

The constitution is the **supreme law of the land**, deriving its power from and reflecting the will of the people. A **completely rigid constitution** becomes a hurdle in adapting to the **changing social, economic, political realities**. Excessive rigidity is obstructive of growth/development, that can lead to dissatisfaction in the citizens and the country. The **constitution needs to be dynamic**, especially in case of India, due to the following **reasons**-

1. **Economic**- Economy tends to change with time.

- The **25<sup>th</sup> amendment** to the constitution **inserted article 31C** in the constitution. This Article prioritized the objectives of **equitable distribution of material resources** and **prevention of concentration of wealth** over the **fundamental rights**.
- The **44<sup>th</sup> amendment to the constitution** made property a legal right in place of a fundamental right. It empowered the government to take pro-poor measures as **land reforms**.
- The Constitution was amended to incorporate the provisions of **GST** and create "**one nation one market**" with the help of **GST council**. The **101<sup>st</sup> constitutional amendment** re-adjusted the taxation powers of the Centre and the States.

2. **Social**- Social conditions of India are everchanging.

- The scope of **Right to Life under Article 21** has evolved to include the right **to livelihood, privacy**, etc.
- Right to education** has been added as a **Fundamental Right** under **Article 21A**.
- The Constitution has been amended multiple times to **extend the benefit of reservation** to the SCs, STs etc., backward classes. Further, **NCSC** and **NCST** were made separate **constitutional bodies** while **NCBC** has been given **constitutional status** to ensure **welfare** of backward classes.
- The **42<sup>nd</sup> Amendment** added many pro-poor measures including "**participation of workers in the management of industries**" in the Directive Principles of the State Policies (**DPSPs**).
- Many languages have been added to the **8<sup>th</sup> Schedule** through amendments, making the constitution more **inclusive** and **sensitive** to the aspirations of citizens.

3. **Political**-

- The **10<sup>th</sup> Schedule** was added to **prevent defection** and check **horse trading** of elected representatives.
- The **73<sup>rd</sup> and 74<sup>th</sup> Amendments** have given a constitutional status to the **grassroot democracy** in the Country.
- The judgement of the Supreme Court in the **Maneka Gandhi case** introduced the American system of "**due process of the law**". This widened the scope for **judicial review** in India.
- Amendments have been made to incorporate **Sikkim, Goa, Puducherry**, etc. into the Indian territory.

Despite creating the largest constitution of the world, it was impossible for the makers to cater for all the needs and aspirations of future generations. The **Indian Constitution was made flexible enough** to facilitate the ever-dynamic developments and needs of society. (435 words)

**Q.3) What do you mean by 'doctrine of essentiality'? How has judiciary used this doctrine to address conflict between various fundamental rights? Explain with examples.**

**Approach:** Start by defining **essential religious practices** and **doctrine of essentiality**. Mention the **conflict between various fundamental rights like the right to equality and freedom of religion**. Then explain with recent examples how judiciary has used **doctrine of essentiality** to address conflict between fundamental rights. Mention the **criticism of essentiality doctrine**. Conclude by describing judiciary as a **pillar of constitutional morality**.

Essential religious practices are **important customs and rituals** without which a religion loses its glory and that **must be adhered** to by the followers of the religion. The doctrine of essentiality (DoE) is **jurisprudence (legal principle) framed by the Supreme Court** to determine which religious practices qualify as essential religious practices and are protected under Article 25.

DoE was invented by SC in the **Shirur Mutt case 1954**. The court held that the term "religion" will cover all rituals and practices "integral" to a religion, and took upon itself the responsibility of determining the essential and non-essential practices of a religion. The court has used DoE in various cases to **protect citizens against infringement of fundamental rights** like right to equality (Article 14), life with dignity (article 21) etc.