
THE JURISPRUDENTIAL SHIFT FROM "JUSTICE ACCORDING TO LAW" TO "LAW ACCORDING TO JUSTICE": JUDICIAL EXPANSION OF ARTICLE 21 THROUGH CONSTITUTIONAL INTERPRETATION

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ABSTRACT

Right to Life and Personal Liberty, encompassed under Article 21 has witnessed significant evolution, from merely a procedural safeguard to becoming a repository of unenumerated fundamental rights. Such expansion possessed critical questions over what led to it and the interpretive methodology that ensured such a shift via interpretive constitutional approach, without any constitutional amendments. This paper investigates this methodological shift towards a value driven principle of “Law According to Justice”, in place of “Justice According to Law” by the Supreme Court of India. The paper finds that the approach taken in the Maneka Gandhi case acted as a watershed moment in the constitutional interpretation method, which dismantled the restrictive “silo” doctrine adopted in the case of A.K. Gopalan. Such a shift implanted the effects of “due process of law” in the Indian Constitution, without actual use of the phrase. The paper further examines, with the help of three constitutional bench verdicts of the past decade, how this infusion of substantive due process into Indian Constitutionalism cemented human dignity as the normative approach of Article 21. This shift in the approach by Indian Judiciary reflects a global shift towards transformative and liberal constitutionalism, prioritizing substantive justice over rigid proceduralism, as evident through the judicial pronouncements of constitutional courts of South Africa, Canada, and Colombia. The paper concludes that the shift in the approach of the Indian judiciary is a deliberate transformation and not isolated judicial overreach, ensuring the Constitution as a living, organic document, which has potential of protecting individual rights in an evolving complex society.

Keywords: Article 21, Justice According to Law, Law According to Justice, Due Process of Law, Interpretive Constitutionalism.

Introduction

The Constitution of India is the lengthiest codified constitution. Its detailed structure reflects the framers' conscious intentions of providing a comprehensive constitutional framework, capable of governing an exceptionally diverse society. India is arguably the most diverse country across the globe, with 22 constitutionally recognised languages and almost every religion being followed, thus, the constitution was a detailed written one that intended to address a broad range of constitutional contingencies. Such a constitution comes with the challenge of interpreting the meaning of the text to its best possible outcome. This responsibility rests with the Supreme Court of India.

The written nature of the Constitution reinforces the principle of constitutional supremacy by clearly defining the limitations of the powers of the government and providing a mechanism of checks and balances against the actions of the legislative or the executive. Although, in doing so, the Constitution must be dynamic enough to give enough room to the government to conduct its operations smoothly and respond to any unforeseen circumstances that the makers of the Constitution had not articulated. Thus, this constitution needs to walk the tight rope and ensure that it stays relevant with the passage of time and is capable of handling any such upcoming challenges. Such a codified constitution, therefore requires continued interpretation of the provisions laid down there in order to keep it effective and relevant with the passage of time.

The interpretation of the constitutional principles is therefore considered one of the crucial functions of the apex court of the land. The onus lies on the Supreme Court of India, who has interpreted constitutional text over 7 decades. Such constitutional interpretation is not immutable and must evolve over time. It may occur when the previous interpretation is no longer validated by the changing social realities or where it is found to impede the effective realisation of the Constitution's underlying objectives.

Therefore, this paper aims to dwell upon how a shift in the Supreme Court's pattern of Interpretation enabled the expansion of article 21 over the period of time. As among all fundamental rights, Article 21 has witnessed the most remarkable judicial transformation, evolving from a guarantee against executive deprivation of life and personal liberty, into the source of various unenumerated rights. The paper will examine how the court initially relied strictly on a text-based approach to interpret the constitution, by literally reading word for

word, without reflecting on its overall structure and coherence. The paper will further highlight how the court gradually departed from a predominantly textualist approach to a more structured, interpretive approach, giving rise to the principle of 'Law according to Justice'. The paper will try to understand how this shift from 'Justice according to Law' to 'Law according to Justice' enabled the court to interpret Article 21 as a repository of unenumerated rights without any formal constitutional amendment. To do so, the paper studies recent decisions of various constitutional benches, especially the ones pronounced in the last decade. The paper will also try to have a comparative view over how the courts of other jurisdictions deal with these principles. The paper attempts to conclude by examining how the expansion of Article 21 is best understood as the product of a transformation in constitutional methodology rather than a series of isolated judicial innovations.

