



Success and failure of basic structure of Indian constitution: A critical analysis

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Abstract

This research paper examines the success and failure of basic structure of Indian constitution. Every democratic country must uphold the vision of social, economic, and political justice; otherwise, democracy loses its meaning. Inspired by this principle, the framers of the Indian Constitution adopted a democratic system to ensure justice for all citizens. This paper examines the constitutional vision of justice—social, economic, and political in light of India's present scenario. Historically, Indian society was divided along lines of religion, caste, and economic disparity, with illiteracy further deepening social stratification. At independence, the challenge before the framers were not only nation-building but also unifying a fragmented society by abolishing social hierarchies and establishing equity. They sought to secure social, economic, and political justice as the foundation of this equity. After independence and the enactment of the Constitution, successive governments undertook initiatives to extend justice to all, regardless of caste, religion, gender, or socio-economic status. Yet, even after 78 years, discrimination and inequality continue to persist, raising questions about the realization of the success and failure of basic structure of Indian constitution.

Keywords: Basic structure, social justice, political justice, economic justice, preamble, constitution, equality, discrimination

Introduction

After a massive struggle for freedom, India gained independence and needed to build the nation. The leaders were keen to form a political system where every minimum need of every Indian could be fulfilled. These needs had been major issues in the pre-independence era and were also key agendas during the freedom movement. However, fulfilling them was not easy because the socio-economic and political status of the Indian people was far from equal. In particular, the social structure of Indian society posed a major challenge. The population was divided into various segments based on religion, the varna system, and economic disparities. As a result, Indians were socially fragmented. The caste system in India had existed since the Vedic period (Singh, 2016) ^[1]. Initially, people were classified into four categories based on their colour (varna): Brahmin, Kshatriya, Vaishya, and Shudra. Certain other groups, such as foreigners, nomads, forest tribes, and the Chandalas (who were known for disposing of the dead), were completely excluded and regarded as untouchables (Singh, 2017) ^[2]. Thus, five caste categories existed in Indian society, with Brahmins holding the top position, and Shudras and untouchables at the bottom. Therefore, the castes at the bottom, known as the lower castes, had no social rights; they were born to serve the upper castes. Later, these groups from the lower castes, mainly Dalits and Adivasis, were recognised in the Indian Constitution as Scheduled Castes and Scheduled Tribes. (Raghavendra, 2016) ^[3].

Social status in India was also shaped by economic conditions, as the majority of Indians remained poor due to the prevailing economic situation. The Indian economy was largely dependent on agriculture, with about three-fourths of the population living in villages and directly or indirectly engaged in agricultural production. However, this sector faced serious challenges, such as low productivity and uneven land distribution. In contrast, the industrial sector during the colonial period was underdeveloped (Adhia,

2015) ^[4]. Moreover, women in India also suffered due to male dominance and were deprived of socio-economic and political opportunities. As a result, a large number of people in India lived without basic social rights, were illiterate, and extremely poor. Consequently, systemic poverty and illiteracy kept them largely excluded from political participation.

In such circumstances, India attained independence, and the Constitution framers faced the formidable challenge of nation-building. It is impossible to build a nation without uniting its people, so the framers' foremost task was to secure justice for all and bring everyone under one umbrella. In this context, we will discuss the vision of justice in the socio-economic and political arenas.

Vision of India's founding leaders

As it was a matter of securing justice for all countrymen, the members of the Assembly were primarily concerned with ensuring that citizens could enjoy freedom, equality, and the opportunity to act according to their individual capabilities. They were fully aware that before any other opportunities could be enjoyed, everyone must first have the right to obtain justice. In this context, Nehru stated (Austin, 1966) ^[5] that "Freedom was not an end in itself, only a means to an end—the end being the raising of the people to higher levels and hence the general advancement of humanity." He further added (Austin, 1966) ^[5] "The first task of this Assembly is to free India through a new Constitution, to feed the starving people, to clothe the naked masses, and to give every Indian the fullest opportunity to develop himself according to his capacity." The social revolution, according to Nehru, meant lifting India out of medievalism rooted in birth, religion, custom, and community and reconstructing her social structure on the modern foundations of law, individual merit, and secular education (Austin, 1966) ^[5]. Dr. Radhakrishnan also believed that India must have a socio-economic revolution, aimed not only at satisfying the

