



Vidyavardhaka Sangha (R), Mysuru

Vidyavardhaka Law College

Sheshadri Iyer Road, Mysuru - 570001



SRI K. PUTTASWAMY
MEMORIAL ENDOWMENT LECTURE SERIES-2



Vidyavardhaka Sangha (R), Mysuru



Vidyavardhaka Law College

Sheshadri Iyer Road, Mysuru - 570001

Sri K. Puttaswamy Memorial Endowment Lecture

on

'INDIAN CONSTITUTION - DYNAMICS'

By

Hon'ble Justice Shivaraj V. Patil

Former Judge
Supreme Court of India

Delivered on 16th March 2019



Introduction about Sri K. Puttaswamy



Early life of K. Puttaswamy:

Sri K. Puttaswamy was born in 1917 at Arakere, Srirangapatna taluk, Mandya district to an agriculturist family as the son of Kalastawadi Sri Lingegowda and Smt. Lingamma. His father had primary education, but was a good Gamaka (Kavya vachana). He grew up admiring the nature and had influence of many historical places. As a young boy he was not shy and mingled with all kinds of people. He inherited good talent from his parents.

Education:

Sri K. Puttaswamy was a clever boy and voracious reader. He did his schooling at Arakere, Srirangapatna Taluk. His father noticed his talent and sent him to Mysore for further education. He always excelled in his studies and was more innovative in his thinking. He obtained B.A (honors) from the University of Mysore and law degree from Poona. Besides, being a good student he involved himself in curricular activities too.

Legal Profession:

Sri K. Puttaswamy a child born in Gandhian era was honest person in legal profession. At the outset he worked as an assistant under the renowned lawyer Sri Yathiraj Naydu and Sri Lakshmi Narayan. He also practiced as a lawyer under H.C. Dasappa who was a famous politician and freedom fighter. He had shown great interest in freedom movement. He and other great leaders were arrested and were put behind bars for some years. After coming out from jail, he went to Dasappa's office but in vain, his place was occupied. He then began to practice independently. He practiced law profession till 1962 and throughout his profession he had good acquaintance with well-known writers and great leaders.

Political Career:

Besides a great lawyer, he emerged as a great politician in the province of Mysuru and of Karnataka. He was president of Mysuru City Municipality and during his tenure as president, he took up many development activities and for the first time in Mysore city cement roads were laid. He was also President of District Co-Operative Society. He was also a member of Mysore University Senate and Syndicate.

He was elected as a member of Karnataka Legislative Assembly from 1952 to 1978. He was very active on the floor of assembly and had lot of knowledge regarding legislative assembly. As a member of legislative assembly he roared like a tiger in the assembly and raked up many issues. He had deep concern for the down trodden people. When he stood up to speak in the assembly, his eloquent voice and his vast knowledge put the whole assembly in great silence. He had brought many initiatives in the fields of agriculture, irrigation and land reforms.

His exemplary behavior, promptness, his care towards serving the people made him to rise to the level of a minister under the guidance of the then Chief Minister Sri S. Nijalingappa. He served as a cabinet minister of Municipal administration, health, co-operative, Housing, law, labour and parliamentary affairs very efficiently. Thus he emerged as an eminent leader in the province of Mysore.

Educational Visionary:

Vidyavardhaka Sangha in Mysuru is a dream of Sri. K. Puttaswamy, which made its humble beginning in the year 1949 with an intention of propagating education to the poor sections of the society at a small choultry in Mysuru. He was a true Gandhian, social worker, political leader and disciplined person, who dedicated his whole life for the betterment of the down trodden people.

Vidyavardhaka Educational Institutions has since grown by leaps and bounds. It imparts education not only at Primary and High School Level but also provides Degree, Law, ITI, Engineering and Diploma Courses. All these have materialized because of the services and contributions by great philanthropist whose main motto was 'Service before self' and 'Education for all'.

Now Vidyavardhaka Sangha stands as one of the prestigious educational institution in the heritage city of Mysuru. This had been possible because of the dedication and pragmatic approach towards education by late Sri K. Puttaswamy.

Vidyavardhaka Law College was established in 1974. Sri K. Puttaswamy was not only founder secretary but also was a founder principal of Law College. This great soul disappeared from the world abode in the year 1978 but, still his contributions are remembered as an indelible print in the history of Indian politics.