1. Justice According to Law

Since the establishment of civilisation, there have been multiple attempts to define Law. One such attempt was done by John Austin, a classical legal theorist, who gave a positivist and formalist understanding of the law. This school of thought defines Law as a command of the sovereign, backed by some form of sanctions, which are autonomous and distinct from the morals.¹ Based on this understanding, the concept of law was seen as a supreme rule established and which is required to be adhered to, which eventually results in the achievement of justice.

This positivist understanding provides a useful foundation for this paper referred to as the concept of "Justice According to Law", which states that the idea of Justice is strictly affiliated with the exact interpretation of the textual meaning of the law. Consequently, under such a strict formalist approach, the application of the law is based on a narrow and strict interpretation of legal sources like statutes, constitutional framework, legislative enactments, etc.² This approach does not primarily rely on the Judicial interpretation or independent assessment of such enactments, the intentions of the framers, morality, or even the abstract notions of fairness.

The role of Judiciary is therefore restricted to a strict adherence to the letter of the law. The Judicial function, in this approach, is to merely ascertain the existence of a law, its meaning,

¹ John Austin, *The Province of Jurisprudence Determined* (first published 1832, Cambridge University Press 1995).

² Tinkham, Richard P. (1952) "Justice According to Law, by Roscoe Pound," *Indiana Law Journal* : Vol. 27: Iss. 4, Article 10.
Available at: <https://www.repository.law.indiana.edu/ilj/vol27/iss4/10>. Accessed 27 August 2026.

and the scope of application, rather than independently assessing the substantive fairness or moral legitimacy of the law. Such an approach ensures legal certainty, predictability, and a rigid separation of powers, where the judiciary does not overstep the boundaries to interpret the legislative intent.

Constitutional Supremacy, Judicial Restraint and the Framers' Choice

The Justice According to the Law, was a deliberate choice made by the framers of Indian Constitution regarding the scope of judicial review over personal liberty. This was therefore even followed by the Supreme Court in the initial decades post independence. The roots of this principle can be traced to the Constituent Assembly Debates, where there was considerable deliberation over whether courts should have the power to scrutinise legislative actions affecting individual liberty.

The framers of the Indian constitution initially considered incorporating the principle of “due process of law”, a principle having its roots in the American constitution. However, after being advised by Justice Felix Frankfurter to avoid adopting the American formulation, Sir B. N. Rau dropped the idea altogether.³ The concern highlighted here, by Justice Frankfurter was that the State would be burdened with a huge chunk of litigation and would also confer substantial discretionary powers to an unelected judiciary. Such an arrangement was feared to empower the courts arbitrarily to invalidate legislation on the grounds of substantive unreasonableness.

Therefore, the Drafting Committee ultimately relied upon Article 31 of the Japanese Constitution, replacing the “due process of law” with the “procedure established by law”.⁴ Such arrangements were made to create a balanced ecosystem where the judiciary has enough power to check legislative oversteps, while giving enough room to the legislation to determine matters of social and economic policies.⁵ However, this choice of “procedure established by law” did not establish parliamentary supremacy over the constitution. It rather reflected the early commitment to a stricter implementation of textual meaning of the constitution and judicial restraint in determining the validity of laws and legislative enactments.

³ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966) 87.

⁴ Constituent Assembly Debates (CAD), vol VII, 853-854.

⁵ CAD, vol VII, 1000 (Dr BR Ambedkar).