fundamental needs of the common man, but also at bringing about a fundamental change in the very structure of Indian society. To transform society in this way, social stratification had to be abolished and social equity established. Such equity could not exist without justice in the social, economic, and political spheres (Austin, 1966)^[5]. Accordingly, the framers of the Constitution sought to ensure social, economic, and political justice for all sections of Indian society. After independence and the enactment of the Constitution, the governments of India and its territories undertook various initiatives to establish social equity and ensure justice across the country, irrespective of caste, religion, gender, or socio-economic status. At the very beginning of the Indian Constitution stands the Preamble, often regarded as the “soul of the Constitution” (Kashyap, 2005)^[6]. The philosophy behind the Preamble was inspired by Nehru’s Objectives Resolution. In Nehru’s own words, it was: “Something more than a resolution. It is a declaration, a firm resolve, a pledge, an undertaking, and, for all of us, a dedication” (Basu, 2015)^[7].

The Preamble to the Constitution of India is a solemn declaration of its aims and objectives. It states: “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” (constitution, 2022)^[8].

This clearly shows that the framers of the Constitution envisioned a nation for the people, where every individual would have the opportunity for self-development and to participate in social and political life without discrimination or obstruction. Though the Preamble is not legally enforceable in a court of law and does not serve as a direct source of law, it plays a crucial role in interpreting the Constitution and resolving ambiguities in its provisions. Thus, while it has no binding legal force, it serves as the preface to the Constitution, reflecting its philosophy and spirit. In keeping with this philosophy, the Constitution of India incorporates several provisions to secure justice for all, including the Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties.

Political Justice in the Basic Structure of Indian Constitution

A democratic form of government was adopted in India to confer power on its citizens and establish political justice. The framers of the Constitution chose this system because of the country’s unique social and political history. On the eve of independence, when the Constitution was being drafted, the people of India were socially and politically disconnected from one another. The foremost challenge for the Constituent Assembly was to build a nation where unity and fraternity among citizens would be upheld; otherwise, the very purpose of independence would be undermined. In such a situation, democracy was considered the best means to bring people into the political arena and provide them with opportunities for political participation regardless of caste, creed, sex, religion, education, or property ownership.

Accordingly, the Constituent Assembly established a parliamentary democracy based on the principle of popular sovereignty, which is clearly reflected in the Constitution and its Preamble. The Preamble begins with the words: “We, the people of India... adopt, enact, and give to ourselves this Constitution,” indicating that all power ultimately rests with the people, irrespective of caste, creed, sex, religion, education, or wealth. The framers understood that without political justice, other forms of justice would be meaningless.

In keeping with the idea of political justice, the Preamble declares India to be a democratic country guaranteeing universal adult franchise to all citizens, irrespective of socio-economic status, educational qualifications, gender, caste, or religion. It ensures complete equality not only before the law but also in the political sphere. All adult citizens have the right to participate in the political system without discrimination. The principle of “one person, one vote” assures that all voters are equal.

Although India has an elected President as the Head of the Union and Governors appointed in each state, both are constitutionally bound to act on the advice of their respective Councils of Ministers, who are collectively responsible to the House of the People at the Centre and to the Legislative Assemblies in the States. The ideals of a democratic republic are upheld through universal suffrage and social equality in political life. Political justice means the removal of all forms of discrimination and obstruction in the political sphere, ensuring equal rights for all to participate in governance, irrespective of property, status, or education.

To ensure this, the Constitution mandates that every member of the legislatures at both Union and State levels must be elected by universal adult franchise based on the principle of “one person, one vote.” After the enactment of the Constitution, the Election Commission of India has taken various measures to safeguard political rights. For example, voters have the right to know details about their candidates, and on September 27, 2013, following a Supreme Court directive, the Election Commission introduced the “None of the Above” (NOTA) option, allowing voters to reject all candidates if they found none suitable (Basu, 2015)^[7].

The Constitution also ensures equal opportunities for men and women, irrespective of caste or religion, including the right to hold government posts. Recognizing the country’s history of social discrimination, the framers incorporated provisions for political reservations for Scheduled Castes (SC) and Scheduled Tribes (ST) to enable their equal participation and political empowerment. Later, through the 42nd Constitutional Amendment in 1976, the Central Government extended special reservations for backward communities and women in Panchayats and Nagar Panchayats to ensure wider political participation. (Constitution, 2022)^[8].

