



Mains Practice Question

Q. “The Constitution of India is a living instrument with capabilities of enormous dynamism. It is a constitution made for a progressive society.” Illustrate with special reference to the expanding horizons of the right to life and personal liberty. (Answer in 250 words, UPSC Mains 2023)

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Approach

- Start with a concise introduction that highlights the dynamic nature of the Indian Constitution and its adaptability to the changing needs of society.
- Discuss the dynamism of Indian constitution and new horizons explored under article 21 through various judgments.
- Conclude by reiterating the idea that the Constitution of India is a living instrument capable of adapting to the progressive needs of society.

Introduction

The provision of amending the constitution and upgrading it from time to time as per the present conditions of the society makes the Constitution a living document. The ‘right to life and personal liberty’ as mentioned under Article 21, is a prime example of this, with new facets of it being discovered with time.

Body

Dynamism of the Indian Constitution

- **Abolition of Privy Purse:** By the 26th Amendment, the Constitution took a socially progressive step and took away the privileges of past rulers as a step to improve equality.
- **Increasing the Lok Sabha Seats:** As the population grows, the number of seats need to be increased respectively, to ensure proper representation.
- **Basic Structure Doctrine:** The iconic Keshvananda Bharti case and the subsequent development of ‘basic structure doctrine’ shows the dynamism of the Constitution.

New horizons under Article 21

- **Right to Privacy:** In the Justice K.S. Puttaswamy (Retd.) vs Union of India case (2017), the Supreme Court declared this right as intrinsic to Article 21.
- **Right to Shelter:** This was recognised as a right in Rajesh Yadav vs State of UP, where the Court said that it’s the duty of the state to grant house sites to the residents.
- **Transgenders Rights:** Introduced in NALSA vs Union of India case (2014), it reaffirmed their rights to liberty, dignity and freedom from discrimination.
- **Right to Die with Dignity:** In Common Cause vs Union of India judgement, the Supreme Court legalised physician-assisted suicide (PAS), often known as passive euthanasia, stating that it is included in Article 21.

Conclusion

The Constitution has evolved through time via various amendments that have been carried out. The increasing horizons of the 'right to life and personal liberty' that have opened up under Article 21 are a testimony to the progressive nature of the Indian Constitution.

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