

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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THE CONSTITUTION AS A CATALYST FOR NATION FORMATION AND SOCIAL PROGRESS

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INTRODUCTION

The Constitution of India is a foundational document of the nation's democratic framework. It has been instrumental in shaping the country's development and promoting social transformation since its enactment on November 26, 1949, and enforcement on January 26, 1950. By establishing a robust governance structure, guaranteeing fundamental rights to citizens, and promoting social justice and equality, the Constitution has played a pivotal role in India's growth as a sovereign, socialist, secular, and democratic republic. By establishing a sense of unity and diversity and advancing the well-being and dignity of all citizens, the Constitution's numerous provisions, such as Fundamental Rights and Directive Principles of State Policy, have helped India navigate the challenges of social transformation and nationbuilding. To illustrate the Constitution's transformative vision and its significant influence on India's development and advancement, this article aims to examine its role in nation-formation and social transformation by examining the interaction between its provisions and the judiciary's interpretation.

This article explores the Constitution's provisions and landmark judgments to underscore its enduring significance as a cornerstone of Indian democracy and its continued relevance in shaping the nation's future.

ROLE OF THE CONSTITUTION OF INDIA

Originally, the constitution contained a Preamble, 395 articles in 22 parts and 8 schedules. Currently, the number of articles has increased to 448 due to 106 amendments since its enactment in 1950. Also, the constitution now consists of 25 parts and 12 schedules. It established the main organs, legislation, the executive and the judiciary, defining their past, demarcating their responsibilities and regulating the interrelationship. It lays down the basic structure of governance and the relationship between the government and the people. The Constitution makers took into consideration the numerous constitutional processes operating

in different nations of the world and, as a result, drew from a wealth of human experience, wisdom, heritage and traditions in the field of governmental process to fashion a system suited to the political, social and economic conditions in India. Consequently, the Indian Constitution emerged as a highly intriguing and distinctive constitution. The system of prerogative writs, which is essential to safeguarding people's legal rights and guaranteeing judicial oversight over administrative activity in Britain's contribution to India, closely resembles the British model of Parliamentary administration in India.

The Constitution aids in nation-building and social change through a number of its provisions, including addressing social issues, an independent judiciary, judicial review, Directive Principles of State Policy, and Fundamental Rights. These clauses have had a crucial role in upholding individual liberties, advancing social justice, and forming the democratic framework of the country.

1. Fundamental Rights and Directive Principles

The fundamental rights guaranteed by the Constitution empowers the citizens and safeguard their liberties. These rights include freedom of expression, freedom of assembly, freedom of association, and equality and personal liberty. Numerous significant court cases have focused on the fundamental rights specified in the Indian Constitution, producing a substantial body of case law. The judiciary has adopted an expansive and liberal interpretation of fundamental rights rather than a restrictive one. In the landmark case of **Maneka Gandhi v. Union of India (1978)**¹, the Supreme Court asserted that Article 21² is the heart of the Fundamental Rights, implying a broad range of human rights. Article 21, which guarantees the right to life and personal liberty, has been reinterpreted to include various rights, such as the right to medical care, as seen in the **Parmanand Katara v. Union of India case (1989)**³. To broaden the application of Article 21, the Supreme Court has reversed earlier rulings, including the **A.K. Gopalan v. State of Madras (1950)**⁴, and has demonstrated a strong commitment to preserving individual liberty.

Article 19(1)⁵ of the Indian Constitution protects citizens' fundamental rights, including the

¹ Maneka Gandhi vs Union of India, 1978 AIR 597

² India Const. art. 21

³ Parmanand Katara v. Union of India, 1989 AIR 2039

⁴ A.K. Gopalan v. State of Madras, 1950 AIR 27

⁵ India Const. art.19, cl. 1

right to freedom of speech and expression, assembly, association, travel, and residency and settlement. The Directive Principles of State Policy, which are enshrined in Part IV of the Constitution, aims to advance both social and economic well-being.

The Supreme Court has highlighted the significance of striking a balance between social objectives and individual rights, declaring that Directive Principles and Fundamental Rights are complementary rather than antagonistic. In **Kesavananda Bharati v. State of Kerala (1973)**⁶, the court stated that the Directive Principles and Fundamental Rights make up the "conscience of the Constitution". The court has also maintained the notion that the goals of the Directive Principles can be achieved by utilizing fundamental rights.