'INDIAN CONSTITUTION - DYNAMICS'

by

Justice Shivaraj V. Patil

Former Judge, Supreme Court of India

The foremost, I offer my humble pranams to His Holiness Shree Jagadguru Shivarathree Deshikendra Mahaswamiji, Sri Gundappa Gowda, Hon. President of Vidyavardhaka Sangha, Sri P. Vishwanath, Secretary, Vidyavardhaka Sangha, Prof. K.B. Vasudev, Principal, Vidyavardhaka Sangha Law College, Smt. Indumati M.J. the Co-ordinator, Teachers, dear students, Members of the Media, ladies and gentlemen.

I feel it a privilege for me to have been invited to deliver “Sri K. Puttaswamy memorial endowment lecture”. I am delighted to do so.

Late. K. Puttaswamy, having done BA (Hons) from Maharaja College, Mysore, took Law Degree from Pune and started his practice. He was a successful politician and was elected to Karnataka State Assembly seven times. He was Cabinet Minister during the period 1962 to 1972 holding different portfolios. With deep commitment and concern for poor students, he founded Vidyavardhaka Sangha in 1949 in a small measure and started a High School in 1949 and this Vidyavardhaka Law College in 1974. Late Sri K.S. Puttaswamy was the Founder Secretary of Vidyavardhaka Sangha and founder Principal of Vidyavardhaka Law College. After his death the Sangha has established six more educational institutions. Thus his contribution was great and meaningful.

A memorial lecture provides an opportunity to remember a great person reflecting his life and contribution to the Society/Country.





Besides it will create an occasion for delivering a lecture on some important and useful topic. The thoughts contained in such lectures can be compiled and published for the benefit of larger section of the people. **Thus, it is befitting that Sri K. Puttaswamy Memorial Endowment Lecture is being organized every year by the Vidyavardhaka Law College.**

The topic of the lecture that I have chosen is '**the Constitution of India - Dynamics**'. The Constitution of India is considered as one of the best Constitutions of the Democratic Countries in the World. It is well known and accepted that Constitution of any Democratic Country cannot remain static or rigid. Human life and activities are not static. Consequently, Constitution governing such activities cannot remain static. Working of Constitution does not depend merely on printed letters of the book, it goes with the spirit of its provisions consistent with the hopes and aspirations of the people.

“Law must be stable yet, it cannot stand still” - Cardozo

Considering the prevailing political, social economic and cultural conditions in the country, I thought it appropriate to talk on the subject “Constitution of India - Dynamics”. Added to this I am delivering the lecture in the Law College for the students of law.

By virtue of 42nd Amendment Act, 1976, Article 51 (A) on Fundamental duties is added:

Article 51 (A) Fundamental Duties:- It shall be the duty of every citizen of India –

- (a) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) To cherish and follow the noble ideals which inspired our national struggle for freedom;





(c) To uphold and protect the sovereignty, unity and integrity of India;

(d)

In this view, every citizen has to be aware of the provisions of the Constitution of India. Unless he is aware of the provisions of the Constitution of India, he will not be able to effectively follow what is stated above in Article 51 (A), (a) (b) (c). It is appropriate to introspect and take stock as to how the Constitution has worked, on the ground in the last seven decades and its dynamic role.

The struggle for freedom was not only to demolish the foreign rule but it was also to build an egalitarian society to secure life of quality to the people with right to equality. The prevailing conditions before independence in this country were pathetic and miserable. People suffered with poverty, ignorance and illiteracy, want of food and shelter. Even basic human freedoms were not available. The plight of the women was that of a subjugated inferior being. These conditions motivated and made the people firm to fight for freedom so that the country could be free from the British rule and so that people of this country could live life of dignity with peace and happiness. With great courage and supreme sacrifice people of India fought a long and untiring battle finally, securing freedom on 15th August, 1947. Political leaders of India and large number of followers in this struggle for freedom faced cruel resistance and harassment whenever and wherever they raised their voice for equality and freedom. Pandit Nehru referring to Gandhiji said: **“The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and sufferings, so long our work will not be over.”**

We can see in these words the great dream of Gandhiji and vision of Pandit Nehru to work for the common man.