Early Judicial Stance: Through the lens of A.K Gopalan case

Initially, the Supreme Court faithfully adhered to this formalist approach. This was highlighted in the case of *A.K. Gopalan v. State of Madras*⁶, where the constitutional validity of the Preventive Detention Act, 1950, was challenged on the grounds of violation of Article 21. The approach of the court drew a clear distinction between the adopted principle of “procedure established by law” and rejected the “due principle of law”. The court, while interpreting Article 21 through the lens of a strict textualist approach, held that the “law” under Article 21 is limited to state-made laws, and does not include the universal principles of natural justice. The majority was of the opinion that the deliberate omission of “due process” was to keep a check on the court to not test a law on the principle of reasonableness or fairness.⁷ Thus, the interpretation of Article 21 by the court was significantly narrowed down, where a law enacted based on prescribed procedure was held to be valid, even if it restricts a citizen’s right to life or dignity.

The Apex court hereby adopted the “structural silo” doctrine, a narrow interpretive approach where the Fundamental Rights are seen as exclusive, isolated compartments, in place of an interconnected and correlated group of guarantees to the citizen.⁸ Based on this doctrine, the court reached to the conclusion that a law depriving the personal liberty guaranteed under Article 21, did not need to simultaneously satisfy the test of reasonableness required under Article 19.⁹ The A.K Gopalan era resulted in rejection of the due process standard, thereby providing significant powers to the parliamentary wisdom, which ensured legal predictability but, at the cost of fairness and reasonableness that the judiciary should ideally be held responsible to check in a law passed by the legislation.

Thus, such a textualist approach of interpreting “procedure established by law” rendered the fundamental right to life and personal liberty exceptionally vulnerable, with Article 21 available as a remedy only against procedural lapse and executive overreach, and not against the arbitrary and often unjustifiable legislative enactments. This approach even restricted the scope of “justice” to what the text of the specific “law” allowed. Eventually, with the passage

⁶ *A.K. Gopalan v State of Madras* AIR 1950 SC 27

⁷ *ibid* (Kania CJ).

⁸ Decker, Nicolin, The Structural Silo Doctrine: A Constitutional Theory of Intra-Executive Separation, Statutory Boundary Integrity, and Constitutional Security (December 03, 2025). Available at SSRN: <https://ssrn.com/abstract=5854806>. Accessed 27 August 2026.

⁹ *ibid* 7.

of time this inherent limitation catalysed a jurisprudential awakening, setting a stage for the Constitutional bench(es) of the Supreme Court to dismantle the “silo” doctrine and part away from a rigid textualist interpretation. With the gradual inclination towards a dynamic rights centric interpretation, the Court revived the doctrine of “Law According to Justice”, especially in the context of interpretation of Article 21.

2. Law According to Justice

After following the rigid literal interpreting method for a few decades after independence, the Supreme Court gradually shifted to a new interpretive methodology. Such a shift altered the trajectory of constitutional jurisprudence, constitutional supremacy and parliament's power of enacting laws. This approach is best explained by Ronald Dworkin, through his idea of “moral reading: of the constitution.”¹⁰ Dworkin argued that the Constitution is a coherent system of several principles and ethos, that requires a continuous commitment to political integrity, i.e., it requires the legislation to take such principles into consideration while enacting laws. He further argued that the Constitution cannot be described merely as a collection of rules that can be abused at the whims of anybody. Consequently, the interpretation of the Constitution cannot be based on the literal interpretation of the text but it demands an active, constructive, complex process, to ensure that the core principles of the Constitution are safeguarded as well as are flexible enough to keep pace with the evolving society. Hence, as Dworkin has correctly conceptualised by symbolizing “rights” as “trumps” and “parliamentary enactments” as “majoritarian goals”, that it is necessary to establish “trumps” over ordinary majoritarian goals. It is therefore necessary for the Judges to interpret legal texts in such a manner that it does not negate the core principles of the Constitution.¹¹

When the Indian Constitution is looked through this perspective, it can be recognised as an organic, living document capable of keeping pace with the evolving societal norms and values. Such an interpretation was not present in the Indian Constitution as the framers intentionally selected “Procedure Established by Law” over “due process of law”. Although, the value based interpretation was not entirely alien to the core principles of the Constitution, nor to our constitutional framers, making the concept of “due process of law” omnipresent despite

¹⁰ Ronald Dworkin, *Freedom's Law: The Moral Reading of the American Constitution* (Oxford University Press 1996) 2.

