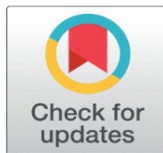


INDIAN CONSTITUTION: REMINISCING 75 GLORIOUS YEARS OF ITS ADOPTION AND THE WAY FORWARD

Tongbram Radhabinod Singh¹, Dr. R.K Premila Devi²

¹ Research Scholar, School of Legal Studies, Dhanamanjuri University, Imphal, Manipur

² Dean, School of Legal Studies Dhanamanjuri University, Imphal, Manipur



ABSTRACT

Adopted on January 26, 1950, Indian constitution heralded the beginning of a new era of democracy, liberty, and equality. Over the past 75 years, it has stood as a beacon of justice and resilience, guiding the world's largest democracy through profound socio-political and economic transformations including that of scheduled Caste, Tribe, OBCs, minorities etc. This living document, rooted in the principle of justice, liberty, equality and fraternity, showcase India's diverse, inclusive and pluralistic society. Under the visionary leadership of Dr. B.R. Ambedkar, the Constituent Assembly drafted the Constitution that established the framework for governance, fundamental rights, and directive principles, ensuring a balance between individual freedom and collective responsibility. To address evolving needs and challenges, the Constitution has been amended multiple times in the past seven decades. Landmark changes, such as decentralization of power, expansion of fundamental rights, inclusion of socio-economic reforms, have reinforced its adaptability. It has also upheld the sanctity of democracy through its checks and balances and the pivotal role played by the judiciary. The Constitution has guided India through critical events, from integration and reorganization of states, economic liberalization and technological advancement to social justice movements and rising global issues and challenges. Its role in fostering unity, protecting individual rights, and enabling inclusive growth remains unparalleled. As the country celebrates 75 years of its Constitution, it is a moment to reflect and recollect on its enduring legacy and recommit to its core values, ensuring it continues to empower every citizen while embracing changes and progress. The Constitution stands not just as a legal framework but as a testament to India's vision of an equitable and prosperous society.

Corresponding Author

Tongbram Radhabinod Singh,

journalpublication24@gmail.com

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1. INTRODUCTION

India remained under British colonial rule for nearly two centuries, with the Indian freedom movement gaining significant momentum in the early 20th century. Established in 1885, the Indian National Congress emerged as the leading organization advocating for India's independence (The Editors of Encyclopaedia Britannica, 2024). After extensive negotiations between Indian political leaders and British authorities, the British Parliament enacted the Indian Independence Act of 1947, leading to the creation of two sovereign nations: India and Pakistan. India officially attained

independence on August 15, 1947 (The Editors of Encyclopaedia Britannica, 2025). Following independence, the Indian National Congress shifted its focus from leading the struggle for freedom to drafting a new constitution for the nation. Although discussions about an Indian constitution had occurred since the early 20th century, the political environment had previously been unfavorable for such an effort (Jalal & Ayesha, 2011).

In 1946, the British government declared its intention to establish a Constituent Assembly tasked with drafting a new constitution for India. The Assembly was designed to include representatives from all regions and communities across the country, ensuring participation from religious and ethnic minorities. Following their victory in the 1946 provincial elections, the Indian National Congress secured a majority, and its leaders assumed leadership of the Interim Government of India, which took on the responsibility of organizing the Constituent Assembly.

The constituent assembly:

In 1946, the British government revealed its intention to establish a Constituent Assembly tasked with drafting a new constitution for India (Graville, 2000, p.6). The concept of forming a Constituent Assembly was initially introduced in the Cabinet Mission Plan, which outlined a framework for transferring power from British colonial rule to Indian leadership (Graville, 2000, p.18). According to the plan, the Constituent Assembly would be responsible for preparing a constitution that would come into effect following India's independence (Graville, 2000, p.24).

The Constituent Assembly was to be composed of representatives from all of India's regions and communities, including religious and ethnic minorities (Graville, 2000, p.26). The members of the Assembly were to be elected by the provincial assemblies, which were themselves elected by the people of India (Graville, 2000, p.26). The idea behind this system was to ensure that the Assembly was truly representative of the people of India and not just the political elite.

