



## 75 Years Of Constitution: Resilience, Reform, And The Road Ahead

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### *Abstract*

*Seventy-five years since its adoption, the Indian Constitution stands as a resilient framework balancing democracy, justice, and diversity. This paper reviews its achievements, including universal franchise, expansion of fundamental rights, judicial activism, social justice, and federalism, alongside persistent challenges such as judicial delays, frequent amendments, free speech constraints, and digital-age concerns. Landmark cases and constitutional reforms highlight both resilience and vulnerabilities. Looking ahead, the Constitution must adapt to new realities through digital rights protection, judicial efficiency, federal strengthening, electoral transparency, and civic responsibility. These measures will ensure its continued role as the bedrock of Indian democracy.*

**Keywords:** *Indian Constitution, Fundamental Rights, Judicial Activism, Federalism, Constitutional Reform*

## Introduction

On 26 November 1949, the Constituent Assembly of India adopted the Constitution, a transformative legal charter that would guide the destiny of a nation newly freed from colonial rule. On 26 January 1950, the Constitution came into force, transforming India into a Sovereign, Democratic Republic. Dr B. R. Ambedkar, the chief architect of the Constitution, had prophetically remarked: “However bad a Constitution may be, it is sure to turn out bad because those who are called to work it happen to be a bad lot. However good a Constitution may be, it may turn out to be good if those who are called to work it happen to be a good lot.”<sup>1</sup>

After seventy-five years, the Indian Constitution remains the longest written Constitution in the world, symbolising democracy, equality, and justice. It is a *living document* that has grown through 105 constitutional amendments and thousands of judicial interpretations to adapt to changing times.

The journey of the Constitution reflects both triumphs, such as the expansion of fundamental rights and the strengthening of local governance, and moments of crisis, such as Emergency-era authoritarianism, political misuse of power, and threats to personal freedoms. As India celebrates seventy-five years of its Constitution, it is important to reflect on its achievements, challenges, and the reforms needed to guide its future trajectory.

## Achievements in 75 Years of the Constitution

### 1. Strengthening Democracy

The Constitution guaranteed universal adult suffrage, enabling every citizen above eighteen years of age to vote, irrespective of caste, religion, gender, or wealth.<sup>2</sup> The Election Commission of India has successfully upheld free and fair elections, ensuring peaceful transfers of power, a remarkable feat for a post-colonial democracy.

India has conducted **17 Lok Sabha elections** and hundreds of state assembly elections since 1951–52, ensuring political continuity and democratic legitimacy.<sup>3</sup> Despite coalition governments, regionalism, and political turmoil, the electoral process has remained robust.

The **73rd and 74th Constitutional Amendments (1992–93)** deepened grassroots democracy by introducing Panchayati Raj institutions and urban local bodies, ensuring citizen participation in

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<sup>1</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966) 120.

<sup>2</sup> Constitution of India 1950, art 326.

<sup>3</sup> Christophe Jaffrelot, *India’s Silent Revolution* (Permanent Black 2003) 87.

governance.<sup>4</sup>

## 2. Expansion of Fundamental Rights

Judicial interpretation has significantly expanded the scope of fundamental rights beyond the framers' original design.

- **Kesavananda Bharati v State of Kerala (1973):** The Supreme Court established the *basic structure doctrine*, holding that Parliament cannot alter the Constitution's fundamental features such as democracy, secularism, and judicial review.<sup>5</sup>
- **Maneka Gandhi v Union of India (1978):** The Court read "due process" into Article 21, ensuring that no person could be deprived of liberty without fairness, justice, and reasonableness.<sup>6</sup>
- **K. S. Puttaswamy v Union of India (2017):** The Court declared privacy a fundamental right under Article 21, crucial in the digital age.<sup>7</sup>

These cases illustrate the Constitution's adaptability in safeguarding rights against contemporary challenges.

## 3. Social Justice Milestones

One of the most transformative contributions of the Indian Constitution is its commitment to social justice. Rooted in the historical context of caste oppression, patriarchy, and economic exclusion, the framers envisioned a constitutional order that would dismantle centuries of hierarchy and privilege. This commitment is reflected in Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy), particularly Articles 15, 16, 17, and 46, which prohibit discrimination, guarantee equality of opportunity, abolish untouchability, and direct the State to promote the interests of weaker sections of society.<sup>8</sup>

### 3.1 Affirmative Action and Reservation Policy

Affirmative action has been the cornerstone of India's constitutional response to structural inequalities. The policy of reservation in education, employment, and political

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<sup>4</sup> S P Sathe, *Judicial Activism in India* (Oxford University Press 2002) 67.

<sup>5</sup> *Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225.

<sup>6</sup> *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

<sup>7</sup> *K. S. Puttaswamy v Union of India* (2017) 10 SCC 1.

<sup>8</sup> Constitution of India 1950, arts 15–17, 46.

representation sought to redress historic injustices faced by Scheduled Castes (SCs), Scheduled Tribes (STs), and later, Other Backwards Classes (OBCs).