The Constitution's dedication to safeguarding vulnerable populations is demonstrated by Articles 39(f)⁷ and 45⁸, which address the care and education of children. The Supreme Court has addressed various issues, including child labour, in cases such as **MC Mehta v. State of Tamil Nadu (1996)**⁹. The court highlighted the significance of putting laws and procedures in place to protect children, citing the **Child Labour (Prohibition and Regulation) Act, 1986**¹⁰. A just, equitable, and fair society, as well as the nation's progress, depend on the provisions of the Indian Constitution, particularly the Directive Principles and Fundamental Rights. These clauses help India advance human rights, social justice, and decent labour.

The flexibility of the Constitution and the broad interpretation of the court have made it a valuable and effective framework for governance that protects each citizen's well-being and dignity. The relationship between Directive Principles and Fundamental Rights has been essential in shaping the nation's development and ensuring that the Constitution remains a living document that guides and inspires the nation to this day.

2. Independence of Judiciary

The independence of the judiciary is a cornerstone of constitutional governance, playing a pivotal role in shaping the nation's development and promoting social transformation. The judiciary acts as a sentinel on the qui vive, ensuring that the rule of law is respected and that

⁶ Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461

⁷ India Const. art. 39, cl. f

⁸ India Const. art. 45

⁹ MC Mehta v. State of Tamil Nadu, AIR 1997 SC 699

¹⁰ Child Labour (Prohibition and Regulation) Act (India), 1986

the legislative and executive institutions do not infringe upon citizens' rights¹¹. Because of its independence, the court can carry out its constitutional duties fearlessly and without favor, which promotes the development of a society that is just and equal. By upholding the collegium system and overturning the National Judicial Appointment Commission (NJAC), the **Supreme Court Advocates-on-Record Association v. Union of India (1993)**¹² demonstrates the judiciary's independence and shields it from executive meddling. The court's dedication to preserving its independence and defending constitutional values is evident in this ruling.

The judiciary demonstrates its ability to handle intricate legal and social challenges while staying true to its constitutional role by various judgements. As the Supreme Court ruled that the right to marry is not a fundamental right in and of itself, nor does it fall under the general protection of any other basic right, as demonstrated in the landmark case of **Supriyo v. Union of India (2022)**¹³. The question was raised "whether the denial of a fundamental right to marry for queer couples amounts to a violation of their right to privacy and dignity." Through its decisions, the court has consistently demonstrated its commitment to upholding the Constitution's revolutionary ambition.

Moreover, the judiciary's role in upholding fundamental rights and advancing social justice has made it possible to empower marginalized populations and foster social inclusion. The judiciary ensures the governing structure's ongoing accountability to the people by applying a fair and unbiased interpretation of the Constitution and legislation, which promotes accountability, openness, and good governance, all of which are essential to the nation's development. The court's decisions in cases like **Navtej Singh Johar v. Union of India (2018)**¹⁴ and **Vishakha v. State of Rajasthan (1997)**¹⁵ have been watershed moments in the struggle for gender equality and LGBTQ+ rights, respectively. These decisions demonstrate the judiciary's commitment to upholding the Constitution's tenets of justice, equality, and liberty. An independent judiciary ensures that the court operates within the bounds of the Constitution, making decisions that are based on the law and free from outside influence. It doesn't mean that decisions are made arbitrarily or without accountability. Due to its independence, the court can also significantly contribute to societal change by amending the

¹¹ Pathumma v. State of Kerala, AIR 1978 SC 771

¹² Supreme Court Advocates-on-Record Association v. Union of India, AIR 1994 SC 268

¹³ Supriyo v. Union of India, W.P.(C) No. 1011/2022

¹⁴ Navtej Singh Johar v. Union of India, AIR 2018 SC 4321

¹⁵ Vishakha v. State of Rajasthan, AIR 1997 SC 3011

Constitution to accommodate the changing needs of the general public. By expanding the concept of fundamental rights via its decisions, the judiciary has acknowledged other rights and interests that are essential to the welfare of citizens.

In this context, the court's innovative reading of Article 21, which protects the rights to life and personal freedom, has been significantly important. By interpreting Article 21 in the context of other Constitutional articles, the judiciary has recognized a number of rights, including the right to health, education, and a clean environment. Because of this, the court is now able to actively promote social justice and ensure that the Constitution remains a living document that guides and inspires the nation. Ultimately, the independence of the judiciary is essential to maintaining the Constitution's tenets of justice, equality, and liberty as well as ensuring that the rule of law and constitutional governance act as the country's compass for advancement.