It is a matter of common experience that the **prevailing conditions** in a society, **historical background** and **aspirations** of people mainly shape the Constitution of a Country. At the time when we attained freedom and the Constitution was being drafted the prevailing social, economic and political state of affairs in which the people lived had great impact in framing the Constitution. **It took 2 years, 11 months and 17 days to finalise the draft Constitution.** The Constitution in its preamble solemnly declares establishment of a sovereign, socialist, secular and democratic republic, promoting among its citizens, justice - social, economic and political. This promise is established in the fundamental rights and directive principles of State policy enshrined in Part III and Part IV of the Constitution. In other words, the preamble, the fundamental rights and the directive principles are all part of the same constitutional scheme and aim at the establishment of a free and a just social order based on the rule of law. They aim at the betterment of the individual as an integral component of the society. Our Founding Fathers did a commendable and remarkable job. Originally the word Secularism was not there in the preamble.

Building an egalitarian society was the pronounced concept of those who fought for freedom; Mahatma Gandhi wanted to wipe out every tear from every eye. In this backdrop, the great framers of the Constitution strongly and rightly felt that the necessary provision must be made in the Constitution to enable the people to receive high priority for basic necessities of life. With this end in view, the Constitution was designed to bring happiness to the largest people. Part IV of the Constitution reflects this high ideal envisaging a society in which opportunities have been given for the pursuit of happiness without any discrimination of caste or sex or religion, etc., and there is equal opportunity to everyone and there no concentration of power or wealth in the hands of few to the detriment of many. These assurances are to be turned into reality. The Constitution also





provides fundamental rights to the people which include basic human rights.

It is needless to state, however well thought and well drafted a Constitution is, it by itself will not serve the purpose; ultimately it is the people who work under a Constitution and their way of life, consistent with the spirit of the Constitution, that matters a lot.

Our Constitution is not only a pragmatic result of the struggle for freedom, but it also reflects the aspirations and hope of the people. It was a pious wish of our founding fathers to give a quality life to their progeny. Hence, the Constitution cannot, shall not and has not remained a dormant instrument but it is seen as a living document to address the exigencies of contemporary life.

Almost all written Constitutions of democratic states guarantee the opportunity to the individual to develop his potentialities to the maximum of his capacity. Our Constitution too provides such opportunities as is evident from Part III and Part IV of the Constitution containing civil and political rights on one hand and economic, social and cultural rights on the other, respectively.

Without economic security in a reasonable measure, the success of democratic set-up cannot be assured or sustained. Mere removal of social distinctions of castes, religions and race is not enough. On the basis of economic security abiding peace not only in a particular country but all over the world is possible. For the many-sided development of human personality economic security is a necessity.

Directive Principles of State Policy though not enforceable as such by any Court, they are nevertheless fundamental in the governance for realizing the goals set in the Constitution. Their implementation is necessary to realize the socio-economic rights assured to the people. **Austin aptly stated that both “Fundamental Rights” and “Directive Principles” constitute “conscience of the Constitution”.** To this we





may add preamble as well. For a common man, directive principles are equally important if not more as he has to effectively exist first, to assert and enjoy the fundamental rights. Directive principles have set the goals and indicated the directions which all the three organs namely, executive, legislature and judiciary must meaningfully try to reach and follow. Socio-economic justice provides sustenance to the rule of law. The concept of socio-economic justice embodied in Part IV of the Constitution is the most dynamic, flexible and revolutionary concept aimed at removing inequalities among all the citizens. Although they are not justiciable and cannot be judicially enforced, yet they have their importance in providing guidelines to the Central and State Governments in formulating progressive policies to bring social and economic justice to the common man enabling him to develop fully and potentially. The Supreme Court by dynamic development in the process of interpretation of the provisions of the Constitution has shown that there is thin line of difference between the fundamental rights and directive principles and that at any rate the State cannot make law running contrary to the letter and spirit of directive principles.

Human development may not be seen as mere economic development but must be taken as the development of the personality of an individual to enable him to live with dignity. This is possible only when Human Rights of all are respected and accepted. Human Rights culture must be a way of living as it is sine qua non of good governance. Hence, let me reflect on few aspects of Human Rights.