The Supreme Court in **Indra Sawhney v Union of India** upheld the validity of OBC reservations, while simultaneously introducing the 50% ceiling rule to prevent excessive reservation.<sup>9</sup> The judgment struck a balance between compensatory justice and the principle of meritocracy, while also disallowing reservations in promotions (later modified by the 77th Amendment).

Subsequent amendments, such as the 81st Amendment (2000), allowed backlog vacancies for SCs and STs to be filled beyond the 50% ceiling, while the 85th Amendment (2001) restored reservation in promotions with consequential seniority.<sup>10</sup> These illustrate the continuing tug-of-war between judicial checks and political assertion in affirmative action policy.

The 103rd Constitutional Amendment (2019), introducing 10% reservation for Economically Weaker Sections (EWS), marked a significant departure by extending affirmative action beyond caste, raising questions about the balance between social and economic disadvantage.<sup>11</sup> In **Janhit Abhiyan v Union of India** (2022), the Supreme Court upheld the amendment, though dissenting opinions warned against undermining the caste-based logic of affirmative action embedded in the Constitution.<sup>12</sup>

Critics argue that the reservation policy has sometimes been used as a political instrument, with successive governments expanding quotas to appease vote banks.<sup>7</sup> Others note that despite decades of reservation, caste-based discrimination persists, requiring a more intersectional approach that addresses caste, class, gender, and regional disparities simultaneously.<sup>13</sup>

### 3.2 Gender Justice and Equality

The Constitution guarantees formal equality under Articles 14, 15, and 16, but judicial interpretation has progressively transformed these guarantees into substantive gender justice.

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<sup>9</sup> *Indra Sawhney v Union of India* (1992) Supp (3) SCC 217.

<sup>10</sup> Constitution (81st Amendment) Act 2000; Constitution (85th Amendment) Act 2001.

<sup>11</sup> Constitution (103rd Amendment) Act 2019.

<sup>12</sup> *Janhit Abhiyan v Union of India* (2022) 10 SCC 1.

<sup>13</sup> Christophe Jaffrelot, *India's Silent Revolution* (Permanent Black 2003) 153.

- **Vishaka v State of Rajasthan (1997)** laid down binding guidelines against workplace sexual harassment, filling a legislative vacuum until the **POSH Act 2013** was enacted.<sup>14</sup>
- **Mary Roy v State of Kerala (1986)** secured inheritance rights for Christian women in Kerala, challenging patriarchal succession laws.<sup>15</sup>
- **Shayara Bano v Union of India (2017)** invalidated instant triple talaq, recognising it as unconstitutional and violative of Muslim women's dignity.<sup>16</sup>
- **Joseph Shine v Union of India (2018)** decriminalised adultery under Section 497 IPC, declaring it discriminatory against women.<sup>17</sup>

These cases illustrate a gradual but decisive judicial willingness to confront patriarchal structures entrenched in law and society. As scholars such as Flavia Agnes note, however, constitutional gains for women have often been uneven, requiring stronger enforcement mechanisms and greater political will.

### 3.3 LGBTQ+ Rights and Expanding Horizons of Equality

Perhaps the most striking example of constitutional dynamism is the recognition of LGBTQ+ rights.

- In **Naz Foundation v Government of NCT of Delhi (2009)**, the Delhi High Court decriminalised same-sex relations by reading down Section 377 IPC, though the decision was later overturned in **Suresh Kumar Koushal v Naz Foundation (2013)**.<sup>18</sup>
- In **Navtej Singh Johar v Union of India (2018)**, a Constitution Bench unanimously decriminalised homosexuality, holding that sexual orientation is an essential attribute of privacy, dignity, and autonomy under Article 21.<sup>15</sup>
- The Court further drew upon the principles of equality (Article 14) and non-discrimination (Article 15), explicitly affirming LGBTQ+ persons as equal citizens.

While these decisions mark a **constitutional breakthrough**, activists caution that true equality requires **anti-discrimination legislation, marriage and adoption rights**, and greater social

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<sup>14</sup> Vishaka v State of Rajasthan (1997) 6 SCC 241.

<sup>15</sup> Mary Roy v State of Kerala (1986) 2 SCC 209.

<sup>16</sup> Joseph Shine v Union of India (2018) 2 SCC 189.

<sup>17</sup> Naz Foundation v Government of NCT of Delhi (2009) 160 DLT 277.

<sup>18</sup> Navtej Singh Johar v Union of India (2018) 10 SCC 1.

acceptance.<sup>19</sup>

### 3.4 Intersectionality and the Unfinished Agenda

Ambedkar had warned that “political democracy cannot last unless there lies at the base of it social democracy”. Despite constitutional guarantees, caste violence, gender-based discrimination, and economic exclusion persist, revealing the gap between constitutional ideals and social realities.

The Supreme Court has at times adopted an intersectional lens, as in **State of Kerala v N. M. Thomas (1976)**, where it upheld affirmative action as a facet of substantive equality.<sup>20</sup> However, India still lacks a comprehensive jurisprudence that fully addresses overlapping oppressions based on caste, class, gender, religion, and sexuality.

