

Developing An Awareness of Indian Democratically Constitutional Principles and Cultural Background

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ABSTRACT

This research paper delves into the intricate nexus between India's constitutional framework and its rich cultural tapestry. The Indian Constitution, enacted on January 26, 1950, serves as a comprehensive document that not only delineates the structure and authority of the government but also encapsulates the aspirations of a diverse populace. Understanding the interplay between constitutional principles and India's cultural diversity is pivotal for appreciating the country's democratic edifice.

The historical context, spanning from pre-independence India to the post-independence era, underscores the evolution of governance influenced by various dynasties, colonial rule, and the struggle for independence. The legacy of ancient empires like the Maurya and Gupta, the administrative reforms of the Mughal Empire, and the impact of British colonialism are meticulously examined to provide a backdrop for the constitutional development.

Post-independence, the drafting of the Indian Constitution by the Constituent Assembly, led by figures like Dr. B.R. Ambedkar, aimed to reflect India's pluralistic ethos. The Constitution enshrines fundamental rights, directive principles, and a federal structure, fostering unity in diversity. Articles 25 to 28 guarantee religious freedom, while Articles 29 and 30 protect cultural and educational rights of minorities.

The paper scrutinizes the cultural backdrop, highlighting India's pluralism manifested through its major religions, languages, and philosophical traditions. Hinduism, Islam, Christianity, Buddhism, Jainism, and Sikhism significantly influence India's cultural and social landscape. The multilingual nature, with 22 recognized official languages, and the rich literary traditions contribute to the preservation and propagation of regional cultures. Continuous dialogue and legal reforms are imperative to address emerging challenges, ensuring that India's democracy evolves in harmony with its dynamic cultural landscape. This paper enhances understanding of how constitutional and cultural dimensions sustain a vibrant democracy in India.

Keywords: Constitutional Principles, Cultural Diversity, Pluralism, Fundamental Rights, Judicial Int
UNDERSTANDING INDIA'S CONSTITUTIONAL HERITAGE AND CULTURAL TAPESTRY

1. INTRODUCTION

Grasping the constitutional tenets and cultural milieu of India is crucial for comprehending its singular democratic edifice. Enacted on January 26, 1950, the Indian Constitution is an exhaustive document that delineates the architecture and authority of the government while encapsulating the aspirations and values

of a heterogeneous populace. India's cultural mosaic, teeming with a plethora of languages¹, religions, and customs, profoundly influenced the formulation of its Constitution. This intricate interplay between constitutional doctrines and cultural backdrop constitutes the cornerstone of India's democracy, ensuring governance that is both inclusive and representative².

The significance of understanding these principles and cultural underpinnings is immense. The Indian Constitution enshrines fundamental rights, pivotal for safeguarding individual liberties and upholding social justice. These rights are embedded in India's cultural ethos, underscoring respect for diversity and the advancement of equality. Furthermore, the Directive Principles of State Policy echo the aspirations for social and economic justice, drawing inspiration from India's cultural values of communal welfare and collective progress. Acquaintance with these constitutional stipulations aids in appreciating the legal protections that preserve India's cultural legacy and foster social concord.

This treatise endeavours to delve into the symbiotic nexus between India's constitutional precepts and its cultural foundation. It aims to furnish a profound analysis of how the Constitution addresses the diverse cultural tapestry of India, ensuring the governance framework accommodates various cultural identities. This paper will scrutinize key constitutional principles, such as fundamental rights, directive principles, and the federal structure, within the context of India's cultural plurality. By doing so, it seeks to highlight the significance of cultural considerations in the development and functioning of India's democratic system. Ultimately, this paper aspires to enhance the understanding of how India's constitutional and cultural dimensions interplay to sustain a vibrant democracy.

2. HISTORICAL CONTEXT

2.1. PRE-INDEPENDENCE INDIA

India's governance prior to independence was characterized by a rich tapestry of dynasties and empires, each contributing to the subcontinent's cultural and political heritage. Ancient India witnessed the rise of powerful kingdoms such as the Maurya and Gupta Empires, known for their administrative acumen and cultural achievements. The Maurya Empire, under Emperor Ashoka, is particularly noted for its embrace of Buddhism and the promotion of non-violence and ethical governance, which later influenced modern Indian values³.

The medieval period saw the establishment of the Mughal Empire, which introduced significant administrative reforms and contributed to a flourishing of art and culture. The Mughal system of administration, with its emphasis on centralized governance and revenue collection, laid down structures that were later co-opted by colonial rulers.