It is profitable to recall that the Constituent Assembly began its deliberations on December 9, 1946. On that historic day, envisioning the constitutional structure of the world's newest and largest democracy, Sachchidananda Sinha, provisional Chairman of the Constituent Assembly, quoted in his inaugural address the words of Joseph Story:





“The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful as well as useful; its arrangements are full of wisdom and order; and its defences are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a little. It may, nevertheless, perish in an hour by the folly, or corruption, or negligence of its only keepers, THE PEOPLE, Republics are created - these are the words which I commend to you for your consideration - by the virtue, public spirit and intelligence of the citizens. They fall when the wise are banished from the public councils because they dare to be honest, and the profligate are rewarded because they flatter the people in order to betray them”.

Nani A. Palkiwala in his book “We, the People” writes “These words were truly prophetic. The foundations of the Constitution have been shaken by the *folly* of the people, the *corruption* of our politicians and the *negligence* of the elite. In just thirty years, we have reduced the noble processes of our Constitution to the level of a carnival of claptrap, cowardice and chicanery.”

By now it is clear, that it is not the Constitution which has failed the people but it is our elected representatives at all levels right from Panchayat to Parliament who have failed the Constitution. Dr.Ambedkar remarked in the Constituent Assembly that, “if the Constitution which was given by the people unto themselves in November 1949 did not work satisfactorily at any future time, we would have to say, not that the Constitution had failed, but that man was vile.”

As early as in 18th Century, the great French thinker, Montesquieu, said : “The tyranny of a Prince in any oligarchy is not so dangerous to the public welfare as the apathy of a citizen in a democracy,” It is plain that a bad government is the inevitable consequence of an indifferent electorate. It must be remembered that “Voting is a duty





of every citizen & electing a good representative is his responsibility and one has to pay a penalty for his own default.

Government is by the people, of the people and for the people. In this regard primary and onerous responsibility is on the people. If this is done freely, fairly and responsibly by electing their representatives then that is Government by the people which is of the people and certainly for the people (Yatha Praja Thatha Raja).

Over the years, it is realized that unless economic, social and cultural rights are enjoyed by the people, political and civil rights may not be really meaningful. In other words, political and civil rights on the one hand, economic, social and cultural rights on the other, must be placed together on equal footing. So long it is not done, disparity and inequality continue to operate leading to disturbances, tensions, conflicts and violence. For proper human development and global peace, respecting, protecting and promoting these two sets of rights are essential. Further denial of these rights come in the way of an individual from developing his talents and contributing his maximum for the development of a country.

In our country civil and political rights were then considered as capable of being enforced against the State through judicial orders and were hence made justiciable while socio-economic rights were considered as requiring resources and policy initiatives on the part of the Government and were, therefore, put in Part IV. But it is now apparent that the division between civil and political rights and economic, social and cultural rights is artificial. It is difficult to keep the two sets of rights separate. They are inter-dependent and are meant to be looked at in totality. For example, freedom of speech and expression and the right to information can exist meaningfully only when people have education. Their access to knowledge, information and their ability to form an independent informed opinion on the basis of available material, are at the core of a





democratic way of life. And these depend on education. Freedom of the press and the rights of the media are also inextricably linked with this right. Hungry person will have no strength to speak leave aside raising his voice, though he has freedom of speech. For starving person right to free movement is of no use. Poor man is not able to enjoy other rights to live with dignity. So is the case of person suffering ill-health. Illiterate person even is not aware of his rights. Then how can he exercise or enjoy them. Hence, human development so as to empower the weak is pre-requisite for exercise and enjoyment of civil, political, economic, social and cultural rights.

We must remember that investment in human development is the investment in invisible infrastructure which will bring better dividends in the long run as the human development of an individual and National development are inter dependent and mutually supportive in building a strong Nation.

'We the people' mentioned in the preamble of the Constitution include all sections of the people without exception. Under the scheme of the Constitution, the legislature, the executive and the judiciary have been assigned defined functions and the demarcated area. Each one has to function and contribute for the goal consistent with the resolution contained in the Preamble and consistent with the Fundamental Rights and Directive Principles of State Policy for welfare of the people essentially including women.

