



CONSTITUTION AS A LIVING DOCUMENT : AN ANALYSIS

*Samridhi **

Abstract

Constitution serves as the foundational legal and moral frameworks that govern nations, providing a blueprint for governance and the protection of fundamental rights. The Indian Constitution is often called a living Constitution due to its ability to be amended or modified in response to the evolving requirements of time and society. There has been adequate diversity of interpretations in the actual operation of the Constitution. The Constitution is a tool that communities develop for their own use. Despite the fact that numerous such revisions have previously occurred, the Constitution has remained intact and its fundamental premises have not altered. The judiciary has played a vital role in upholding the Constitution as well as interpreting it. The Constitution is a dynamic document that adapts and adjusts to evolving times and circumstances.

Keywords: Constitution, Fundamental Rights, Amendment, Reservation for women.

I Introduction

AS WE all know, every country has a Constitution that describes the nation's guiding principles and the rights guaranteed to all inhabitants, which is why it's also known as the law of the land. Every country has its own Constitution, however ours is the longest and is handwritten in flowing italic style by calligrapher "Prem Behari Narain Raizada."¹ The

* Student, B.A LL.B 7th Semester, Batch (2020-2025) University Institute of Laws,
Panjab University Regional Centre, Ludhiana.

Calligraphy of the Hindi version of the Original Constitution was done by “Vasant Krishan Vaidya.”² The Indian Constitution was enacted on November 26, 1949, and the remaining clauses were completely implemented on January 26, 1950. Since it was drafted in the modern era, the difficulties faced by other countries in adopting various provisions have aided our Constitution makers to arrive at the provision that is best suited for a country like India, which has so many diversities while remaining united.

II Origin

In terms of Indian Constitution, it has never been a frozen document, neither now nor when it was drafted. The term "living Constitution" refers to a document that evolves, changes through time, and adjusts to new situations without requiring equations to be changed. The leader of the drafting committee, Dr. B.R. Ambedkar, the father of our Constitution³, made a significant contribution by studying the Constitutions of various nations when formulating the Constitution.

III Need

Need for flexibility

While drafting the Indian Constitution in the Constituent Assembly, the founding fathers were clear from the start that the resultant Constitution should be long-lasting, not simply for a few decades. And, in order to be everlasting, it must be fluid rather than a static or closed document.⁴ Our forefathers recognized the importance of adapting our Constitution to

¹ Tanvi Patel, Prem Behari Narain Raizada: The Man Who (literally) Wrote India's Constitution. *available at:* [https:// www.thebetterindia.com /128712/ prem -behari-raizada- india - constitution/](https://www.thebetterindia.com/128712/prem-behari-raizada-india-constitution/) (Visited on 25th September, 2023).

² *Supra* note 1.

³ Dr. Ambedkar International Centre, . *available at:* <https://daic.gov.in/> (Visited on 26th October, 2023).

⁴ Moneynarula, Is Constitution A Living Document. *available at:* www.legalservices.com (Visited on 26th September, 2023)

the changing requirements of society. The most basic argument for having a Constitution flexible or changeable is that what is right now may appear incorrect tomorrow, and what appears wrong today may appear right and Constitutional tomorrow. Because the people of India have ultimate sovereignty, the government's focus should be to meet their evolving wants and demands. Another argument for the need for flexibility is that Constitutions are produced by humans and require review, modifications, and re-examination, all of which are essential in a democratic country like India.

Need for rigidity

However, although keeping it static was necessary in society, doing so excessively would stifle the nation's progress. Greater flexibility may readily be abused by the government; they can mold it to their requirements, obstructing the distribution of equity, justice, and meeting the expectations and wants of citizens in society. In addition, it was resolved that the Indian Constitution should be preserved from frequent and needless amendments. The framers of our Constitution were acutely aware of this concern and endeavored to strike a balance between the two aspects, aiming for a blend of flexibility and rigidity.

As a result, the Constitution was elevated above regular law, from which all ordinary laws get their authority, and future generations were required to obey it.⁵ The Constitution of India combines elements of rigidity and flexibility, creating a semi-flexible framework. Our Constitution's drafters were well aware that there may be certain defects and errors in the document, and that it is not without flaws and errors. Apart from that, if no provision for Constitutional modification had been created, the people would have demanded an alternative

⁵ Michael Kransz, Ottawa County may be declared 'constitutional county. *available at:* www.mlive.com (Visited on 1st October' 2023)

Constitutional approach, such as a revolution, to change the existing Constitution to one that matched their needs.