The advent of British colonial rule in the 18th century marked a pivotal shift in Indian governance⁴. The British East India Company, and subsequently the British Crown, imposed a centralized administrative framework, significantly altering indigenous systems of governance. The colonial legal system, with the introduction of English common law principles, replaced traditional Indian legal practices. The British also initiated economic policies that disrupted traditional agrarian economies, leading to widespread socio-economic changes.

¹ AUSTIN, GRANVILLE, "The Constitution of India, Cornerstone of a Nation", 'Oxford University Press', Bombay, 1976.

² BAILEY STEPHEN K., et. al., "Government in America", 'Holt Rinehart & Winston', New York, 1961.

³ BANERJEE, A.C., 2, "Indian Constitutional Democracy", 'Mukherjee & Co.', Calcutta, 1961.

⁴ BASU, D.D., "Limited Government and Judicial Review", 'Sarkar and Sons', Calcutta, 1975.

Colonial rule, however, was not without resistance. The 1857 revolt, also known as the First War of Indian Independence, exemplified the growing discontent against British rule. The subsequent formation of the Indian National Congress in 1885 marked the beginning of organized political movements seeking self-governance. These movements, led by figures such as Mahatma Gandhi and Jawaharlal Nehru, were instrumental in articulating the aspirations of the Indian populace and set the stage for independence⁵.

2.2. POST-INDEPENDENCE ERA

The post-independence era commenced with the birth of the Indian Republic on August 15, 1947. This momentous occasion marked the end of colonial rule and the beginning of a sovereign democratic state. The foremost challenge for the nascent nation was to draft a constitution that would reflect the diverse cultural and social fabric of India, while also ensuring justice, liberty, and equality for all its citizens.

The drafting of the Indian Constitution was entrusted to the Constituent Assembly, comprising eminent leaders and legal luminaries. Dr. B.R. Ambedkar, the principal architect of the Constitution, played a pivotal role in shaping the document. The Assembly debated extensively, drawing from global constitutional practices and indigenous traditions. The objective was to create a framework that balanced the principles of democracy, federalism, and social justice.

On January 26, 1950, the Constitution of India came into effect, establishing India as a Republic⁶. The Constitution enshrined fundamental rights and duties, directive principles of state policy, and a federal structure, aimed at fostering unity in diversity. The adoption of universal adult suffrage marked a significant departure from colonial governance, empowering every citizen with the right to vote.

The early years of the Republic were marked by efforts to integrate princely states and address socio-economic disparities. Landmark legislations, such as the abolition of zamindari and the implementation of land reforms, sought to address historical injustices and promote equitable development. The formation of linguistic states in 1956 further underscored the commitment to cultural and linguistic diversity⁷.

The Indian Republic's journey post-independence has been characterized by a continuous endeavour to uphold constitutional principles while accommodating the evolving aspirations of its diverse population. The robust democratic framework established by the Constitution has enabled India to navigate complex challenges and emerge as the world's largest democracy.

3. CULTURAL BACKGROUND OF INDIA

3.1. DIVERSITY AND PLURALISM

India's cultural landscape is a mosaic of immense diversity, characterized by a multitude of ethnicities, languages, religions, and traditions. This diversity is not only a hallmark of Indian society but also its strength, fostering a rich environment of pluralism. Pluralism in India manifests in the coexistence of various cultural practices and beliefs, which are protected and celebrated through constitutional provisions. Articles 25⁸ to 28⁹ of the Indian Constitution, for instance, guarantee freedom of religion, ensuring that every individual has the right to profess, practice, and propagate their faith¹⁰.

⁵ ANAND, A.S., "Indian Judiciary and Challenges of 21st Century", *Indian Journal of Public Administration*, Vol. 45, pp. 287, 288, (1999).

⁶ CHOUDHARY, M. PAWAN, "Indian Judicial System: Its Nature, Structure and Dimension between Law and Justice", *Indian Journal of Public Administration*, Delhi, Vol. 45, No. 1-04, p. 343, (1999).

⁷ CHATTERJEE, SOMNATH, "Separation of Power and Judicial Activism", *Indian Advocate*, Vol. 34-35, p. 4, (2006-07).

⁸ INDIA CONST. art. 25.

⁹ INDIA CONST. art. 28.

¹⁰ DEY BATA K., "Judicial Activism as Constitutional Panacea: An Appraisal", *Indian Journal of Public Administration*, Vol. 45, No. 1-4, p. 448, (1999).