The first meeting of the Constituent Assembly was held on December 9, 1946, in the Central Hall of the Parliament building in New Delhi. The Assembly was chaired by Dr. Sachchidananda Sinha, who was the oldest member of the Assembly at the time (Graville, 2000, p.26). The members of the Assembly included representatives from all of India's major political parties, as well as independent members who had no party affiliation (Graville, 2000, p.29).

The Constituent Assembly established several committees to address specific aspects of the constitution, including the Drafting Committee, the Advisory Committee, and the Committee on Fundamental Rights (Graville, 2000, p.31). The Drafting Committee, chaired by Dr. B.R. Ambedkar—a prominent Dalit leader and constitutional expert—played a central role in the process (Graville, 2000, p.33). Over nearly three years, the committee meticulously worked on drafting the constitution, seeking input from legal experts and drawing inspiration from the constitutional frameworks of other nations (Graville, 2000, p.35).

In total, the Constituent Assembly held 11 sessions and took 2 years, 11 months, and 18 days to complete its work. The Assembly's final draft of the Constitution was adopted on November 26, 1949, and came into effect on January 26, 1950 (Graville, 2000, p.47). This day is now celebrated as Republic Day in India, marking the formal establishment of the Republic of India.

In conclusion, the creation of the Constituent Assembly was a significant milestone in India's struggle for independence. The Assembly's commitment to creating a constitution that reflected the diversity of India's population was a crucial factor in ensuring that the constitution would be widely accepted and supported. Today, the Indian Constitution remains one of the most detailed and comprehensive constitutions in the world.

Drafting the constitution:

Drafting the Indian Constitution was a monumental task that required the input and collaboration of many individuals. The Drafting Committee: The Constituent Assembly appointed a drafting committee on August 29, 1947, to prepare a draft constitution for India. The committee was chaired by Dr. B.R. Ambedkar, a prominent Dalit leader and legal scholar, and included six other members: N. Gopalaswami Ayyangar, Alladi Krishnaswamy Iyer, K.M. Munshi, Sayyid Mohammad Saadulla, N. Madhava Rau, and D.P. Khaitan (Graville, 2000, pp. 82-83).

Consultations and Inputs: The drafting committee consulted with a wide range of legal experts, constitutional scholars, and political leaders from across India to develop the draft constitution. For example, the committee held extensive consultations with Sir Ivor Jennings, a prominent British legal scholar who had served as an advisor to the British government on constitutional matters in India. The committee also reviewed the constitutions of other countries, including the United States, Canada, and Australia, to draw inspiration for their own document (Graville, 2000, pp. 83-84).

Debates and Discussions: The drafting committee held numerous meetings to discuss and debate the provisions of the draft constitution. These meetings were often heated and contentious, with members of the committee expressing differing opinions on key issues such as the role of the central government, the powers of the judiciary, and the rights of minorities. Ultimately, however, the committee was able to reach consensus on a final draft of the constitution (Granville, 2000, pp. 84-86)

Final Draft: The final draft of the Indian Constitution was completed on November 26, 1949. The document was adopted by the Constituent Assembly on that same day, and came into effect on January 26, 1950, marking the formal establishment of the Republic of India (Granville, 2000, p. 87).

In conclusion, the drafting of the Indian Constitution was a complex and challenging process that required the input and collaboration of many individuals. Through extensive consultations, debates, and discussions, the drafting committee was able to create a document that reflected the aspirations and values of the Indian people,

2. KEY FEATURES: PREAMBLE

The Preamble to the Indian Constitution is a brief introductory statement that outlines the fundamental principles and values that underpin the Constitution. It reads as follows:

"We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic and to secure to all its citizens:

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and of opportunity; and to promote among them all

Fraternity assuring the dignity of the individual and the unity and integrity of the Nation;

In our constituent assembly, this twenty-sixth day of November 1949, do hereby adopt, enact and give to ourselves this Constitution."

