Polity & Governance · GS - II

“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.

EXAM YEAR	PAPER	SUBJECT
2023	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

The Constitution evolves with changing social realities through judicial interpretation, especially Article 21; its expansion from mere protection against arbitrary deprivation to a guarantee of dignified existence demonstrates its progressive and transformative character.

Model Answer

Introduction

The Indian Constitution is neither static nor confined to the circumstances of its adoption. Its capacity to respond to changing aspirations is reflected most prominently in the judicial evolution of **Article 21**, which states that no person shall be deprived of life or personal liberty except according to procedure established by law.

Body

From Formal Protection to Substantive Liberty

Initially, in **A.K. Gopalan v. State of Madras (1950)**, Article 21 was interpreted narrowly. However, **Maneka Gandhi v. Union of India (1978)** transformed its scope by holding that the procedure depriving liberty must be

fair, just and reasonable.

Expanding Horizons of Article 21

The Supreme Court has progressively derived several rights from the constitutional guarantee of life and liberty:

Right to dignity: In **Francis Coralie Mullin**, dignity was recognised as integral to life.

Right to privacy: K.S. Puttaswamy v. Union of India (2017) recognised privacy as a fundamental right intrinsically connected with dignity and liberty.

Right to clean environment: Courts have linked environmental protection with the right to life and human health.

Right to livelihood: In **Olga Tellis**, livelihood was recognised as closely connected with meaningful life.

Right to education: Judicial interpretation contributed to the recognition of education as a fundamental entitlement, later reinforced through Article 21A.

Right to die with dignity: In **Common Cause**, the Court recognised limited aspects of dignity in end-of-life decisions.

Rights of prisoners: Article 21 has been extended to protect prisoners against custodial violence and inhuman treatment.

Significance

This evolution demonstrates **constitutional adaptability, transformative constitutionalism and judicial protection of emerging rights**. It enables the Constitution to address technological, social and ethical challenges that its framers could not have anticipated.

Conclusion

The expanding interpretation of Article 21 confirms that the Constitution is a **living instrument**. Its enduring strength lies in preserving foundational values while allowing their meaning to evolve with the aspirations of a progressive society.