Constitutional social justice thus remains a living project, partly fulfilled, but continually challenged by entrenched hierarchies. Its success depends not only on judicial interventions but also on legislative action, social reform movements, and civic responsibility.

### 4. Independent Judiciary and Public Interest Litigation

The framers of the Indian Constitution envisioned an independent judiciary as the guardian of rights and democracy, and this vision has largely endured. The Supreme Court has frequently acted as a check on executive excess, especially through judicial activism. A significant innovation was the emergence of **Public Interest Litigation (PIL)** in the late 1970s and 1980s, which broadened access to justice by allowing any concerned citizen to approach the court on behalf of disadvantaged groups. Through landmark rulings such as the **M. C. Mehta v Union of India** series, Article 21 was expanded to encompass environmental rights, including the right to clean air and water. PILs also facilitated structural reforms, including the mandate of mid-day meals for school children, the protection of prisoners’ rights, and the strengthening of transparency through the Right to Information framework.<sup>21</sup> Thus, the judiciary has not only preserved constitutional values but also advanced social justice in innovative ways.

### 5. Federalism and Unity in Diversity

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<sup>19</sup> Arvind Narrain, *Queer: Despised Sexuality, Law and Social Change* (Yoda Press 2004) 201.

<sup>20</sup> *State of Kerala v N. M. Thomas* (1976) 2 SCC 310.

<sup>21</sup> *M. C. Mehta v Union of India* (1987) 1 SCC 395.

The Indian Constitution established a quasi-federal structure, initially tilted towards centralisation to ensure national integrity. Over time, judicial interventions and constitutional amendments fostered greater balance. In **S. R. Bommai v Union of India (1994)**<sup>22</sup>, the Supreme Court restricted the arbitrary imposition of President's Rule under Article 356, safeguarding state autonomy. The successful integration of princely states, linguistic reorganisation, and recognition of 22 official languages reflect the Constitution's strength in accommodating pluralism. By combining unity with diversity, Indian federalism has preserved national cohesion while empowering states and local institutions, enabling democracy to function across immense cultural and regional variation.

## 6. Challenges

### 1. Frequent Amendments

While flexibility is a strength, **105 amendments** raise concerns about political expediency undermining constitutional stability. The **42nd Amendment (1976)**, enacted during the Emergency, curtailed judicial review and inserted "Socialist" and "Secular" into the Preamble, though partly reversed by the **44th Amendment (1978)**.<sup>23</sup>

### 2. Judicial Backlog

Over **40 million cases** remain pending, diluting Article 21's guarantee of speedy trial.<sup>24</sup> Judicial vacancies, procedural delays, and inadequate infrastructure undermine access to justice.

### 3. Centre-State Tensions

Disputes over **GST revenue-sharing**, governor appointments, and central encroachment on state subjects persist. Despite **S. R. Bommai (1994)**, misuse of Article 356 remains a concern.<sup>25</sup>

### 4. Free Speech v State Control

Although Article 19(1)(a) guarantees free expression, sedition laws, internet shutdowns, and criminal defamation restrict democratic space. In **Shreya Singhal v Union of India (2015)**, the Court struck down Section 66A of the IT Act, but restrictions persist.<sup>26</sup>

<sup>22</sup> *S. R. Bommai v Union of India* (1994) 3 SCC 1.

<sup>23</sup> Constitution (42nd Amendment) Act 1976; Constitution (44th Amendment) Act 1978.

<sup>24</sup> Law Commission of India, *Report on Judicial Reforms* (2019).

<sup>25</sup> B Shiva Rao, *The Framing of India's Constitution* (Universal 2006) 322.

<sup>26</sup> *Shreya Singhal v Union of India* (2015) 5 SCC 1.



## 5. Technology and Privacy

Despite **Puttaswamy (2017)**, India still lacks a comprehensive data protection law. Mass surveillance projects raise concerns about digital freedoms.

## 6. Social Inequality

Caste discrimination, gender violence, and income inequality persist despite constitutional guarantees of equality under Article 14 and the Directive Principles.<sup>27</sup>

## 7. Vision for the Next 25 Years

The next 25 years demand reforms to secure democracy in a digital, globalised age. **Digital rights** must be reinforced with strong privacy laws, AI-regulation, and cross-border cyber courts. **Judicial reforms** should include doubling the judge-to-population ratio, AI-assisted e-courts, and expanded legal aid. Strengthening **federalism** requires fairer fiscal powers, curbing gubernatorial misuse, and empowering local governments. **Electoral reforms** should ensure transparent funding, explore proportional systems, and tighten Model Code enforcement. Finally, nurturing **civic responsibility** through compulsory constitutional studies, awareness of duties, and youth participation will deepen democratic culture for India's constitutional journey ahead.

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<sup>27</sup> Jean Drèze and Amartya Sen, *India: Development and Participation* (OUP 2002) 213



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