3. Amendments

Since its creation, the Indian Constitution, a living constitution, has experienced multiple amendments that have reflected the nation's changing needs and goals. Dr. B.R. Ambedkar made it feasible to change the Constitution while preserving its fundamental structure by inventing the addition of Article 368¹⁶. The **1st Amendment**¹⁷ of 1951, which included Article 31-A¹⁸, maintained the Zamindari Abolition Laws, and amended Article 15¹⁹, benefited socially and educationally disadvantaged groups. The **42nd Constitutional Amendment Act**²⁰ of 1976 strengthened India's commitment to secularism by adding the word "secular" to the Preamble. Consequently, the term 'secular state' can be used to describe a specific pattern of connection that can be applied to India.²¹ The **73rd**²² and **74th Constitutional Amendments**²³ of 1992 granted women seats in local councils, giving them greater control over governance and decision-making.

Further broadening the scope of affirmative action, the **103rd Constitutional Amendment**

¹⁶ India Const. art. 368

¹⁷ The Constitution (First Amendment) Act, 1951

¹⁸ India Const. art. 31A

¹⁹ India Const. art. 15

²⁰ The Constitution (Forty-Second Amendment) Act, 1976

²¹ Md. Mallick Ayub, (2013) "Contextualizing the Concept of Secularism in India", International Journal of Humanities and Social Science Invention 2(51) 39.

²² The Constitution (Seventy-third Amendment) Act, 1992

²³ The Constitution (Seventy-fourth Amendment) Act, 1992

Act²⁴ of 2019 established a 10% reservation for Economically Weaker Sections (EWS) in government employment and educational institutions in order to create equitable opportunities. The effectiveness and relevance of the Constitution in addressing contemporary societal issues have been ensured by these amendments. To emphasize the role of education in nationbuilding, the **86th Constitutional Amendment**²⁵ (2002) established basic education as a fundamental right for children aged 6 to 14. These modifications have promoted India's development into a more prosperous, just, and equitable society by modifying the Constitution to reflect shifting social demands and ideals.

Constitutional amendments have been crucial to nation-building and societal transformation, enabling it to remain a versatile instrument of governance. By considering a range of perspectives and addressing novel concerns, amendments have assisted India in moving closer to a society that is more inclusive, egalitarian, and just. The Constitution's flexibility has allowed it to reflect the desire of the people and the changing needs of society while simultaneously upholding the principles of democracy and justice.

Therefore, constitutional revisions have had a significant impact on India's nation-building and social transformation, enabling the country to move closer to a more equitable and just society. Many facets of Indian society have been impacted by constitutional revisions. Women are now more involved in governance and decision-making as a result of municipal authorities reserving seats for them. Social inclusion and equality have been fostered by the reservation system's inclusion of economically disadvantaged people. The secularism enshrined in the Constitution has promoted harmony between many populations by fostering a sense of unity and diversity. The Constitution can now address new issues like social justice and environmental preservation thanks to the modifications. By accepting a range of opinions and promoting social welfare, constitutional changes have played a crucial role in shaping India's progress and furthering the principles of democracy and justice.

4. Judicial Review

The Indian Constitution has granted the court the essential power of judicial review through its provisions and authority, enabling it to play a major role in social reform and the development of the country. By exercising this power, the judiciary has ensured that the Constitution's

²⁴ The Constitution (One Hundred and Third Amendment) Act,2019

²⁵ The Constitution (Eighty-Sixth Amendment) Act,2002

transformative intent is upheld and that citizens' rights are not violated by the legislative and executive branches. The courts have employed judicial review to interpret the Constitution's provisions, including the fundamental rights and tenets of state policy, in order to promote social justice and equality. Famous rulings like **Justice K.S. Puttaswamy v. Union of India (2018)**²⁶ and **Olga Tellis and Ors. v. Bombay Municipal Corporation and Ors. (1985)**²⁷ have shown the judiciary's dedication to preserving the fundamental principles of the Constitution.

Since it recognizes a range of rights and interests that are essential to citizens' well-being, the court's creative interpretation of Article 21, which safeguards the right to life and personal freedom, has been particularly notable. By exercising its authority of judicial review, the judiciary has ensured that the Constitution is a living document that may be modified to satisfy societal demands and further the principles of justice, equality, and liberty. Among other things, Articles 32²⁸ and 226²⁹ of the Constitution have granted the courts the power to issue writs and directions, enabling citizens to seek remedy for their complaints and ensuring that the government remains answerable to the people.

By interpreting the Constitution in a way that supports justice, equality, and liberty, the court has ensured that it remains a beacon of progress and hope, guiding India's growth and shaping its future. Ultimately, the authority of judicial review has enabled the judiciary to act as a sentinel on the qui vive, preserving the core tenets of the Constitution and promoting the welfare of citizens. As a result, the judiciary has been essential to the development of countries and the change of society. By upholding the Constitution's tenets, the court has been instrumental in creating a just and equitable society, and its decisions continue to have an impact on India's development.