¹¹ Ronald Dworkin, *Taking Rights Seriously* (Harvard University Press 1977) xi.

rejection of its usage in the text.¹² During the Constituent Assembly Debates, Jawaharlal Nehru highlighted the necessity of organic growing, by asserting that while there is a need for the Constitution to be solid and permanent, it must be flexible enough to not restrict nation's growth, or rights vital for the growth of people or for any organic purposes.¹³ Therefore, this principle helps the judiciary to honor the original intention of the framers, making the Constitution a vibrant charter of rights, rather than a static, procedural liability.

Maneka Gandhi and the Infusion of Due Process

The Supreme Court, in its landmark judgment of *Maneka Gandhi v. Union of India*, crystallised its shift to justice oriented methodology in interpreting the Constitution of India.¹⁴ The court, while interpreting Article 21, made a historical shift by importing the substantive “due process of law” standards that the framers had explicitly discarded. By doing so, the court not only introduced “due process of law” but also abandoned the silo doctrine and literal interpretation established in the *A.K. Gopalan* case.

Justice P.N. Bhagwati, in his opinion, explicitly dismantled the isolated compartmentalisation of the fundamental rights. He argued in favour for an interconnected trilateral structure, often referred to as the “Golden Triangle” of Article 14, 19 and 21 of the Indian Constitution.¹⁵ The court in its majority opinion, concluded that all these rights are not mutually exclusive codes. Therefore, a person being deprived of his right to liberty or life, must not only satisfy the procedural requirements as mandated under Article 21, but must also stand the test of non-arbitrariness and threshold of reasonable restrictions, as encompassed under Article 14 and 19 respectively. Even Justice V. Krishnan Iyer gave prima facie importance to the qualitative nature of the law itself, by emphasizing that the mere existence of a statutory procedure is insufficient, and the “procedure established” must not be arbitrary, oppressive, or fanciful. It must be just, fair and right.¹⁶

By doing so, the Supreme Court successfully overcame the rigid positivism and the idea of parliamentary supremacy as present in Britain, and also deliberately overcame the framers' act

¹² Venkatesan V, ‘*Due Process: The Clause that the Framers Refused*’ (Supreme Court Observer, 2026) Available at: <https://www.scobserver.in/journal/due-process-the-clause-the-framers-refused/>. Accessed 27 August 2026.

¹³ Constituent Assembly Debates (CAD), vol VII, 322.

¹⁴ *Maneka Gandhi v Union of India* AIR 1978 SC 597.

¹⁵ *ibid* (Bhagwati J).

¹⁶ *ibid* (Krishnan Iyer J).

of omitting the clause from the constitution.¹⁷ The court held that a procedure lacking fairness, is effectively no procedure under Article 21. By doing so, the Supreme Court revived the spirit of the constitutional text, especially in context of Article 21. This mandated all legislative actions to be subjected to rigorous judicial scrutiny, which primarily aimed to ensure that the act is substantively fair or not. This shift can be considered as a shift in the Indian Constitutional interpretation, towards the emancipatory principle of “Law According to Justice”.

Therefore through the Maneka Gandhi case, the Supreme Court not only parted ways from the restrictive precedent set by A.K. Gopalan, but also fundamentally altered the basis of judicial review in India. This significant shift liberated the court for a limited and purely mechanical jurisprudence and empowered itself as a watchdog of social justice and implementation of Human Rights.¹⁸ Post Maneka Gandhi, the court had started to gradually equip itself with necessary flexible tools for interpretation, which had continuously expanded the protective scope of Article 21.

In a modern, rapidly evolving democracy, such a shift towards “Law according to Justice” was indispensable for safeguarding the Fundamental Rights and its practical relevance. The court protected the citizens from being a defenseless entity against the legislative sanctions over their liberties guaranteed by the constitution and established an uncompromising rule that any procedure, taking away the rights enshrined under Article 21, must be fair and justifiable.