It is unfortunate that over the years after Independence, three factors namely caste, crime and corruption have seriously impaired the quality of governance affecting life of common man in particular, although this common man is a great man for few seconds at the time he exercises his vote during election of his representative for governing the country. In the conference organized by the National Human Rights Commission, it came out that the level of corruption is alarming violating Human Rights of the people. Every crime





committed in the country in a way is a violation of Human Rights affecting life and dignity of the people who suffer. The number of persons alleged to be involved in crimes sitting in legislatures is also not a happy picture. Similarly bias or discrimination based on caste at the hands of others for no fault of them except their birth in a caste in which they had no choice is also sad. Thus, caste, crime and corruption have become cancerous to the development of the country. This being the position obtaining today, the country needs persons of competency, character and commitment for the cause who can contribute significantly for the human development of poor and common people leading to the development of the country obviously.

A person sitting on the chair can make tremendous difference to the lives of the people provided he is committed to sit on the chair to serve and not to rule, to perform his duty and not to show his power and his paramount concern is good of the people.

Land mark decision of the Supreme Court of India in Keshavanand and Bharati case was historic. This is the very significant contribution of the republic of India to constitutional jurisprudence. Perhaps first of its kind in the World.

Parliament in exercise of its amending power cannot alter or destroy the basic structure or framework of the Constitution affecting its very identity.

Keshavananda's case (*Keshavananda Bharati V. State of Kerala (1973) 4 SCC 225*) was heard by the largest Bench ever constituted upon to till that time; it took the longest time - 5 months- which any case ever occupied in the Supreme Court; and the vastest materials ever brought together in a single case.

The rationale of the Supreme Court's judgment in Kesavananda





Bharati's case is simple and cogent. Parliament is only a creature of the Constitution. Periodically, the Lok Sabha is dissolved, and members of the Rajya Sabha retire, while the Constitution continues to reign supreme. **If Parliament had the power to destroy the basic structure of the Constitution, it would cease to be a creature of the Constitution and become its master.**

The Constitution is a highly evolved organic document. Its identity and integrity can be well seen in the Preamble. We cannot destroy its identity in the guise of amendment.

The crucial factor to be kept in mind is that the people of India are not involved in the amending process at all under Art. 368. This factor is decisive in determining the ambit of the amending power. In some other countries no amendment of the Constitution of the nature can take place without the participation and consent of the people by a referendum or by the summoning of a convention or otherwise. This being the position, basic structure of the Constitution cannot be amended that too without participation of people who gave the constitution to themselves.

It cannot be denied looking to the very Constitution that it is major instrument of social transformation. Over the last seven decades people have valued and identified themselves with the Constitution and its values in their conduct and expectations. Constitutional values had/have great impact to become part of their culture despite troubles & turmoils and difficult challenges.

The unique, constructive and meaningful approach of the Supreme Court in Kesavananda Bharati to save the Constitution from abuse, reflects the concern of the civilized legal system to preserve intact, the just institutions built meticulously with commitment by the society with great expectations while accommodating desirable changes.





This judgment of the Supreme Court primarily looked at the Constitution's commitment to human dignity, social transformation and multiculturalism as envisaged in the Preamble, Fundamental Rights and the Directive Principles of State Policy. The dynamics of reforms through protection of human rights, fundamental freedoms and equality ensuring of welfare by democratic institution.

I had an opportunity to represent Supreme Court of India in 2004 in the event organized by the Constitution Court of South Africa to mark the decennial celebration of Independence of South Africa. Chief Justices and Judges from various Countries attended the meeting at Johannesburg. At the end of the conference there was a media meet. The representatives of different countries representing the region/continent were there. Two important questions were asked to the representatives : one whether the Constitution of a Country can be amended to take away the **fundamental/charter rights guaranteed** to the people. Representatives of the different countries responded saying that any part of the Constitution can be amended provided appropriate procedure is followed and the requisite majority is there in the house. When came to my turn I stated that even under the Indian Constitution reading the Article 368 as it is, any part of the Constitution could be amended by following appropriate procedure and having the required majority of the house. Then I explained about the Keshavananda Bharati case supra. The case was heard for several days and most of the eminent Advocates of the Country including Mr. N.A. Palkiwala argued the case. In that case it was held that any part of the Constitution of India can be amended but without affecting its basic structure. This was well received. I must add here, in several countries the decisions of the Supreme Court of India are now cited and followed.