They were also conscious, however, that this document could need to be modified in the future. In light of this, the Indian Constitution's founding fathers drafted Article 368, which initially simply provided a method for changing laws by empowering the parliament with constituent authority to do addition, variation, or repeal. This article had been subjected to several alterations and changes as a result of the constituent power exercised by parliament. Later, the authority to amend was added to clause (1) of article 368, and the method was relocated to Article 368 in its clause (2), thanks to an amendment brought about by Justice Subha Rao J's ruling in the landmark case of *I. C. Golaknath & Ors vs State of Punjab & Anrs.*⁶

IV International Aspect

"Constitution is a living document; no strict constructionism" -

Barack Obama⁷

The amendment procedures in many modern international Constitutions are typically guided by two key principles:

By Special Majority

The initial principle underscores the requirement for a special majority to make Constitutional amendments. For instance, in the context of the United States, a two-thirds majority is required for Constitutional amendments. Similarly, in countries like South Africa and Russia, specific amendments may necessitate a three-fourths majority. This principle

⁶ 1967 AIR 1643, 1967 SCR (2) 762

⁷ Conor Friedersdorf, *Obamacare and the Living, Breathing Constitution*. available at: www.theatlantic.com (Visited on 3rd October 2023)

underscores that significant changes or amendments to any Constitution should garner substantial support to ensure stability and consensus.

People's Participation

The second principle underscores the significance of engaging the populace in the process of amending the Constitution. There are some countries, such as Switzerland, citizens have the opportunity to directly propose and approve Constitutional amendments through referendums⁸ or popular initiatives. Russia and Italy also provide examples of systems where the public has a role in Constitutional amendments. This principle promotes democratic engagement and ensures that Constitutional changes reflect the will and desire of the people.

V Indian Aspect

On September 17, 1949, The Constituent Assembly discussed Drafted Article 304. It established the process while granting Parliament the exclusive and sole authority to modify and amend the Indian Constitution. The Drafting Article stipulated that in order to be approved, an amendment needed the assent and consent of two-thirds of members of the Parliament and, in some situations, half of the states in India. The majority of Assembly members present during the discussion rejected the two-thirds majority rule and supported a "simple majority." They argued that the Drafting Article rendered amending the Constitution challenging, if not impossible. These members outlined a number of arguments against a rigid Constitution. They contended that the rigid Constitution was unjustified in light of the Constituent Assembly's meager representational credentials and would obstruct progressive legislation and limit the Constitution's ability to adjust to social and political uncertainty. There were also concerns that the

⁸ Referendum: A general vote by the electorate on a single political question that has been referred to them for a direct decision.

participation of the States in the amendment process would reduce the authority of the Union Parliament and thwart any future attempts by the Parliament to change India's federal system. The Chairperson of the Drafting Committee responded by underlining the fact that various other Draft Articles permitted amendments by a mere majority vote. However, Draft Article 304 was unique as it pertained to specific category of articles demanding a more stringent threshold for modification. To support this argument, the Chairperson referred to the amendment procedures of notable countries like Ireland, Switzerland, Australia, and the United States. This comparison highlighted that none of these significant Constitutions allowed all sections of their Constitution to be altered through a simple majority vote. The Chairperson emphasized the importance of involving states in the amendment process to safeguard their interests. Ultimately, the sole amendment that received and garnered approval from the Assembly was the one put forward by the Chairperson of the Drafting Committee.

VI What is Article 368 of Indian Constitution?

Article 368 encompasses the following provisions:

Article 368. Procedure and power of the Parliament to amend the Constitution of India⁹

According to Indian Constitution, the parliament has the authority to amend or alter the Constitution through one of three ways.¹⁰

⁹ Subs. By sec 3(a) of the Constitution (Twenty- fourth Amendment) Act, 1971

¹⁰ Article 368 -Constitution of India, 1950 1) *Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.*
(2) *An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the*

- a) Through simple majority in the parliament, as is the case with regular legislation.
- b) By requiring special majority in both the houses of Parliament, separately as directed in article 368.
- c) Ratification by States, in accordance with the special majority and the approval of the legislatures of at least half of the states, as stipulated in Article 368.