This Preamble reflects the core values of the Indian Constitution, and serves as a guide to interpreting its provisions. Each phrase of the Preamble has significant legal and political meaning, as well as historical context.

"We, the people of India": The phrase "We, the people of India" indicates that the Constitution derives its authority from the people, who are the ultimate sovereigns of the country. This is in contrast to the previous British colonial regime, where authority was derived from the Crown.

"having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic": The phrase "sovereign, socialist, secular, democratic republic" summarizes the key characteristics of the Indian political system (Granville, 2000).

Sovereign: India is an independent nation and is not subject to any external control or authority (Bekker, 2008).

Socialist: India's socialist character is reflected in its commitment to social justice and the promotion of welfare.

Secular: India is a secular state that is neutral in matters of religion, and does not promote or discriminate against any particular religion.

Democratic: India is a democracy where power is exercised by the people through their elected representatives.

Republic: India is a republic where the head of state is elected and not a monarch or a hereditary ruler.

"and to secure to all its citizens: Justice, social, economic and political": The Preamble guarantees justice in all its forms to all citizens of India. The Indian Constitution seeks to promote social, economic, and political justice, and to ensure equal opportunity and treatment under the law.

"Liberty of thought, expression, belief, faith and worship": The Preamble guarantees various freedoms to citizens of India, including the freedom of thought, expression, belief, faith, and worship. These freedoms are enshrined in various articles of the Constitution, including Articles 19 and 25.

"Equality of status and of opportunity": The Preamble guarantees equality of status and opportunity to all citizens, regardless of their caste, religion, or gender. This principle is reflected in various provisions of the Constitution, including Article 14, which guarantees the right to equality before the law.

"and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the Nation": The Preamble aims to promote a sense of unity and fraternity among all citizens, and to ensure that the dignity of every individual is respected. This is in line with the principle of "Unity in Diversity", which is a core value of the Indian Constitution.

In conclusion, the Preamble to the Indian Constitution serves as a guiding principle and reflects the values and aspirations of the Indian people. It encapsulates the essence of the Indian Constitution and sets the tone for interpreting its provisions.

Democratic government:

A democratic government is a system in which authority resides with the people, who exercise it either directly or through elected representatives chosen in free and fair elections. In this system, citizens have the right to engage in the decision-making process and to hold their representatives accountable for their actions. Democracy is founded on the principle of equality, ensuring that every individual has an equal voice and vote in shaping decisions that affect the community.

One of the fundamental features of democratic government is the separation of powers. The power is divided among the three branches of government : the legislative, executive, and judicial branches. The legislative branch is responsible for making laws, the executive branch is responsible for implementing laws, and the judicial branch is responsible for interpreting laws. This separation of powers ensures that no single branch of government becomes too powerful and prevents the abuse of power.

Another important feature of democratic government is the rule of law. In a democratic society, the law applies equally to all citizens, regardless of their status or position. The rule of law protects citizens from arbitrary actions by those in power and ensures that everyone is subject to the same set of laws.

Free and fair elections are the cornerstone of democratic government. Elections provide citizens with the opportunity to choose their representatives and hold them accountable. In a democratic government, elections are conducted in a transparent manner, and citizens have the freedom to vote without fear of intimidation or coercion.

Finally, democratic government is based on the principle of individual rights and freedoms. Citizens have the right to freedom of speech, religion, assembly, and the press. They also have the right to due process of law, equal protection under the law, and the right to a fair trial.

In conclusion, democratic government is a system of government that is based on the principle of equality, separation of powers, rule of law, free and fair elections, and individual rights and freedoms. These features ensure that the government is accountable to the people and that citizens have a voice in the decision-making process.

Federalism

Federalism is a system of government in which power is divided between a central authority and constituent political units such as states or provinces. The concept of federalism is rooted in the idea of a social contract between a people and their government, in which power is shared between different levels of government to ensure greater representation and accountability.