Social Justice in the Basic Structure of Indian Constitution

Social justice is recognized as a fundamental right in the Indian Constitution. Dr. B. R. Ambedkar once said, “Political democracy cannot last unless there lies at the base of its social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality, and fraternity—not to be treated as separate items in a

trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity.”

Therefore, it is clear that political justice cannot be achieved without social justice. Social justice is a comprehensive ideal that ensures equality for all and removes all forms of social barriers. ‘Social justice is the equal access to wealth, opportunities, and privilege within a society (Basu, 2015)^[7]. Before independence, Indian society experienced severe social injustice for a long period. The framers of the Constitution were well aware of this situation. They recognized that if social equity was not established in India, it would not be possible to provide meaningful political rights to every citizen, particularly those from poor and lower-caste backgrounds. To eliminate social injustice, they incorporated the principle of social justice into the Constitution, ensuring equal rights for all citizens irrespective of caste, sex, religion, education, or property status. This commitment is protected by various provisions of the Fundamental Rights and the Directive Principles of State Policy.

The Indian Constitution, in Part III, grants Fundamental Rights to all citizens. These rights protect basic freedoms and promote equality, which are essential for achieving social justice, maintaining human dignity, and building an inclusive society. The Right to Equality (Articles 14–18) ensures that no person faces discrimination on the grounds of religion, race, caste, sex, or place of birth. Article 17 is especially significant as it abolishes untouchability and declares its practice a criminal offense, directly combating caste-based discrimination. The Right to Freedom (Articles 19–22) guarantees freedoms such as the right to free speech, peaceful assembly, association, and movement across the country. These freedoms ensure that no one is unfairly restricted from living with dignity or expressing themselves. (Constitution, 2022)^[8].

The provisions for social justice through state action, though not enforceable by courts, are embedded in the Directive Principles of State Policy (DPSPs) in Part IV of the Constitution. These principles serve as important guidelines for promoting social welfare and aim to create the conditions necessary for achieving social justice by addressing poverty, unemployment, and lack of education. Article 38 directs the State to establish a social system in which justice—social, economic, and political—guides the functioning of all institutions. Article 39 calls upon the State to ensure adequate means of livelihood for all, equal pay for equal work, and protection from economic exploitation. (Constitution, 2022)^[8].

To promote social justice, the Constitution empowers the government to implement reservations and affirmative action for marginalized communities. These measures are crucial for improving the condition of disadvantaged groups and ensuring their fair participation in education and employment. Under Articles 15(4) and 16(4), the State may make special provisions for socially and educationally backward classes. Furthermore, Article 46 directs the State to promote the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections, thereby contributing to their overall upliftment. (Constitution, 2022)^[8].

Social justice is thus a comprehensive ideal aimed at

removing all forms of discrimination and fostering harmony among all sections of society, so that integrity and fraternity can flourish. Nation-building requires such harmony, integrity, and fraternity. Without them, the vision of equality becomes impossible to achieve, and the concept of a welfare state fails. The ideal of social justice envisaged in the Preamble, Fundamental Rights, and Directive Principles of State Policy is not merely a moral aspiration but a constitutional promise to the people. If the State fails to uphold this promise or adopts policies contrary to these ideals, it leads to inequality and undermines the interests of the common people. Such actions amount to a violation of constitutional values and pose a serious obstacle to the delivery of justice.

Economic Justice in the Basic Structure of Indian Constitution

The makers of the Indian Constitution envisioned a democratic republic founded on the idea of a welfare state. To support this vision, they incorporated the Directive Principles of State Policy in Part IV of the Constitution. These principles guide the government to work for the welfare of all people, not just a privileged few. The primary aim of a welfare state is to improve the quality of life of its citizens. It focuses on areas such as education, healthcare, employment, and the fair treatment of all individuals. In such a system, democracy is not limited to the right to vote—it also encompasses economic and social justice.

As Pandit Nehru once said: “Democracy has been spoken of chiefly in the past as political democracy, roughly represented by every person having a vote. But a vote by itself does not represent very much to a person who is down and out, to a person, let us say, who is starving or hungry. Political democracy, by itself, is not enough, except that it may be used to obtain a gradually increasing measure of economic democracy, equality, and the spread of good things of life to others and removal of gross inequalities.” Similarly, Dr. Radhakrishnan observed: “Poor people who wander about, find no work, no wages and starve, whose lives are a continual round of sore affliction and pinching poverty, cannot be proud of the Constitution or its law.”