Amending legislation can be proposed or introduced in either of the two houses of Parliament; the important thing is that they must be enacted by a special majority of both houses, as specified within the provisions of Article 368. After receiving a clean chit from both the houses of the parliament, it is required to be rectified by the government of states if necessary and then submitted to the President for the approval. The President can only return the bill to Lok Sabha for reconsideration once, but if the same law is brought again, the President must grant assent regardless of his/her recommendations. The amendment is only considered once the President of India has granted their assent. In order

President who shall give his assent to the Bill and thereupon] the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that if such amendment seeks to make any change in—

(a) article 54, article 55, article 73, article 162, article 241 or article 279A; or

(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI; or

(c) any of the Lists in the Seventh Schedule; or

(d) the representation of States in Parliament; or

(e) the provisions of this article,

the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.

(3) Nothing in article 13 shall apply to any amendment made under this article.

(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976 shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.

to execute and undertake such a complicated and intricate process of altering the Constitution, the parliament is granted constituent authority, a concept defined in the Article 368, which is not easy to employ.

VII Indian Judiciary and Amending Power

The legislature was tasked with enacting the necessary legislation, while the administration was tasked with putting them into effect on the ground. The primary and most important role of the judiciary is to interpret and apply the law. The judiciary, which is regarded as the third pillar of Indian democracy, played a critical role in safeguarding the Indian Constitution's identity and preventing any intrusion into the lives and personal liberties of Indian individuals. Various guidelines have been offered in different case laws to avoid exploitation of citizens by the state legislature or the parliament when using the constituent authority to modify the Constitution. The separation of powers among the three branches of government namely, legislative, executive, and judiciary ensures that no one may interfere with the sphere of working and functioning of another. However, if a legislation passed by parliament violates any provision of the Constitution of India, specifically part III of the Constitution, which safeguards citizens fundamental rights, the judiciary must interpret and examine the law to determine if the same is in violation with the fundamental rights of citizens or not. If this is the case, the Supreme Court, as an independent body, has authority to declare the statute unconstitutional. The key issue revolved around the permissibility of amending fundamental rights, which are safeguarded in Part III of the Constitution, through Article 368. This issue was first brought before The Supreme Court in 1951 in the case of *Shankari Prasad Dev v Union of India*¹¹, then in the case of *Sajjan Singh v State of*

¹¹ AIR 1951 SC 458

*Rajasthan*¹², *I.C. Golaknath v State of Punjab*¹³, and finally in *Keshavanand Bharti v State of Kerala*¹⁴, which is considered one of the most important decisions in Indian legal history. By a vote of 7:6, this 13-judge court overturned an 11-judge bench's decision in the *I.C. Golaknath case*, holding that all provisions may be divided into two sections:

The core/heart of the Constitution

Also referred as “*basic structure of the Constitution*”, is the foundation upon which the Constitution is built. Any change to the fundamental framework would jeopardize the entire Constitution. As a result, its fundamental framework should not be tampered with by modifications.

Substantial law

This is alterable and pertains to the scope and ambit of article 368. Furthermore, it was laid down by the court that a petition challenging an amendment that violates fundamental rights guarantee under part-III of the Constitution is not maintainable, but any petition challenging the Constitution's essential structure is maintainable and should be declared unconstitutional.

The rule established by the Supreme Court of India continues to be followed and respected by generations to come.

In the case of *Shankari Prasad v. Union of India*¹⁵ the Supreme Court was asked for the very first time to evaluate whether or not Article 368 permits amendments to fundamental rights. In this, the validity of First Constitutional Amendment, which introduced Articles 31-A and 31-B in the Constitution, was assailed. While it may fall under Parliament's authority to alter fundamental rights provisions, an argument was made

¹² 1965 AIR 845, 1965 SCR (1) 933

¹³ 1967 AIR 1643, 1967 SCR (2) 762

¹⁴ (1973) 4 SCC 225: AIR 1973 SC 1461

¹⁵ AIR 1951 SC 458

that any changes or revisions must be assessed in accordance with the conditions specified in Article 13(2) of the Constitution. The contention that the First Amendment should not be upheld considering the stipulations in Article 13(2) was unanimously dismissed by a five-judge bench of the Supreme Court. This was because the First Amendment did not take away or in any way limit the essential rights granted by Part III.