The United States is often cited as the classic example of a federal system, with its division of powers between the federal government and individual states. However, federalism has also been adopted in other countries, including Canada, Australia, and India. In each case, the precise division of powers and responsibilities between different levels of government is spelled out in a written constitution or other legal framework.

One of the key features of federalism is the distribution of powers between the central government and the constituent political units. In most cases, the central government is responsible for matters that affect the country as a whole, such as foreign policy, national defense, and interstate commerce. The constituent units, on the other hand, have responsibility for matters that are more localized, such as education, healthcare, and public safety.

However, the distribution of powers is not always clear-cut, and there is often debate over the proper balance between centralization and decentralization. For example, in the United States, there has been ongoing debate over the extent to which the federal government should be involved in areas such as healthcare and environmental regulation.

One of the advantages of federalism is that it allows for greater diversity and experimentation in policymaking. Because different states or provinces have their own unique needs and circumstances, they are able to tailor policies to their own particular situations. This can lead to a more responsive and effective government, as policies are more closely aligned with local needs and preferences. At the same time, federalism can also lead to fragmentation and inconsistency in policymaking. Because different states or provinces have different policies and regulations, there can be confusion and inefficiency when it comes to implementing national policies or programs.

In conclusion, federalism is a complex and evolving concept that plays an important role in many modern democracies. While it has its advantages and disadvantages, it remains a key mechanism for balancing centralized and decentralized power and ensuring that government remains responsive to the needs of citizens at all levels.

Fundamental Rights

Fundamental Rights are a set of basic rights and freedoms that are considered essential for the development and growth of an individual. These rights are enshrined in Part III of the Constitution of India, which guarantees certain fundamental rights to all citizens of the country. The fundamental rights are justiciable, meaning that citizens can approach the courts to seek protection and enforcement of these rights. Let's take a closer look at the fundamental rights in India.

1. **Right to Equality:** The Right to Equality is enshrined in Articles 14 to 18 of the Constitution. It guarantees that all individuals are equal before the law and that there shall be no discrimination on the basis of religion, race, caste, sex or place of birth. This includes equality of opportunity in matters relating to employment, public office and education. Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth.
2. **Right to Freedom:** The Right to Freedom is enshrined in Articles 19 to 22 of the Constitution. It guarantees certain freedoms to individuals, including freedom of speech and expression, freedom to assemble peacefully and without arms, freedom to form associations or unions, freedom to move freely throughout the territory of India, and freedom to practice any profession, occupation, trade or business.
3. **Right Against Exploitation:** The Right Against Exploitation is enshrined in Articles 23 and 24 of the Constitution. It prohibits trafficking in human beings, forced labor, and child labor. Article 24 prohibits the employment of children below the age of fourteen years in any factory, mine, or other hazardous employment.
4. **Right to Freedom of Religion:** The Right to Freedom of Religion is enshrined in Articles 25 to 28 of the Constitution. It guarantees the freedom to profess, practice, and propagate any religion, and also the freedom to manage religious affairs. Article 25(2) provides that the State can regulate or restrict any economic, financial, political, or other secular activity that may be associated with religious practice.
5. **Cultural and Educational Rights:** Cultural and Educational Rights are enshrined in Articles 29 and 30 of the Constitution. It guarantees the right of minorities to conserve their language, script or culture and the right to establish and administer educational institutions of their choice.
6. **Right to Constitutional Remedies:** The Right to Constitutional Remedies is enshrined in Article 32 of the Constitution. It guarantees the right to approach the Supreme Court for the enforcement of fundamental rights. The Supreme Court has the power to issue writs for the protection of fundamental rights, including habeas corpus, mandamus, prohibition, quo warranto, and certiorari.
7. It is important to note that fundamental rights are not absolute and can be limited by the State in certain circumstances. The Constitution provides for reasonable restrictions on the exercise of fundamental rights in the

interest of sovereignty, integrity, and security of the country, public order, decency, morality, and other grounds specified in the Constitution.