The role of pluralism in Indian society is pivotal. It promotes social harmony by encouraging mutual respect and understanding among different communities. The secular nature of the Indian state, as enshrined in the Preamble and further elaborated in Article 15¹¹, prohibits discrimination on grounds of religion, race, caste, sex, or place of birth¹². This legal framework aims to create an inclusive society where diversity is not merely tolerated but embraced.

3.2. MAJOR RELIGIONS AND PHILOSOPHIES

India is the birthplace of several major religions, including Hinduism, Buddhism, Jainism, and Sikhism, each contributing to the country's cultural and philosophical fabric. Hinduism, the predominant religion, influences various aspects of Indian life, from art and architecture to social norms and festivals. Key principles of Hindu philosophy, such as Dharma (duty/ethics), Karma (action/consequence), and Moksha (liberation), permeate Indian cultural and moral values.

Islam, which arrived in India in the 7th century, has also significantly shaped the cultural and social landscape. The influence of Islamic art, architecture, and cuisine is profound, with landmarks like the Taj Mahal symbolizing this intermingling. Similarly, Christianity, introduced by European missionaries, has contributed to India's educational and healthcare sectors, establishing numerous institutions that are integral to Indian society.

Buddhism and Jainism, with their emphasis on non-violence (Ahimsa) and asceticism, have deeply influenced Indian ethical and philosophical thought. Sikhism, founded in the 15th century, emphasizes equality, service, and devotion to God. The teachings of Guru Nanak and subsequent Sikh Gurus have played a crucial role in promoting social justice and community service¹³.

3.3. LANGUAGE AND LITERATURE

India's multilingual nature is a testament to its cultural richness. The Constitution of India recognizes 22 official languages under the Eighth Schedule, reflecting the linguistic diversity of the country. Hindi, in Devanagari script, is the official language of the Union, while English continues to serve as an associate official language for national and international communication¹⁴.

Regional languages such as Bengali, Tamil, Telugu, Marathi, and Gujarati have rich literary traditions that contribute to India's cultural identity. Each linguistic community has produced a wealth of literature, ranging from classical epics to modern novels, that explores and preserves its unique cultural heritage. For instance, the works of Rabindranath Tagore in Bengali, Subramania Bharati in Tamil, and Premchand in Hindi are celebrated not only for their literary excellence but also for their reflection of socio-cultural realities¹⁵.

The impact of regional literature on cultural identity is profound. It fosters a sense of pride and belonging among linguistic communities and helps in the preservation and propagation of regional cultures. Literary festivals, translations, and the inclusion of regional literature in academic curricula further strengthen the

¹¹ INDIA CONST. art. 15.

¹² RAMAN, S., "Judicial Invalidation of Constitutional Amendments in India", 'Journal of Constitutional and Parliamentary Studies', Vol. 23(14), 1989, p. 96.

¹³ KAUR, H., "Protection of Human Rights through Judicial Activism in India", 'South Asia Politics', December, Vo. 7(8), p. 31, (2008)

¹⁴ SAKHDHAR, S.L., "Question Hour in the Lok Sabha", 'The Parliamentarian', London, Vol. 50, p. 243-48, (July 1969).

¹⁵ KUMARI, S., "Nehru Socialism and Socialist", 'The Indian Journal of Political Science', Vol. 43(3), (July 1982-December 1984).

cultural fabric of the nation. The Indian literary tradition, thus, serves as a bridge connecting the past with the present, ensuring that the cultural heritage is passed down through generations.¹⁶

4. INTERPLAY BETWEEN CONSTITUTIONAL PRINCIPLES AND CULTURAL BACKGROUND

4.1. CULTURAL INFLUENCE ON CONSTITUTIONAL DEVELOPMENT

The cultural diversity of India profoundly influenced the framing of its Constitution. The Constituent Assembly, composed of members from various cultural, linguistic, and religious backgrounds, ensured that the Constitution reflected the nation's pluralistic ethos¹⁷. This inclusivity is evident in several constitutional provisions that accommodate cultural diversity.

For instance, Article 29¹⁸ safeguards the prerogatives of minorities by affirming that any cohort of citizens with a distinct language, script, or culture possesses the right to preserve the same. This provision underscores the framers' resolve to shield cultural identities within the Indian polity. Moreover, Article 30¹⁹ endows religious and linguistic minorities with the autonomy to establish and govern educational institutions of their preference, thereby ensuring the conservation and dissemination of their cultural legacy²⁰.