The other important question where a **death penalty** was abolished: Again representatives stated that in some Countries death penalty is abolished, in some countries debate was going on as to whether





death penalty should be abolished. In my turn I stated that Supreme Court of India by its dynamic interpretation held that though the death penalty is still there on the statute book, however, it could be imposed only in the rarest of the rare case. By this a balance is struck between National security and safety of the country on one hand and respect for the Human Rights on the other.

In a lighter vein I may add that one Judge of the South Africa after the media meet was over said that “Mr. Patil you sent Gandhi to our Country and our Country has returned Mahatma to your Country. Pausing for few seconds I stated Yes, Mr. Justice. However, I must say that both Gandhi and Mahatma belonged to India”. These are again two instances of dynamism of the Constitution of India.

“It is the spirit and not form of law that keeps justice alive.”

- Earl Warren

After Independence first session of Parliament was held on 13/5/1952. 60th Anniversary of the Parliament was celebrated on 13/5/2012. This was a special sitting of both the houses in which a resolution was passed to uphold the dignity and supremacy of Parliament. Members of Parliament introspected as to what people think of Parliament. In the last couple of years the manner in which the Members of Parliament had conducted themselves, lead to sense of “frustration and disillusionment” among the people said Dr.Manmohan Singh in Rajya Sabha. Mr. Pranab Mukharjee, leader of the house in Lok sabha regretted that handful of MPs throttled the “silent majority” and called for some mechanism that would eliminate disruptions on occasions.

Sir Winston Churchill in his argument against granting freedom to India stated “Power will go to the hands of rascals, rogues', freebooters; all Indian leaders will be of low calibre and men of straw. They will have sweet tongues and silly hearts. They will fight





amongst themselves for power and India will be lost in political squabbles. A day would come when even air and water would be taxed in India.”

Ours may not be a perfect democracy but it is a functional democracy. In 1996-97 there were three Prime Ministers in one year namely Atal Bihari Vajpayee, H.D. Deve Gowda and I.K. Gujral.

We are proud that despite, wars, natural calamities, national emergency, communal riots, political uncertainties' etc., we survived/surviving as great democracy governed by rule of law as enshrined in the Constitution of India. Students of Law should not read Constitution of India merely as a text book prescribed by the syllabus. But, must read it with spirit to realise goals set therein for the good of “We the People”.

It is useful to look at few decisions of the Supreme Court, in this regard as to how through its positive, meaningful purposive and dynamic interpretation of provisions of the Constitution, the Supreme Court has laid down law for the land, keeping the letter and spirit of the Constitution in mind, paramount consideration being welfare of the people. These decisions clearly reflect dynamics and dimensions of the Constitution.

As early as in 1967 in *Golaknath Vs, State of Punjab*(AIR 1967 SC 1643), Subba Rao, C.J. observed that “the fundamental Rights are the modern name for what have been traditionally known as natural rights or Human Rights.

In *Francis Coralie Mullin Vs. Union Territory of Delhi*, P.N. Bhagwati.J. while interpreting the word “life” in Article 21 observed that “the fundamental right - right to life which is the most precious human right and which forms the arc of all other rights must therefore be interpreted in a broad and expansive spirit so as to invest with significance and vitality which may endure for years to come and





enhance the dignity of the individual and the worth of human persons”.

In *Chameli Singh Vs. State of U.P* [(1996) 2 SCC 549], the Supreme Court held that right to shelter is a Fundamental Right under Article 21 of the Constitution stating that “right to life is not limited only to the protection of limb or faculty, it embraces something more. It is something much more than mere animal existence. It includes right to live with human dignity and all that goes with it, viz., the bare necessities of life such as adequate nutrition, clothing, shelter over the head and facilities for reading writing and expressing oneself in a diverse forms freely moving about and mixing and commingling with fellow human beings”.

In *Parmanand Katara Vs. Union of India*(AIR 1989 SC 2039), the Supreme Court directed all the doctors whether Government or private to extend medical aid to the injured immediately to preserve life without waiting for legal formalities to be complied with by the Police under the Criminal Procedure Code. In another case, Supreme Court held that denial of medical aid by Government hospitals to an injured person on the ground of non-availability of beds amounted to violation of right to life under Article 21 of the Constitution.