The fundamental rights in India have been the subject of numerous judicial interpretations and judgments. The Supreme Court of India has played a critical role in interpreting and expanding the scope of these rights, including through landmark judgments such as the *Maneka Gandhi* case, which expanded the right to personal liberty, and the *Kesavananda Bharati* case, which upheld the basic structure doctrine of the Constitution.

Directive Principles of State Policy

Directive Principles of State Policy (DPSP) are the guidelines that the Constitution of India lays down for the functioning of the government and administration of the country. They are a set of principles that the government is expected to follow in order to ensure the welfare of the people and create an egalitarian society. They are not legally enforceable, but they are meant to guide the government in the framing of policies and laws.

The Directive Principles of State Policy are laid down in Part IV of the Indian Constitution, which comprises articles 36 to 51. These principles have been inspired by the Irish Constitution, which was the first to include such principles.

Some of the important Directive Principles of State Policy are:

1. **Right to Education:** Article 45 of the Constitution directs the State to provide free and compulsory education to all children between the ages of 6 to 14 years. This directive was given to ensure that every child in the country receives basic education, irrespective of their socio-economic background.
2. **Living Wage and Better Working Conditions:** Article 43 of the Constitution directs the State to secure for workers a living wage, good working conditions and social security measures. The aim of this directive is to ensure that workers are paid a wage that is enough to sustain their livelihood and they work in safe and healthy environments.
3. **Promotion of Cottage Industries:** Article 43A directs the State to take steps to promote cottage industries on an individual or co-operative basis in rural areas. This is meant to encourage small-scale industries and provide employment opportunities in rural areas.
4. **Protection of Environment:** Article 48A of the Constitution directs the State to protect and improve the environment and safeguard the forests and wildlife of the country. This directive was added in 1976, during the emergency period, to emphasize the importance of environmental protection.
5. **Separation of Judiciary from Executive:** Article 50 of the Constitution directs the State to take steps to separate the judiciary from the executive. This is to ensure that there is no interference in the functioning of the judiciary by the executive branch of the government.

While Directive Principles of State Policy are not legally enforceable, they have been given due importance by the Indian Judiciary. In the case of *Minerva Mills v. Union of India* (1980), the Supreme Court held that the Directive Principles of State Policy are as important as Fundamental Rights, and that the two must be harmoniously read together to ensure the progress and development of the country.

It is important to note that while the Directive Principles of State Policy are not legally enforceable, they play an important role in shaping the policies and laws of the government. They serve as a moral and political compass for the government and provide guidance on the direction in which the country should move.

Secularism:

Secularism is one of the key features of the Indian Constitution. We can analyse how secularism is enshrined in our Constitution.

1. **Secularism in the Preamble:** The Preamble to the Indian Constitution declares India to be a "sovereign socialist secular democratic republic". This phrase emphasizes the country's commitment to secularism as a key principle of governance.

2. Secularism in Article 25: Article 25 of the Constitution guarantees the right to freedom of religion for all citizens. It also includes provisions that ensure that the state will not discriminate against any particular religion, and that all individuals are free to practice and propagate their religion as they see fit.
3. Secularism in Article 27: Article 27 of the Constitution prohibits the state from compelling any person to pay taxes for the promotion or maintenance of any particular religion. This provision ensures that the government remains neutral with respect to religious institutions and does not provide them with any special privileges.
4. Secularism in Article 28: Article 28 of the Constitution prohibits the teaching of any particular religion in state-run educational institutions. This provision ensures that the government does not favor any particular religious group or indoctrinate young people with a particular religious ideology.
5. Secularism in Judicial Interpretation: The Indian judiciary has played a key role in interpreting and upholding the secular provisions of the Constitution. For example, in the landmark case of *S.R. Bommai v. Union of India* (1994), the Supreme Court held that secularism is a basic feature of the Constitution that cannot be amended.

In conclusion, the Indian Constitution enshrines the principle of secularism in multiple provisions, including the Preamble, Articles 25, 27, and 28. These provisions ensure that the state remains neutral with respect to religion and that all citizens are free to practice and propagate their religion as they see fit.

