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## THE EVOLUTION OF INDIAN CONSTITUTION

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### ABSTRACT

*The Constitution of India is often described as the supreme law of the land. Yet, it is not a document that acquired its present meaning on 26 January 1950 and remained unchanged thereafter. Indian constitutional law has evolved through political struggle, constitutional amendments, parliamentary practice and, most importantly, judicial interpretation. Its evolution is therefore not merely the history of how the Constitution was written, but the story of how its principles have been understood and applied to a changing society.*

### FROM COLONIAL GOVERNANCE TO CONSTITUTIONAL SELF-GOVERNMENT

The roots of Indian constitutional development can be traced to the colonial period. The Government of India Act, 1858 transferred the administration of India from the East India Company to the British Crown, while later enactments gradually introduced legislative institutions and limited Indian participation. The constitutional reforms of 1909 and 1919 expanded representation, although meaningful political power remained under British control. The Government of India Act, 1935 represented a more substantial constitutional framework, introducing provincial autonomy and establishing a federal scheme that later influenced several features of the Indian Constitution.<sup>1</sup>

Indian constitutional thought, however, was developing independently of British legislation. The demand for self-government increasingly became a demand for a constitution framed by Indians themselves. The Nehru Report of 1928 was an important milestone in this process,

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<sup>1</sup> Government of India Act, 1935, 26 Geo. 5 & 1 Edw. 8 c. 2 (U.K.). The Act introduced provincial autonomy and provided for a proposed federation, making it an important predecessor to India's constitutional structure.

proposing constitutional arrangements for self-government and recognising rights and minority interests.<sup>2</sup> The demand eventually shifted from constitutional reform within the Empire to complete independence and constitution-making by a sovereign Indian body.

## **THE CONSTITUENT ASSEMBLY AND THE BIRTH OF THE CONSTITUTION**

The Constituent Assembly was formed following the Cabinet Mission Plan of 1946. Its first meeting took place on 9 December 1946.<sup>3</sup> On 13 December 1946, Jawaharlal Nehru introduced the Objectives Resolution, which articulated fundamental commitments to sovereignty, equality, liberty and justice. The Resolution was adopted on 22 January 1947 and subsequently influenced the philosophy expressed in the Preamble.<sup>4</sup>

The Assembly did not simply copy an existing constitutional model. It examined constitutional experiences from different jurisdictions while adapting them to India's social, political and institutional circumstances. The Drafting Committee, chaired by Dr. B.R. Ambedkar, played a central role in converting the Assembly's deliberations into a workable constitutional text. The Constitution was adopted on 26 November 1949 and substantially came into force on 26 January 1950.<sup>5</sup>

This marked the beginning of a new constitutional order based on popular sovereignty, fundamental rights, parliamentary government, federalism, judicial review and constitutional supremacy.

## **THE CONSTITUTION AFTER 1950: FROM PARLIAMENTARY SUPREMACY TO CONSTITUTIONAL SUPREMACY**

The early years of constitutional law were dominated by an important question: how far could Parliament amend the Constitution?

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<sup>2</sup> See Motilal Nehru et al., *Report of the Nehru Committee*, 1928; see also *The Making of India's Constitution*, Constitution of India (discussing the Nehru Report's proposals concerning self-government and minority rights).

<sup>3</sup> See Constituent Assembly of India, *Constituent Assembly Debates*, vol. 1 (Dec. 9, 1946); Constitution of India, *Historical Constitutions & Constituent Assembly Debates*, ConstitutionofIndia.net (recording the Assembly's proceedings beginning on Dec. 9, 1946).

<sup>4</sup> Constituent Assembly of India, *Constituent Assembly Debates*, vol. 1 (Dec. 13, 1946; Jan. 22, 1947).

<sup>5</sup> See INDIA CONST. pmb. (adopted Nov. 26, 1949; effective Jan. 26, 1950). The official constitutional text records the Constituent Assembly's adoption of the Constitution on November 26, 1949.