This methodological shift provided for a fertile constitutional space, where the judiciary subsequently recognised a vast number of rights that are implicitly protected by the broad concept of “personal liberty”. Therefore, this shift made it possible to recognise the constitution as a living document and guardian of rights and justice, rather than a set of rules. The Supreme Court used this interpretive shift to significantly expand the ambit of Article 21, in order to meet the complex demands of the evolving society, especially in the recent decade.

3. Judicial Expansion of Article 21 in the Past Decade

The methodological shift from the rigid “justice according to law” towards a more flexible and substantive “law according to justice” approach has paved a way for the Judiciary to

¹⁷ Manoj Mate, 'The Origins of Due Process in India: The Role of Borrowing in Personal Liberty and Preventive Detention Cases' (2010) 28 Berkeley J Int'l L 216.

¹⁸ SP Sathe, 'Judicial Activism: The Indian Experience' (2001) 6 Wash U JL & Pol'y 29.

exponentially expand the ambit of Article 21 with the help of such progressive interpretive lens. The Supreme Court refused to treat the constitution as a text of 1950, with fundamental rights as a static concept. It is an ideal approach to keep the fundamental rights and the text of the constitution, written more than 75 years ago, relevant and impactful in the current era and capable of addressing contemporary societal complexities. In the recent decade, the Apex court has used this methodology to recognise unenumerated rights, such as the Right to Privacy, Individual Autonomy, Right to Dignity, etc, as an inalienable part of Article 21. It is nothing less than a masterpiece to fit such crucial rights in a one line Article, redefining the relation between the State and the Individuals. It is important to note that this shift is not an isolated phenomena observed in Indian jurisprudence, as a larger shift is observed in constitutional jurisprudence across the globe. The paper will try to justify this shift based on three landmark decisions that the Supreme Court of India came up with respect to Article 21 and its interpretation in line with the principle of “Law According to Justice”.

Justice K.S. Puttaswamy v. Union of India: Privacy and Individual Autonomy

The historic nine judge bench decision in Justice K.S. Puttaswamy v. Union of India is one of the best examples of a shift towards the purposive interpretation.¹⁹ The court, while determining whether Right to Privacy is a fundamental right under Article 21, unanimously overruled the narrow interpretation of the Article 21, done in the Kharak Singh case to A.K. Gopalan case. In this case, the Union of India argued that the framers of the constitution had intentionally omitted the right to privacy from the constitutional texts. This was also evident from previous Supreme Court cases, which had reiterated that the Right to privacy could not be forcibly read into the Personal Liberty clause of Article 21.

However, this textualist stance was unanimously rejected by the nine judge bench, concluding that the Constitution is a living instrument that must be interpreted in accordance with the changing realities and challenges of the society. The court stressed on how the law needs to be interpreted in accordance with the requirements of the society and the ultimate goal of law, i.e., to achieve justice, must be taken into consideration.²⁰ Therefore, the court explicitly upheld the Maneka Gandhi principle which stated that the fundamental rights shall be tied in a common

¹⁹ *Justice KS Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1.

²⁰ Vrinda Bhandari and Rishab Bailey, 'Evolution of Privacy Jurisprudence in the Supreme Court of India: Evaluating the Impact of Puttaswamy' (2025) (National Law School of India Review). Available at: <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=2347&context=nlsir>. Accessed 27 August 2026.

structural thread. By doing so, the court asserted that the Right to dignity, autonomy and privacy are inseparable facets of life and personal liberty, and established that justice is not merely found in the explicit wordings of the law, but it lies in the unalienable morals and principles of the constitution. The court, by observing that the Fundamental Rights must not be seen in silo, but requires to be seen in continuance, entrenched the principle of “law according to justice” and put a check on the modern technological driven instruments of state that intrudes in individuals individual autonomy, privacy and decisional liberty.