Judiciary:

The Indian Constitution establishes an independent judiciary as one of its key features.

1. Appointment and Tenure: The Constitution provides for the appointment of judges to the Supreme Court and High Courts by the President of India, after consultation with other judges and legal experts. Judges are appointed for a fixed tenure and can only be removed through a process of impeachment by Parliament, which requires at least two-thirds majority in both the Lok Sabha and the Rajya Sabha.
2. Separation of Powers: The Constitution also ensures the separation of powers between the judiciary, legislature, and executive branches of government. This helps to prevent the concentration of power in any one branch and allows the judiciary to act as a check and balance on the actions of the other two branches.
3. Jurisdiction and Powers: The Constitution grants the Supreme Court and High Courts extensive powers to interpret the Constitution and to hear cases involving fundamental rights, disputes between the central government and State governments, and other matters of national importance. The Supreme Court also has the power to issue writs and to review the decisions of lower courts.
4. Financial Independence: The Constitution also provides for the financial independence of the judiciary, with the salaries and allowances of judges being charged on the Consolidated Fund of India. This helps to ensure that the judiciary is not subject to financial pressure or influence from the other branches of government.
5. Judicial Review: The Indian Constitution establishes the principle of judicial review, which allows the judiciary to examine the constitutionality of laws and executive actions. This helps to ensure that the other branches of government do not exceed their constitutional powers or violate the fundamental rights of citizens.

In conclusion, the Indian Constitution provides for an independent judiciary that is empowered to act as a check and balance on the other branches of government. Through provisions for appointment and tenure, separation of powers, financial independence, and judicial review, the Constitution ensures that the judiciary can act fairly and impartially in upholding the rule of law and protecting the fundamental rights of citizens.

3. AMENDING PROVISIONS:

The Indian Constitution includes provisions for amending its provisions, but also sets out certain fundamental principles that cannot be changed.

1. **Procedure for Amendment:** The procedure for amending the Indian Constitution is laid out in Article 368. An amendment may be initiated in either house of Parliament and must be passed by a two-thirds majority of the members present and voting. The amendment must then be ratified by at least half of the state legislatures before it can come into effect.
2. **Basic Structure Doctrine:** The Indian Constitution includes certain fundamental principles that cannot be changed through the amendment process. These principles, known as the basic structure doctrine, were established by the Supreme Court of India in the landmark case of *Kesavananda Bharati v. State of Kerala* (1973). The Court held that while the amending power of Parliament is wide, it does not extend to altering the basic structure or framework of the Constitution.
3. **Limitations on Amendment:** In addition to the basic structure doctrine, the Indian Constitution also sets out certain other limitations on the amendment process. For example, amendments that seek to diminish the powers of the states or infringe upon the fundamental rights of citizens are subject to greater scrutiny by the courts. Amendments that seek to alter the federal character of the Constitution or the secular nature of the State are also subject to special provisions.
4. **Key Amendments:** Over the years, the Indian Constitution has been amended numerous times to reflect changing political, social, and economic realities. Some of the most significant amendments have included changes to expand the powers of the central government, protect the rights of minorities, and guarantee the right to education. One of the most controversial amendments was the 42nd Amendment, which was passed in 1976 during the period of emergency rule and sought to greatly expand the powers of the central government.

In conclusion, the amending provisions of the Indian Constitution provide a mechanism for updating and adapting the document to changing circumstances, while also safeguarding certain fundamental principles and values. The basic structure doctrine and other limitations on the amendment process ensure that the Constitution remains a stable and enduring framework for democratic governance.

4. SPECIAL PROVISION FOR SCHEDULED CASTE AND SCHEDULED TRIBES:

The Indian Constitution provides a comprehensive framework to safeguard the rights of Scheduled Castes (SCs) and Scheduled Tribes (STs), ensuring their social, educational, political, and economic development. These provisions aim to address historical disadvantages and integrate these communities into mainstream society. They may be analysed as follows :

A. Fundamental Rights (Part III)

Article 15(4): Enables the State to make special provisions for the advancement of socially and educationally backward classes, including SCs and STs. This allows for reservations in educational institutions, including private unaided institutions, except minority institutions.