In the case of *Sajjan Singh v. State of Rajasthan*¹⁶, the primary issue at hand was regarding the validity of Seventeenth Amendment¹⁷. This case was put forward before a five-judge bench of the Supreme Court. The central argument was regarding that the Seventeenth Amendment had restricted jurisdiction of the High Courts, and as a result, it necessitated ratification from a minimum of half of the states, as specified in the guidelines provided in Article 368 of the Constitution.¹⁸

The court, in a unanimous decision, dismissed this argument. However, the bench of the court opted to address a second contention raised during the case. This contention suggested for reevaluating the ruling of the *Shankari Prasad case*. Chief Justice Gajendragadkar, delivering the majority opinion along with Justices Wanchoo and Raghubar Dayal, fully concurred with the earlier decision. They argued that the phrase "amendment of this Constitution" in Article 368 clearly and unambiguously referred to the modification of all provisions within the Constitution¹⁹. Therefore, it would become unreasonable and unjustified to interpret the term "law" in Article 13(2) as encompassing Constitutional Amendment Acts passed under the Article 368.

The judgments in the *Sajjan Singh case* set the stage for an ongoing national debate in India regarding the procedure to opt for to amend the

¹⁶ 1965 AIR 845, 1965 SCR (1) 933

¹⁷ Kumar Narender, *Constitutional Law of India* 89 (Allahabad Law Agency, 2019-2020)

¹⁸ Arun Soni, Amendment of Indian Constitution - Article 368. *available at*: www.legalserviceindia.com (Visited on 20th October 2023)

¹⁹ *Ibid.*

Indian Constitution. Notably, doubts expressed by Justices Hidayatullah and Mudholkar in the *Sajjan Singh* case concerning the correctness of the decision in the *Shankari Prasad* case were later confirmed by the majority in the subsequent case, *Golak Nath's case*. However, *Golak Nath's case* itself was later overruled by a majority decision in the *Keshvananda Bharti's case*, aligning with Justice Mudholkar's perspective that certain elements of the Constitution were fundamental and immutable.²⁰ Interestingly, the minority judges in the *Keshvananda Bharti's case* reverted to the earlier viewpoint of the court in the *Shankari Prasad's case* and the majority position in the *Sajjan Singh's case*. This sequence of cases and changing interpretations of the Indian Constitution's amendment process has been at the center of an enduring legal and Constitutional discourse in the country.

In the case of *Golaknath v. State of Punjab*²¹, the doubts expressed by the minority judges in the *Sajjan Singh* case regarding the correctness of the decision in the case of *Shankari Prasad* were brought before an eleven-judge bench. In the corresponding case, the validity of the First and Seventeenth Amendments to the Constitution²², particularly in relation to their impact on fundamental rights, was once again challenged. Additionally, the Fourth Amendment was also contested. In a closely divided decision, with six judges in favor and five against, it was determined that Parliament did not possess the authority to amend any provisions of the Part III of the Indian Constitution in a way that would diminish or curtail the fundamental rights guaranteed therein²³. However, the majority judges faced a dilemma, as invalidating the First, Fourth, and Seventeenth Amendments at that stage would have had chaotic consequences for economic and social affairs.

²⁰ Jeshika Bhuyan, Doctrine of Basic Structure: A Panacea of All Constitutional Ambiguities, available at: www.intolegalworld.com (Visited on 17th October 2023)

²¹ 1967 AIR 1643, 1967 SCR (2) 762

²² Manju Sinha, Attitude of the Supreme Court Towards Fundamental Rights With Particular Reference To *Golak Nath's* and *Keshvananda's* Cases. available at: Shodhganga.inflibnet.ac.in (Visited on 10th October 2023)

²³ *Ibid.*

To reconcile this dilemma, the court introduced a doctrine known as "*prospective overruling*." Under this doctrine, the three contested Constitutional amendments were allowed to remain valid, and ruling that the Parliament lacked the authority to amend and alter the provisions of the Part III applied only to future cases. This approach aimed to build a balance between correcting legal errors and avoiding immediate disruption in the country's affairs.

The concept of the "*Basic Structure*" was first recognized by the Hon'ble Supreme Court in the landmark *Kesavananda Bharati case* in 1973. Subsequently, the Supreme Court has played a crucial role in interpreting the Indian Constitution and acting as the ultimate authority in assessing the validity of Constitutional amendments made by the Parliament²⁴. In this case, the validity of not only the 25th Amendment Act of 1971 but also the Twenty-fourth and Twenty-ninth Amendments was challenged. *Kesavananda Bharti v. State of Kerala*²⁵ is a seminal case in the history of the Supreme Court of India. It forms the foundation in Indian law for the exercise of judicial review by the Indian judiciary. This means that the Hon'ble Supreme Court has the authority to examine and invalidate Constitutional amendments passed by the Indian Parliament if they conflict with or attempt to alter the fundamental structure of the Constitution.²⁶ Furthermore, the judgment in this case also delineated the extent and limit to which the Indian Parliament could limit right to property, particularly in the context of land reform and the redistribution of large landholdings to cultivators. This decision effectively overturned prior rulings that had suggested that right to property could not be restricted in this manner.

