuality and struck down the colonial- era prejudices which promote a more inclusive society for the citizens of India.¹⁰ Lastly in the case of *Indian Young Lawyers Association vs State of Kerala* (2018) this case is popularly known as the Sabarimala case, this case judgment was one the judgment which upheld gender equality and questions the religious practices that discriminate against the women in the several societies.¹¹

CONSTITUTIONAL AMENDMENTS AND DEMOCRATIC GROWTH

The Constitution of India provides a system for its own amendment under Article 368 of its which allows flexibility also and it preserve it sanctity also. Some of the important and remarkable amendment such as the 42nd Amendment (1976) and 73rd and 74th amendment (1992) has shaped the social and political landscape for the country. The 42nd Amendment is an important amendment which introduced the two important words which was used in the preamble and the words are "Socialist" and "Secular". The 73rd and 74th Amendment helped in the system of Panchayati raj and the urban local bodies which helped in the developing of the local self-governance at the local level.¹²

CONTEMPORARY CHALLENGES

As we discuss the about the changes in the society through constitution but there are

⁸ *Kesavananda Bharati V. State of Kerala*, (1973) 4 SCC 225.

⁹ *Maneka Gandhi V. Union of India*, (1978) 1 SCC 248.

¹⁰ *Navtej Singh Johar V. Union of India*, (2019) 10 SCC 1.

¹¹ *Indian Young Lawyers Ass'n V. State of Kerala*, (2019) 11 SCC 1.

¹² Constitutional Amendments: Process and Significant Changes in Indian History, Sleepy Classes IAS.

some challenges which are important to know. So, the first challenge communalism and intolerance, despite constitutional safeguards some of the communal in activities take place in the society which lead to the break of interest and disturb the social harmony also. Second challenge is caste-based inequalities although constitutional safeguards have improved representation but caste-based discrimination exist in various forms also. For getting true justice in the society related to caste-based inequalities it demands changes in the existing attitudes rather than the legal reforms. Also, women face gender inequalities in the field of political representation, wage rate gaps etc. to overcome these challenges a strong implementation of the constitutional values is needed. There have been restrictions on freedom of speech which is given under Article 19(1)(a) of the Indian Constitution why should be and must be protected to ensures a smooth democracy in the country. As we know judiciary plays an important role in the process of serving justice and it is the guardian of the Constitution so it is important to give urgent attention to the cases which are getting delayed and which are pending from a very long time.

SIGNIFICANCE OF THE PREAMBLE

As India celebrates 75 years as a strong independent nation, it's a golden opportunity to give light on the significance of the Preamble, which has served as a guiding way for India to become a strong democratic nation. The preamble is more than an introduction; it describes the core values and the values upon which India stands as a republic. It also describes the vision of founding fathers and it also serves as the compass which reminds the citizens and government of India about the ultimate goals of justice, liberty, equality and fraternity. Preamble of India starts with a very powerful declaration i.e., "We the people of India, which asserts that the authority of the Constitution derives from its citizens. Also, this statement reflects the idea of popular sovereignty and it emphasizes that the Constitution of India is made by and for the citizens of India. It has empowered the people from the various communities to participate in the building of nation, political process etc.

Each word in the preamble carries a strong meaning. The word "Sovereign" ensures that India can make its own decision without any external interference in their decision making. The word " Socialist" reflects the idea for reducing inequality and promoting social welfare it is a vision which remain central to the nation policies and its Programme of development. The word "Secular" emphasized the principle of

religious equality which ensures that all the religions should be treated equally and respected in all the different societies of India. The word "Democratic" highlights the structure of governance where leaders are elected by the people of India through voting. The word "Republic" ensures that the leader or head of the state must be elected by the people not inherited. Also, the preamble highlights the roles and objectives of the Constitution which are justice, liberty, equality, and fraternity, these values play an important role in working of the country. "Justice" make sure that every individual will get legal justice but it is not limited to this, it also makes sure that every individual should get social justice and economic justice which ensure that every citizen has equal opportunities and an effective protection under the legal system. "Liberty" includes thought, expression, belief, faith and worship which is fundamental in a pluralistic society which encourage a tolerance system and free expression. "Equality" makes sure that no one is above the law and every individual should be treated equally and it also make sure that no discrimination should be made in the grounds of race, culture, etc. "Fraternity" promotes unity among the individuals which is important for ensuring peace in the diverse country like India. As India completes its 75 years of its successful democratic journey, the preamble continues to inspire the nation. It serves as the reminder of the promises which has been made at the time of India's independence for making a more just and inclusive societies for the citizens of India. It is a source which reflects the strength of India in the times of division by offering a vision what India aspired to be. The values which we see in the preamble are not permanent it evolves with passage of time by adapting the new challenges of the nation but it stays true to its foundational values also. The preamble is considered as an important part of the Indian Constitution. It lays down the important values and the vision for a suitable and a democratic society. As India celebrates the milestone of 75 years, the people India should stay true towards the commitment to the values and the principles which is laid down in the Preamble for making India a strong and a united nation.¹³

CONCLUSION

At the completion of 75 years, India stands as a proud, democratic, resilient and a vibrant country. The Constitution has played an important role and it's a cornerstone for India's success which guided the country political up and downs, social revolutions

¹³ Evolution of Preamble in India – Explained Pointwise, ForumIAS (Nov. 27, 2024).

economic changes etc. The Constitution of India has not only kept the whole nation together but has also provide a framework for its progress and prosperity. However, the journey was so long i.e., far from over. With the passage of time as we enter into the next phase of our national journey, all the people of India should collectively reaffirm their commitment to the constitutional values and work together for the development of the nation which develops several societies of India also and it will also eliminate the challenges in the progressive societies also. The Indian Constitution must not see as the normal text but as a instrument which is dynamic in nature and it will lead India towards a better future. By overcoming all these challenges and working collectively for the nation only then we can truly give honour to the framers of the Constitution of India and celebrate India's 75 years with responsibility of fulfilment and hope.¹⁴

¹⁴ India Celebrates 75 Years of Independence with the Theme “Nation First, Always First”, CPSC (2022).