In *Shankari Prasad Singh Deo v. Union of India*, the Supreme Court upheld Parliament's power to amend Fundamental Rights.<sup>6</sup> The Court reaffirmed this position in *Sajjan Singh v. State of Rajasthan*.<sup>7</sup> However, the position changed in *I.C. Golak Nath v. State of Punjab*, where the Supreme Court held that Parliament could not amend Fundamental Rights in a manner that took away or abridged them.<sup>8</sup>

The constitutional struggle ultimately reached its defining point in *Kesavananda Bharati v. State of Kerala*. In its historic 1973 judgment, a thirteen-judge Bench held that although Parliament possesses extensive power to amend the Constitution under Article 368, that power is not unlimited. Parliament cannot alter the basic structure of the Constitution.<sup>9</sup>

The Basic Structure Doctrine became one of the defining contributions of Indian constitutional law. It established that constitutional amendment is different from constitutional destruction. Features such as constitutional supremacy, republican and democratic government, secularism, separation of powers, federalism and judicial review form part of the constitutional identity that cannot be destroyed through amendment.<sup>10</sup>

## THE EXPANSION OF RIGHTS AND CONSTITUTIONAL INTERPRETATION

Indian constitutional law subsequently moved beyond a narrow textual approach towards a more expansive understanding of Fundamental Rights. The Supreme Court's decision in *Maneka Gandhi v. Union of India* significantly transformed Article 21. The Court held that a procedure depriving a person of personal liberty must satisfy the requirements of fairness and reasonableness, and read Articles 14, 19 and 21 together.<sup>11</sup>

This approach allowed constitutional rights to respond to changing social realities. Over time, Article 21 became the foundation for recognising a wide range of rights connected with dignity, privacy and personal autonomy. In *Justice K.S. Puttaswamy (Retd.) v. Union of India*,

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<sup>6</sup> *Shankari Prasad Singh Deo v. Union of India*, AIR 1951 SC 458.

<sup>7</sup> *Sajjan Singh v. State of Rajasthan*, AIR 1965 SC 845.

<sup>8</sup> *I.C. Golak Nath v. State of Punjab*, (1967) 2 SCR 762.

<sup>9</sup> *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225. The thirteen-judge Bench recognised limitations on Parliament's constituent power and established what became known as the Basic Structure Doctrine.

<sup>10</sup> *Id.* The judgment identified, among other features, constitutional supremacy, republican and democratic government, secularism, separation of powers and federalism as elements of the constitutional structure.

<sup>11</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

the Supreme Court expressly recognised privacy as a constitutionally protected right emerging from the guarantees of liberty and dignity.<sup>12</sup>

The Constitution consequently evolved from a framework primarily concerned with governmental structure into a living rights-based instrument capable of addressing contemporary questions of individual freedom.

## CONSTITUTIONALISM AND THE LIMITS OF POWER

The evolution of Indian constitutional law has also involved maintaining a balance between institutions. During the Emergency era, concerns about constitutional liberty became particularly significant. The post-Emergency constitutional jurisprudence strengthened the principle that constitutional power cannot be used to destroy constitutional limitations.

In *Minerva Mills Ltd. v. Union of India*, the Supreme Court reaffirmed the Basic Structure Doctrine and invalidated constitutional amendments that attempted to give Parliament virtually unlimited amending power.<sup>13</sup> The Court emphasised that Fundamental Rights and Directive Principles are not enemies but complementary components of the constitutional scheme.

Similarly, *S.R. Bommai v. Union of India* strengthened constitutional federalism and judicial review in the context of Article 356, demonstrating that even powers exercised in the political sphere remain subject to constitutional limitations.<sup>14</sup>

## CONCLUSION

The evolution of Indian constitutional law is therefore a continuing journey rather than a completed historical event. It began with the struggle against colonial authority, developed through constitution-making in the Constituent Assembly, and matured through decades of judicial interpretation, constitutional amendments and institutional conflict.

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<sup>12</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

<sup>13</sup> *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625; see also *Kesavananda Bharati*, (1973) 4 SCC 225. The Supreme Court has subsequently reaffirmed that Parliament's amending power remains subject to the Basic Structure Doctrine.

<sup>14</sup> *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.

The most significant feature of this evolution is the movement from government under a constitution to government limited by constitutionalism. Parliament has legislative authority, but it is not constitutionally unlimited; the executive exercises power, but remains accountable to law; and the judiciary interprets the Constitution while protecting its fundamental commitments.

The Indian Constitution has survived because it has been capable of continuity without becoming rigid. Its text provides stability, while constitutional interpretation allows its principles to respond to new circumstances. The evolution of Indian constitutional law is ultimately the story of this balance: preserving the identity of the Constitution while allowing constitutional rights and institutions to grow with the society they govern.