The framers of the Constitution thus sought to ensure not only political democracy but also economic democracy. India was envisioned as a cooperative democracy, treating all its citizens as free and equal. Social and economic democracy form the foundation upon which political democracy becomes a living reality in Indian governance (*Samantha v. State*, 1997)^[9]. According to the Directive Principles, one of the primary duties of the State is to eliminate poverty by increasing national wealth and ensuring its fair distribution among all who contribute to production. To achieve economic justice, the State must guarantee economic security for every individual. Only when this goal is achieved can economic democracy truly flourish. Economic justice involves creating a system that fosters economic democracy and supports the welfare state. It aims to establish equality and eliminate all forms of discrimination, which hinder a meaningful and dignified life. This ideal of economic justice ensures equality not only in the economic sphere but also in social and political life.

The objective of every democratic country is to become a welfare state. In such a state, democracy seeks to establish economic justice. The framers of the Indian Constitution were conscious of the prevailing economic disparities in the

country and, therefore, incorporated provisions to establish economic justice through various clauses in the Fundamental Rights and the Directive Principles of State Policy. Economic justice signifies non-discrimination among people on the basis of economic status. The Constitution promotes economic justice through several articles, such as Articles 16, 19, 23–24, 38, 39, 43, and 46, which ensure equal opportunities in employment, protection in the workplace, and safeguards against exploitation.

Scenario of Success and Failure of Basic Structure of Constitution in India After 78 Years of Independence

Since gaining independence, India has undertaken various measures to ensure social, economic, and political justice for its citizens through constitutional provisions and government policies. To guarantee political justice, the State has taken significant steps, including constitutional amendments and the enactment of laws based on the Directive Principles of State Policy. Universal adult suffrage and encouragement of political participation have been central to this effort. Political participation has risen from 44.87% in the 1951–52 (General Election Results, 1951-52)^[10] general election to 67.40% in the 2019 general election (General Election Results, 20)^[11].

To further promote political equality, Parliament introduced the 73rd and 74th Constitutional Amendment Acts in 1993–94. These Acts decentralized political power to the grassroots level, ensuring greater participation, particularly among marginalized groups in rural and urban areas. They also provided opportunities for Scheduled Castes (SCs), Scheduled Tribes (STs), and women, empowering them politically and promoting social equality after centuries of marginalization.

However, political justice alone is meaningless without social and economic justice. Recognizing this, the framers of the Constitution incorporated provisions in the Fundamental Rights, Directive Principles of State Policy, and other clauses to secure these aims. Over the past 75 years, socio-economic and political conditions have undoubtedly improved, and marginalized groups such as SCs, STs, OBCs, and women have gained a greater presence in all spheres of life. Yet, success in eradicating poverty, ignorance, and inequality has been limited (Das, 1999)^[12]. A significant proportion of India's population still lives below the poverty line. The Global Hunger Index (GHI) for 2024 ranks India 111th out of 127 countries, reflecting severe poverty and unequal economic distribution (GHI Report, 2023). This gap between constitutional promises and actual benefits highlights persistent injustices in the social and economic spheres, and occasionally in the political arena as well.

The inequalities and social imbalances of the pre-independence era have not been fully eliminated. Violence against Dalits, Adivasis, and women continues to plague society (Annual Report (PoA), 2020)^[14]. Illiteracy and lack of awareness about rights leave many vulnerable to exploitation, and public facilities often fail to reach intended beneficiaries. As Granville Austin notes, "Constitutions do not 'work'; they are inert, dependent upon being 'worked' by citizens and elected and appointed leaders" (Austin, 1966)^[5].

Therefore, it remains the duty of the State and its institutions to ensure justice for all through effective implementation of

policies. Without this, the ideals of independence and the Constitution risk becoming meaningless.

Conclusion

India has completed more than seventy-eight years since independence, yet the constitutional promise of justice for all remains as urgent today as it was in 1947. From the outset, the nation's goal was to become a democratic welfare state, ensuring not just political freedom but also social and economic well-being. Over the decades, India has made remarkable progress towards emerging as the world's largest democracy, with power decentralized to the Union, States, and local self-governments. This decentralization is meant to bring governance closer to the people, strengthen grassroots participation, empowering citizens, and deliver essential services effectively. However, the journey toward this vision is far from complete. Persistent inequalities, governance gaps, and socio-economic challenges continue to limit the realization of true success of basic structure of Indian constitution. These enduring challenges make the framers' vision not a relic of the past, but a living guide for shaping India's present and future.

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