Article 16(4): Permits the reservation of posts in public employment for SCs and STs where the State finds inadequate representation.

Article 17: Abolishes "untouchability" and forbids its practice in any form, ensuring protection against caste-based discrimination.

B. Directive Principles of State Policy (Part IV)

Article 46: Directs the State to promote the educational and economic interests of SCs, STs, and other weaker sections and protect them from social injustice and exploitation.

C. Political Representation

Article 330: Reserves seats for SCs and STs in the Lok Sabha (House of the People).

Article 332: Reserves seats for SCs and STs in State Legislative Assemblies.

Articles 243D & 243T: Mandate the reservation of seats for SCs and STs in Panchayats and Municipalities, respectively.

D. Educational and Economic Empowerment

Article 15(4) and Article 46: Provide the constitutional basis for various scholarship schemes, fee waivers, and establishment of educational institutions exclusively for SCs and STs.

E. Special Administrative Provisions

Fifth Schedule: Governs the administration and control of Scheduled Areas and Tribes in most states. It allows for the creation of Tribal Advisory Councils to advise on tribal welfare policies.

Sixth Schedule: Provides autonomy to tribal areas in Assam, Meghalaya, Tripura, and Mizoram, enabling the establishment of Autonomous District Councils (ADCs) with legislative, judicial, and executive powers.

F. Protection from Atrocities

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, strengthens the constitutional safeguards by penalizing acts of violence, discrimination, and other offenses against SCs and STs.

Conclusion:

These provisions reflect India's commitment to creating an equitable and inclusive society. The Constitution, through its various articles and legislative measures, continues to empower SCs and STs by addressing their unique challenges and fostering social harmony.

ADOPTION:

The adoption of the Indian Constitution on November 26, 1949, was a momentous occasion that marked the culmination of years of effort by the Constituent Assembly.

1. **The Constituent Assembly:** The Constituent Assembly was composed of 299 members, representing a wide range of communities, religions, and political perspectives. The Assembly was charged with the task of drafting a constitution for India that would guide the country in the post-colonial era.
2. **Debates and Discussions:** The Constituent Assembly held extensive debates and discussion on the provisions of the draft constitution, with members expressing differing opinions on key issues such as the powers of the central government, the rights of minorities, and the role of the judiciary.
3. **Final Approval:** The final draft of the Constitution was approved by the Constituent Assembly on November 26, 1949, after nearly three years of work. The document was signed by the President of the Assembly, Rajendra Prasad, and other members of the Assembly, and copies were distributed to all the members present.
4. **Commencement:** The Constitution came into effect on January 26, 1950, marking the formal establishment of the Republic of India. This date was chosen to commemorate the anniversary of the Purna Swaraj declaration of 1930, which had called for complete independence from British rule.
5. **Celebration:** The adoption of the Constitution was celebrated throughout India with great enthusiasm and fanfare. The day was declared a national holiday, and parades, cultural events, and flag-raising ceremonies were held across the country.

In conclusion, the adoption of the Indian Constitution was a historic moment in the country's history, marking the formal establishment of a democratic and secular republic. Through extensive debates and discussions, the Constituent Assembly was able to create a document that reflected the aspirations and values of the Indian people.

5. RECOMMENDATION: THE WAY FORWARD?

The Constitution of India, a beacon of democracy and justice, has been a robust and adaptable framework guiding the world's largest democracy since its adoption in 1950. However, changing societal dynamics, socio-economic, technological,

political landscape necessitates proactive reforms to address emerging challenges and to ensure its continued relevance and effectiveness while upholding its core values of justice, liberty, equality, and fraternity.