Navtej Singh Johar v. Union of India: Dignity and Constitutional Morality

The Supreme Court, while building upon the autonomy framework established in the Puttuswamy judgement, further expanded the scope of Article 21 to strike down Section 377 of the Indian Penal Code, which criminalised same sex consensual relations.²¹ The Navtej Singh Johar case is a flagbearer in terms of application of the doctrine purposive interpretation of constitution in India.

Chief Justice Dipak Mishra and Justice D Y Chandrachud, alongwith the majority, were of the opinion that the constitution was designed to guide society towards prosperity in a democratic and egalitarian way and to do so, the constitutional interpretation must be guided by “constitutional morality”, where the core principles of the constitution must be kept in mind while interpreting any provisions of the Constitution.²² Using this principle, the Court cured historical injustices by anchoring for the rights of the LGBTQ+ community as an essential ingredient of the Right to Live with Dignity under Article 21. The doctrine of transformative constitutionalism not only helped to breathe life in Article 21, but also adopted the principle of “law according to justice”, transforming the constitution as per the changing needs of the times.

Such a justice orientated approach is aligned with the progressive constitutional adjudication that several constitutional courts have started to adopt across the globe. For instance, the South African Constitutional Court, in the case of the Minister of Home Affairs v. Fourie, adopted a purposive interpretation of the laws by linking the Right to privacy and quality with dignity of marginalized sexual minorities.²³ By doing so, the court used the interpretive approach to

²¹ *Navtej Singh Johar v Union of India* AIR 2018 SC 4321.

²² *ibid.*

²³ *Minister of Home Affairs and Another v Fourie and Another* [2005] ZACC 19; see also Shreya Shankar, 'The Value of Inter-Judicial Dialogue for Constitutional Transformation: The Case of India and South Africa' (2023) NUALS L J.

expand the rights by reading the core principles of the South African constitution into the legal text. Such shared global commitment towards transformative justice depicts cross pollination of these ideas where the courts across different jurisdictions are refusing to constrain principles solely based on archaic legislative texts that perpetuate indignity.

From *Common Cause* to *Harish Rana*: The Right to Die with Dignity

The expansive interpretation of Article 21 has ensured that the rights assured by it are not limited to the life or living experience, but also covers the end of life itself. The Apex court of India has, over a period of time, established that the Right to Life, under Article 21, covers living with dignity, which also encompasses the right to die with dignity. This principle was first constitutionalised in the *Common Cause v. Union of India*, where the court recognised the validity of passive euthanasia and advanced medical directives, while keeping in mind the values of an individual's bodily integrity and decisional autonomy.²⁴

Based on this justice-oriented principle, the Supreme Court, recently in the case of *Harish Rana v. Union of India*, permitted the withdrawal of Clinically Assisted Nutrition and Hydration (CANH) to a patient who had remained in a vegetative state since 2013, owing to a head injury.²⁵ Addressing various uncertainty around CANH regarding whether it is a basic nursing care or a form of medical treatment, Justice J.B. Pardiwala and Justice K.V. Viswanathan clarified CANH as a medical treatment and can therefore be lawfully withdrawn if it does not serve the patient's best therapeutic interests. The court established that such treatment with no or extremely little scope of recovery undermines human dignity, and therefore consent by the parents, in place of a restrictive procedural delay, with an intention of rapid procedure was allowed. By doing so, the court bypassed the formalist and narrowed interpretation of Article 21, which would have ideally equated life solely with biological respiration.

The Canadian Supreme Court had recently followed a similar trajectory in the case of *Carter v. Canada (Attorney General)*, where they utilized a similar purposive approach to strike down the absolute prohibition on physically assisted death.²⁶ The Canadian Apex court was of the opinion that forcing individuals, who has little hope of recovery, to suffer from intolerable pain

²⁴ *Common Cause (A Regd Society) v Union of India* (2018) 5 SCC 1.

²⁵ *Harish Rana v Union of India & Ors* 2026 INSC 222; see also 'Harish Rana V. Union Of India (2026 INSC 222): A Landmark Judgment On Passive Euthanasia In India' (2026) Indian J L & Legal Rsch.