In a significant judgment in *Consumer Education Research Centre of India Vs. Union of India* (1995 3 SCC 42), the Supreme Court took the view that “the right to health and medical care is the fundamental right under Article 21 of the Constitution and it is essential for making the life of the workmen meaningful and purposeful with dignity of person. Right to Health to a worker, according to the court was an integral facet of meaningful right to life. The health of the worker enables him to enjoy the fruit of his labour. Medical facilities to protect the health of workers are therefore the fundamental rights to make the life of workmen meaningful and powerful with dignity of person”.



Right to education is a core Fundamental Right for a strong and enlightened nation. It is education which greatly helps wholesome development of a human personality. The judiciary in India has shown its deep concern in the matter of providing education to children in the country. In *Mohini Jain Vs. State of Karnataka* [(1992) 3, SCC 666], the Supreme Court took the view that right to education flows directly from right to life guaranteed under Article 21 of the Constitution.

In *Unnikrishnan Vs. State of A.P.* [AIR 1991 1, SCC 645], the Supreme Court held that right to education, understood in the context of Articles 45 and 41 means every child of this country has a right to free education until he completes the age of 14 years.” This led to the Constitution (86th Amendment Act) 2002 adding a new Article 21(A) making education for all children of the age of 6 to 14 years a fundamental right.

In *Maneka Gandhi Vs. Union of India* [AIR 1981 SC 746], the court gave a new dimension to article 21 holding that the right to “life” is not merely confined to physical existence but it includes within its ambit the right to live with human dignity.

In *Peoples Union for Democratic Rights Vs. Union of India* [AIR 11982SC 1473], the Supreme Court held that non-payment of minimum wages to the workers was a denial to them of their right to live with basic human dignity and it was violative of Article 21 of the Constitution. This decision enabled the millions of workers in factories, fields, mines and project sites to live with human dignity.

Dealing with right to environment, the Supreme Court held that right to live in healthy environment free from diseases and infections and proper ecological balance is covered by Article 21. This is an example as to how Directive Principles were kept in view in enforcing the Fundamental Rights. This position is clear from the decisions of the Supreme Court in *Rural Litigation and Entitlement Kendra, Dehradun*





Vs. State of Uttar Pradesh [AIR 1985SC 652] and M.C.Mehta Vs. Union of India & Ors[AIR 1987 SC 106].

A series of judicial decisions were given in protecting various Human Rights as in-built or embodied in Part III read with Part IV of the Constitution such as right to speedy trial (Hussainara Khatoon Vs. State of Bihar [AIR 1976 SC 1360] and right to provide legal assistance (M.H.Hosekote Vs. State of Maharashtra (AIR 1978 SC 1548).

Supreme Court judgments show how law can be used for advancing for development and welfare of people so that even common men feel that the Constitution is not only for privileged few or the handful but, it is meant for every Indian. That must be our ambition particularly of young friends. Our culture of sacrifice and service is still alive and vibrant. This generation has to activate and accelerate the same culture to serve those who are in dire need with a view to help human development enabling everyone to live life with human dignity.

Experience shows that over the years there is adverse impact of **Money, Muscle and Manipulation** over the fair elections. Free and fair election is one of the basic features of the Constitution. Unfortunately the spirit, patriotism and love for mother land which existed prior to independence and for few years thereafter have been gradually degraded or diluted subject to some exceptions. Those were the days people were ready to give/sacrifice anything for the country. Unfortunately now the position is subject to respectable exceptions, **many want to grab as much as possible from the country and as quickly as possible. Ultimately successful working of the Constitution depends on the people of Competence, Character, Commitment, Concern and Compassion for the fellow beings and love for mother land.** There are good persons everywhere though in a smaller number but, their voices must be louder. "Where people are dumb and Governments are deaf, Democracy fails to deliver." **In a**





Democratic country meaningful progress is to be measured by what is given to those who have little or nothing and not by how much is added to those who have enough and more, and how many unreached are reached and how many excluded or included in their development.

The present generation did not have the privilege of taking part in the struggle for freedom of the country but, has great opportunity to build beautiful India.

I strongly believe that it is '**Youngistan that can make better Hindustan**'. There is a huge responsibility on the youth of the country as the future belongs to them. Children are the supreme assets of the Country, youth are the strength of the country and elderly are the experience of the Country. All of them together can make qualitative difference in the development of the Country and lives of the people.

I thank the organisers of this lecture for providing me an opportunity to share my few thoughts.