Strengthening Federalism:

India's federal structure often faces strain due to resource disputes and centralization of power. The Supreme Court emphasized the importance of cooperative federalism in *S.R. Bommai v. Union of India*, 1994. Revisiting the Seventh Schedule to address contemporary issues, enhancing the role of the Inter-State Council, and empowering states through equitable fiscal federalism under the Finance Commission can strengthen this balance.

Judicial Reforms:

Delays in justice delivery and concerns over judicial transparency persist. *Hussainara Khatoon v. State of Bihar* (1979) underscored the importance of speedy trials. Establishing specialized courts, embracing digital judiciary systems, and implementing alternative dispute resolution (ADR) mechanisms under the Arbitration and Conciliation Act, 1996 can reduce pendency of cases. Reconsidering judicial appointments to the supreme courts and high courts, post NJAC case (2015), is crucial for transparency.

Electoral Reforms :

Reforming electoral processes is essential for strengthening democracy. *T.N. Seshan v. Union of India* (1995) reiterated the Election Commission's autonomy. Introducing state funding of elections, curbing criminalization in politics, and enacting the pending Women's Reservation Bill will ensure inclusivity and fairness.

Promoting Social Justice:

While affirmative action policies have made strides, inequalities still persist among the citizens of the country. *M. Nagaraj v. Union of India* (2006) highlighted the need for evidence-based reservation policies. Expanding access to education, healthcare, and employment for SCs, STs, and economically weaker sections is essential. Laws like The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 must be rigorously enforced throughout the country.

Environmental Sustainability:

Climate change and environmental degradation demand urgent attention. The Supreme Court's ruling in *M.C. Mehta v. Union of India* (1987) enforced the constitutional duty under Article 48A and Article 51A(g) to protect the environment. Strengthening environmental impact assessments and empowering local governance can promote sustainability.

Recognizing Digital Rights:

The digital revolution has raised concerns over data privacy and accessibility of every individual citizen of the country. The landmark judgment in *Justice K.S. Puttaswamy v. Union of India* (2017) recognized privacy as a fundamental right. Enacting comprehensive data protection laws and bridging the digital divide will safeguard citizens in the ever-increasing digital era.

Parliamentary Reforms:

Frequent disruptions and diminishing legislative productivity pose a threat to the strength of democracy. In *Kihoto Hollohan v. Zachillhu* (1992), the Supreme Court upheld the anti-defection law as a means to preserve the integrity of the legislature. To address these challenges, it is essential to implement measures such as enforcing stricter rules for parliamentary conduct, encouraging evidence-based policymaking, and increasing women's representation in legislative bodies.

6. CONCLUSION

The making and adoption of the Indian Constitution is a story of determination, collaboration, and democratic values. The Constitution was created through the tireless efforts of the Constituent Assembly, which included representatives from all of India's regions and communities. The drafting process involved extensive consultations, debates, and discussions, with the drafting committee drawing on the experiences of other countries and legal experts to create a document that reflected the aspirations and values of the Indian people.

The Indian Constitution is notable for several key features, including its emphasis on democracy, federalism, and individual rights. The document includes a comprehensive list of fundamental rights, as well as a set of Directive Principles of State Policy, which lay out the government's obligations to promote social and economic justice, protect the environment, and provide for the welfare of its citizens. The Constitution also enshrines the principle of secularism, guaranteeing that the government will not favor any particular religion and that all citizens will be treated equally, regardless of their religious beliefs.

The adoption of the Indian Constitution on November 26, 1949, marked the formal establishment of the Republic of India. The Constitution came into effect on January 26, 1950, and has since guided the country through more than seven decades of democratic governance. Its impact has been felt in all aspects of Indian life, from politics and governance to education, culture, and society.

Overall, the making and adoption of the Indian Constitution is a testament to the power of democratic values and the determination of a people to shape their own destiny. The Constitution continues to be a source of inspiration and guidance for India and the world, demonstrating the enduring power of democratic governance and the resilience of the human spirit.

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None.

CONFLICT OF INTEREST

None.

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