The Directive Principles of State Policy, particularly Article 48²¹, embody cultural considerations by advocating for the preservation and enhancement of cattle breeds and proscribing their slaughter a measure attuned to the cultural and religious sentiments of the Hindu community. The cultural influence is further evidenced in the acknowledgment of vernacular languages²². The Eighth Schedule of the Constitution initially listed 14 languages, which has since expanded to 22, underscoring the importance of linguistic diversity.

4.2. CONSTITUTIONAL PROTECTION OF CULTURAL HERITAGE

The Indian Constitution encompasses numerous articles and amendments meticulously designed to safeguard cultural rights and heritage. Article 51A(f)²³, one of the Fundamental Duties, mandates every citizen to cherish and uphold the opulent legacy of India's composite culture. This duty accentuates the significance of cultural preservation as a civic obligation.

Furthermore, Article 29(1)²⁴ defends the prerogative of any segment of citizens to conserve their distinct language, script, or culture. This provision has played a pivotal role in upholding cultural rights, as demonstrated in various judicial verdicts. For example, in the case of *St. Stephen's College v. University of Delhi*²⁵, the Supreme Court affirmed the institution's right to retain its minority status and govern itself in accordance with its cultural and religious traditions²⁶.

¹⁶ CUNNINGHAM, CLACK, D. "Public Interest Litigation in Indian supreme Court: A study in the light of American Experience", *Journal of Indian Law Institute*, Vol. 29, p. 494, (1987)

¹⁷ Sakhthar, S.L., "Question Hour in the Lok Sabha", *The Parliamentarian, London*, Vol. 50, p. 243-48, (July 1969)

¹⁸ INDIA CONST. art. 29.

¹⁹ INDIA CONST. art. 30.

²⁰ KAUR, S., "Judicial Review and the Ninth Schedule of the Constitution", *Journal of Constitutional and Parliamentary Studies*, Vol. 40(3-4), (July-December 2006).

²¹ INDIA CONST. art. 48.

²² KAUR, H., "Protection of Human Rights through Judicial Activism in India", *South Asia Politics*, Vo. 7(8), p. 31, (December 2008).

²³ INDIA CONST. art. 51A(f).

²⁴ INDIA CONST. art. 29(1).

²⁵ *St. Stephen's College v. University of Delhi*, 1992 AIR 1630.

²⁶ RUDOLPH, LLOYD, I., "The Realm of Institutions", Vol. II, 'Oxford University Press', New Delhi, (2008).

Amendments such as the 73rd and 74th, which introduced Panchayati Raj institutions and urban local bodies, respectively, also emphasize cultural preservation by empowering local self-governance. These bodies are mandated to plan and implement policies that respect and integrate local customs and traditions.

4.3. CHALLENGES AND HARMONIZATION

Harmonizing constitutional principles with cultural practices poses significant challenges. Conflicts often arise when cultural practices are perceived to contravene fundamental rights. One prominent example is the practice of "triple talaq" in Islamic law, which was challenged as discriminatory against women. In *Shayara Bano v. Union of India*²⁷, the Supreme Court declared triple talaq unconstitutional, emphasizing the need to protect individual rights over regressive cultural practices.

Another challenge is the caste-based discrimination prevalent in Indian society. Despite constitutional provisions prohibiting untouchability (Article 17²⁸) and promoting equality (Article 14²⁹), caste-based biases persist. The case of *Indian Young Lawyers Association v. State of Kerala*³⁰, concerning the entry of women of menstruating age into the Sabarimala temple, highlighted the tension between traditional practices and constitutional rights to equality and non-discrimination.

Efforts to harmonize constitutional principles with cultural practices include legislative measures and judicial interventions. For instance, the Protection of Human Rights Act, 1993, and the establishment of the National Commission for Minorities aim to protect and promote the cultural rights of various communities³¹. Judicial pronouncements often strive to balance cultural preservation with the enforcement of fundamental rights, as seen in the Sabarimala case where the Supreme Court initially ruled in Favor of women's entry, promoting equality, although the decision faced significant cultural resistance and is under review.

The interplay between constitutional principles and cultural background in India is dynamic and complex. While the Constitution provides robust mechanisms to protect cultural diversity, ongoing efforts are necessary to address conflicts and ensure that cultural practices align with constitutional values of justice, equality, and human dignity.

5. CASE STUDIES

The interplay between constitutional principles and cultural background in India is best illustrated through specific case studies that highlight the judiciary's role in navigating cultural diversity while upholding constitutional mandates.