²⁴ J Ravindran and JK Mittal, Judicial review and government contracts: An appraisal. available at: www.lawjournals.org (Visited on 12th October' 2023)

²⁵ (1973) 4 SCC 225: AIR 1973 SC 1461

²⁶ *Ibid.*

Keshvanand overruled *Golaknath*, but it did not fully reinstate parliamentary supremacy. Instead, it established that while Parliament has the authority to amend fundamental rights, it cannot amend all of them. Specifically, those fundamental rights that are considered integral with the basic structure of the Indian Constitution cannot be altered or abridged. *Golaknath* had emphasized the primacy of fundamental rights, while *Keshvanand* acknowledged that certain other provisions within the Constitution may also hold equal importance.²⁷ If these provisions are deemed to be part of the basic structure, they are protected from amendment.²⁸

In essence, *Keshvanand's* ruling clarified that under Article 368, Parliament cannot entirely rewrite the Indian Constitution and introduce a new one. It set a limit on the extent as to which the Constitution can be amended, emphasizing the preservation of the Constitution's core principles and structure.

The Doctrine of Basic Structure²⁹ was reaffirmed in the landmark case of *Indira Nehru Gandhi v. Raj Narayan*³⁰, here, the 39th Amendment, which added Clause 4 to Article 329-A in 1975, was ruled unconstitutional by the Hon'ble Supreme Court on the grounds that it exceeded the jurisdiction of Parliament to modify, amend and alter the Constitution since it eliminated a fundamental aspect of it. The Supreme Court did this by using the principle of basic structure. The jurisdiction of all courts, including the Supreme Court, over issues connected with elections of the Prime Minister of India was amended.

In the aforementioned case, each judge provided their opinions on what might be considered the fundamental framework of the Constitution in

²⁷ V.Sudhish Pai, The Kesavananada Anniversary: Basic Structure Doctrine. *available at*, www.livelaw.in (Visited on 14th October' 2023)

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ (1975) 2 SCC 159

view of Doctrine of Basic Structure. Justice Y.V. Chandrachud outlined four fundamental characteristics that he believed could not be changed:

- a) Status as a sovereign democratic republic.
- b) Individual equality with regard to their status and opportunities.
- c) Secularism, religious freedom, and freedom of conscience.
- d) The rule of law, referred to as "the government of laws and not of men."

The case that sanctioned homosexuality *Navtej Singh Johar and Ors vs Union of India*³¹ and struck down section 377 of the Indian penal code, which criminalizes homosexuality since it is against Indian culture, nature, and science, demonstrates the flexibility of the Indian Constitution.³² Section 377 of the Indian Penal Code, according to a five-judge panel led by Chief Justice Dipak Mishra, infringes on a person's life and personal liberty as guaranteed by Article 21 of the Indian Constitution.

Apart from that, the shortening of Article 370, which grants special status to Jammu and Kashmir, resulted in another significant modification in Indian Constitution.

There have been 127 amendments to the Indian Constitution as of August 2023³³, demonstrating the Constitution's adaptability. When it comes to Indian Constitution amendments, the *42nd Constitutional amendment*, often referred as the mini-Constitution, is well-known. It amended numerous provisions and clauses of the Indian Constitution.

³¹ AIR 2018 SC 4321, (2018) 10 SCC 1

³² Saptarshi Mandal, Section 377: Whose Concerns Does The Judgment Address? available at: Epw.in (Visited on 17th October' 2023)

³³ Amendments, National Portal of India". Available at :<https://www.india.gov.in/gsearch?s=amendments&op=Search>. (Visited on 17th October' 2023)

In 1976, The Prime Minister Indira Gandhi established a committee under the Chairmanship of the Minister of External Affairs Swaran Singh "to study the question of amendment of the Constitution in the light of experience"³⁴ Resulting in that even our Preamble, which is considered a mirror of our Constitution, was amended in 1976 by the 42nd Constitutional amendment, which included the words "SOCIALIST," "SECULAR," and "AND INTEGRITY." Thus, it modified India's designation from "sovereign, democratic republic" to that of "sovereign, socialist, secular, democratic republic," and modified the phrase "unity of the nation" to that of "unity and integrity of the nation." By avoiding extreme rigidity and excessive flexibility in the Constitution, the semi-flexible nature of amending the Constitution has benefited.³⁵