5. Social Issues

The Constitution has demonstrated its commitment to promoting equality and social justice through significant decisions such as **Shayara Bano v. Union of India (2017)**³⁰, wherein the practice of Triple Talaq was declared to be unconstitutional. By upholding the fundamental

²⁶ Justice K.S. Puttaswamy v. Union of India, AIR 2018 SC (SUPP) 1841

²⁷ Olga Tellis and Ors. v. Bombay Municipal Corporation and Ors., 1986 AIR 180

²⁸ India Const. art. 32

²⁹ India Const. art. 226

³⁰ Shayara Bano v. Union of India, AIR 2017 SC 4609

rights guaranteed by Articles 14³¹, 15, 19, and 21, the court has ensured that the Indian Constitution is a living document that can adapt to accommodate societal demands and promote the values of justice, equality, and liberty.

A notable illustration of the Constitution's function in fostering social change is the Supreme Court's decision in the case of **State of Punjab v. Davinder Singh (2024)**³², which deals with the issue of sub-classification within the Scheduled caste and Scheduled Tribe. The court decided in this case that those who are not equal cannot be given equal treatment in order to ensure that they have representation and advancement opportunities. In the same way, the Supreme Court's decision in **Subhash Kumar v. State of Bihar and Ors. (1991)**³³ sought to uphold the right to a clean environment and pollution-free water as fundamental rights under Article 21 of the Indian Constitution, thereby protecting the right to live in a pollution-free environment today. These decisions demonstrate how important the court is to interpreting the Constitution and preserving social justice and equality.

The Constitution's revolutionary ambition has helped India to evolve towards a more just and equal society. The Constitution has made sure that everyone's rights and dignity are upheld by advancing the principles of justice, equality, and liberty. The nation's development and social transformation have been greatly influenced by the judiciary's interpretation of the Constitution. The Constitution has continued to be a ray of hope and advancement, directing India's growth and forming its destiny through its provisions and the interpretation

Thus, the Constitution continues to change to reflect societal needs and promote a society that is fair, just, and inclusive for all of its citizens. In order to maintain India as a vibrant and dynamic democracy, the Constitution's commitment to social justice and equality has been essential in fostering a sense of diversity and togetherness among all Indians as well as a sense of belonging.

CONCUSION

The Indian Constitution has played a significant role in influencing the country's growth and fostering social change. The Constitution has made it possible for India to successfully

³¹ India Const. art. 14

³² State of Punjab v. Davinder Singh, 2024 SCC Online SC 1860

³³ Subhash Kumar v. State of Bihar and Ors., AIR 1991 SC 420

negotiate the challenges of social change and nation-building by establishing a strong governance framework, protecting fundamental rights, and advancing social justice and equality. Through its many provisions, such as judicial review, an independent judiciary, Directive Principles of State Policy, Fundamental Rights, and revisions, the Constitution has ensured that each citizen's rights and dignity are respected and protected. Upholding its transformational aim, advancing social justice, and defending individual liberties have all benefited greatly from the judiciary's interpretation of the Constitution.

The Constitution's adaptability and flexibility have allowed it to remain a relevant and effective framework for governance, responding to emerging challenges and promoting the values of justice, equality, and liberty. Because of its adaptability and flexibility, the Constitution has been able to respond to new issues and advance the principles of justice, equality, and liberty while continuing to be a pertinent and useful framework for administration. Significant rulings like *Navtej Singh Johar v. Union of India*, *Kesavananda Bharati v. State of Kerala*, and *Maneka Gandhi v. Union of India* have shown the judiciary's dedication to preserving the fundamental principles of the Constitution. The Constitution's flexibility to adjust to shifting societal demands while upholding its fundamental principles is what gives it its lasting significance. As a living document, it still serves as a source of inspiration and direction for the country, promoting both unity and diversity while guaranteeing India's continued status as a democratic, secular, socialist, and independent republic. Shrimati Gandhi once said: "The goal of our Constitution is to achieve social and economic fairness within a framework of liberty it's a character who embraces changes, not one who defends the status quo. Future generations can not be bound by a live Constitution. If a human rejects the future, it will perish. The law must enable political institutions to be robust and responsive to new events while safeguarding essential ideals."³⁴

³⁴ Dr. Gajendragadkar P.B. (1976) *Law, Lawyers and Social Change* National Forum of Lawyers and Legal Aid, New Delhi