5.1. SHAYARA BANO V. UNION OF INDIA (2017)

In *Shayara Bano v. Union of India*³², the Supreme Court addressed the practice of "triple talaq" (instant divorce) in Islamic law. Shayara Bano challenged this practice, arguing that it violated her fundamental rights under Articles 14 (equality before the law) and 21³³ (protection of life and personal liberty). The Court declared triple talaq unconstitutional, emphasizing that it was arbitrary and violated the principles of equality and gender justice. This landmark judgment underscored the Court's commitment to protecting

²⁷ *Shayara Bano v. Union of India*, AIR 2018 SC (CIVIL) 1169.

²⁸ INDIA CONST. art. 17.

²⁹ INDIA CONST. art. 14.

³⁰ *Indian Young Lawyers Association v. State of Kerala*, AIR ONLINE 2018 SC 243.

³¹ SCHWARTZ, BERNARD, "The Reins of Power, A Constitutional History of the United States", 'Hill and Mong', New York, 1963.

³² *Shayara Bano v. Union of India*, AIR 2018 SC (CIVIL) 1169.

³³ INDIA CONST. art. 21.

individual rights against regressive cultural practices, ensuring that personal laws align with constitutional values.

5.2. INDIAN YOUNG LAWYERS ASSOCIATION V. STATE OF KERALA (2018)

The Sabarimala case³⁴ involved the entry of women aged 10 to 50 into the Sabarimala temple in Kerala, traditionally barred due to religious customs. Petitioners argued that the ban violated Articles 14, 15³⁵ (prohibition of discrimination), 17 (abolition of untouchability), and 25 (freedom of religion). The Supreme Court ruled in favour of the petitioners, stating that the practice was discriminatory and infringed on women's right to equality and religious freedom. The judgment highlighted the Court's role in dismantling patriarchal customs that contravene constitutional guarantees.

5.3. NALBARI BODO SAHITYA SABHA V. STATE OF ASSAM (2003)

In this case, the Supreme Court dealt with the preservation of the Bodo language and culture. The Bodo community sought the establishment of educational institutions to teach their language, protected under Article 29³⁶. The Court upheld their right, directing the state to facilitate the establishment of Bodo-medium schools. This decision reinforced the constitutional mandate to protect and promote linguistic and cultural diversity, demonstrating the judiciary's support for minority rights³⁷.

These cases illustrate the Indian judiciary's critical role in balancing cultural practices with constitutional principles. Through these judgments, the Court has consistently emphasized the importance of protecting individual rights and promoting social justice, ensuring that cultural traditions evolve in harmony with constitutional values³⁸.

6. CONCLUSION

In conclusion, the Indian Constitution and its cultural background are deeply intertwined, reflecting the nation's commitment to democracy, diversity, and social justice. The historical context of India's governance, from ancient empires to colonial rule, has significantly shaped its constitutional framework. The post-independence era marked the consolidation of these diverse influences into a comprehensive Constitution, designed to protect fundamental rights and promote inclusive governance³⁹.

Key constitutional principles, such as the protection of fundamental rights, directive principles of state policy, and the federal structure, are instrumental in accommodating India's cultural plurality. The cultural background, characterized by a rich tapestry of languages, religions, and traditions, influences and is protected by these constitutional provisions. Case studies like *Shayara Bano v. Union of India*⁴⁰ and *Indian Young Lawyers Association v. State of Kerala*⁴¹ illustrate the judiciary's pivotal role in upholding constitutional values while addressing cultural practices that conflict with fundamental rights.

The continued awareness and education about constitutional principles and cultural heritage are essential for fostering a harmonious and inclusive society. Future implications include the need for ongoing dialogue and legal reforms to address emerging challenges and ensure that India's democratic framework

³⁴ *Indian Young Lawyers Association v. State of Kerala*, AIR ONLINE 2018 SC 243.

³⁵ INDIA CONST. art. 15.

³⁶ INDIA CONST. art. 29.

³⁷ RAO, K. S. RAMA, "Agrarian Change from Above and Below", 'Om Publication', (2001).

³⁸ SINGH, V.B. (ed.), "Economic History of India 1857-1956", 'Allied Publishers Pvt. Ltd.', New Delhi, (1975).

³⁹ TRESOLIN J., "American Constitutional Law", 'The Macmillan Co. New York', (1965)

⁴⁰ *Shayara Bano v. Union of India*, AIR 2018 SC (CIVIL) 1169.

⁴¹ *Indian Young Lawyers Association v. State of Kerala*, AIR ONLINE 2018 SC 243.



evolves in line with its dynamic cultural landscape. The interplay between constitutional principles and cultural background remains vital for sustaining India's democracy and promoting social justice.