In *Minerva Mills v. Union of India*³⁶, the Constitutionality of sections 4 and 55 of the 42nd Amendment was questioned. The Directive Principles of State Policy outlined in Part IV of the Constitution were given precedence above the Individuals' Fundamental Rights outlined in Part III by Section 4 of the 42nd Amendment, which amended Article 31C of the Constitution and Any Constitutional modification could not be "called in question in any Court on any ground," in accordance with Section 55 of the amendment. Additionally, it stated that the ability of Parliament to change the Constitution would not be constrained in any way. Sections 4 and 55 of the 42nd amendment were deemed unconstitutional by the judgement passed by Chief Justice Yeshwant Vishnu Chandrachud who also advanced and endorsed the Constitution's basic structure doctrine.³⁷

³⁴ John R. Walker, The bill finally cometh, The Sunday Indian. Retrieved on 23 November 2013

³⁵ Smriti Kak, Socialist, secular omitted from Constitution's Preamble. *available at*: [htschool.hindustantimes.com](https://school.hindustantimes.com) (Visited on 13th October' 2023)

³⁶ 1980 AIR 1789, 1981 SCR (1) 206

³⁷ *Ibid.*

Article 323-A and 323-B, which were inserted by 42nd amendment of 1976, dealt with tribunals and were subjected to question in *L. Chandra kumar v. Union of India*.³⁸ The High Court's jurisdiction under Articles 226 and 227 as well as the judicial power of the Hon'ble Supreme Court under Article 32 were both limited by Clauses 2(d) of Art.323-A and 3(d) of Art.323-B. In this case, the Supreme Court ruled that these clauses are unconstitutional because they forbid judicial review, which is a fundamental element of the Constitution. It was decided that the Supreme Court's right to be petitioned under Art 32 and the High Court's authority to conduct judicial reviews under Art 226 are fundamental elements of the Constitution.

The Constitutionality of Section 2 of the 42nd Amendment, which added the word "socialist" to the Preamble of the Constitution³⁹, was challenged in a petition filed on January 8 2008 by Sanjiv Agarwal of the NGO Good Governance India Foundation. The head of three-judge bench, Justice K. G. Balakrishnan, made the observations that it relates to welfare measures for the people at the case's initial hearing⁴⁰. It is one among many democracy's facets. There is no clear interpretation of it. Depending on the context, it might have several meanings.⁴¹ The Hon'ble Supreme Court's declared that this matter was "highly academic"⁴² caused the petition to be withdrawn on July 12th, 2010.

VIII Conclusion

The concept of the Constitution as a living document stands as a dynamic and vital principle that has empowered our society to adjust, develop,

³⁸ (1997) 3 SCC 261

³⁹ J. Venkatesan, Front Page: 'Socialist' tag in statute challenged. *The Hindu* (9 January 2008)

⁴⁰ *Supra* note 37.

⁴¹ G.srinivasan, India a socialist nation? SC says keep the tag ". available at: ibnlive.in.com (Visited on 5th October' 2023)

⁴² Adhir Ranjan Chowdhury, Issue too academic, so PIL on socialism in statute withdrawn *The Indian Express*. 13 July, 2010.

and advance with the passage of time. Its innate *flexibility and capacity to respond to shifting circumstances* have consistently provided a strong foundation for our democratic system. The Constitution's enduring resilience in the face of evolving societal values and challenges reinforces its status as an ageless and enduring blueprint for our nation.

Within the Constitution, there exists a delicate balance where certain elements can be subject to modification while others remain unalterable. This balance prevents its misuse, and the amendment process ensures the preservation of the Constitution's fundamental essence. We have an unchanging core framework within the Constitution that safeguards its essential character from erosion. The Constitutional revision process also necessitates active governmental participation in specific areas, thereby contributing to the Constitution's flawless nature.

As we navigate the perpetually shifting landscape of our society, it becomes unavoidable and imperative that we uphold the principles of Constitutionalism⁴³, uphold and respect the spirit and essence of the living document doctrine, and engage in thoughtful discourse to ensure our Constitution continues to serve as a guiding light for justice, liberty, and equality. The Constitution transcends being a mere relic of history, as a living testament to our unwavering commitment to shaping a more perfect union. It is our duty to preserve its adaptability and relevance for future generations, as it remains a living, breathing embodiment of our shared legacy.

⁴³ Constitutionalism: Set of behaviors that governs the country in a better manner and controls the government's powers