²⁶ *Carter v Canada (Attorney General)*[2015] 1 SCR 331.

is against the constitutional right to life, liberty and security of the person. It is crucial to note that both the Supreme Court of India as well as Canada operated under the principle of “law according to justice”. Such a move was necessary as to look beyond the strict letter of criminal statutes and to respect the principle of personal dignity and morality, especially in the matters of medical futility.

Global Convergence: Substantive Justice in Modern Adjudication

It is evident that the jurisprudential shift towards prioritizing substantive outcomes over rigid proceduralism is not just limited to the Indian jurisprudence but is rather a part of a global shift in the modern constitutional adjudication and interpretation. Among various other examples stated in this paper, one such powerful illustration of this trend is depicted in the landmark ruling of the Colombian Constitutional Court in its *Decision T-760 of 2008*.²⁷ Due to increasing systematic failure of the constitutionally guaranteed healthcare failure in Colombia, the Colombian Constitutional Court refused to restrict itself to a formalistic review of isolated legal claims, rather saw them as an institutional failure, and recognised it as a violation of Right to Health, a fundamentally guaranteed right. The Court, thereby ended up awarding a series of injunctions to re-establish the healthcare system of the country.

The actions of the Colombian Court in the T-760 reflects the posture of the Indian Supreme Court, in respect of expansion of Article 21, intended to enforce socio-economic rights by a liberal interpretation of the text, in place of the literal textualist approach. The courts have embraced and acknowledged a transformative mandate, with the help of expansive interpretation to ensure that the abstract promises of the Constitution, framed almost 75 years ago, are still relevant and act as tangible, life-saving safeguards for the subjects of the state.

Therefore, the shift from the text based “Justice According to Law” to a more liberal “Law According to Justice” is not restricted to India but is now a defining characteristic of evolving, rights protecting democracies, reaffirming that to uphold constitutional supremacy over a period of time, it is essential to have a vigilant, justice oriented expansion of the human rights framework. This can be achieved by looking at laws in a more liberal, accommodative sense,

²⁷ Corte Constitucional [Constitutional Court], 31 July 2008, Sentencia T-760/08 (Colom); see also Everaldo Lamprea, 'Colombia's Right-to-Health Litigation in a Context of Health Care Reform' in *The Right to Health at the Public/Private Divide* (Cambridge University Press 2014).

which is done with the help of the principle of “Law According to Justice”.

Conclusion

The remarkable evolution of Article 21 is an outcome of a shift in the judicial methodology, which had resulted in breathing life into the fundamental rights guaranteed by the Constitution of India. The shift towards the liberal, value driven principle of “Law According to Justice” from the initial, text based literal interpretation approach, driven by the principle of “Justice According to Law”, symbolises a fundamental change in the constitutional interpretation undertaken by the Indian Judiciary. The fundamental shift from the restrictive approach of viewing fundamental rights as silos in A.K. Gopalan case to a more liberal approach in Maneka Gandhi case, marked the permanent alteration of the framework of constitutional interpretation. The court liberated the Constitution from the rigid confines of legal positivism by infusing substantive fairness into the phrase “procedure established by law”, used in Article 21 of the Constitution.

These interpretive expansion of the Constitutional text resulted in enlargement of the ambit of Article 21, without requiring any formal constitutional amendments. Such expansion, as examined in this paper, resulted in various rights, ranging from the right to privacy to individual autonomy to the right to die with dignity as an essential, inalienable ingredient of Article 21. By doing so, the Judiciary reaffirmed that the Indian Constitution is a living and dynamic text, capable of addressing the complex realities of the modern and continuously evolving society. By placing human dignity as a normative anchor of Article 21 jurisprudence, judiciary made this Article the fundamental touchstone against the actions of state. This ensured that laws are not an absolute sovereign command of the state, but required to actively uphold the inherent worth and autonomy of the individuals.

The paper further dwelled into how this shift towards a justice oriented framework is not limited to Indian jurisprudence, rather is a globally recognised shift. The transformative constitutionalism approach taken by the South African Courts, the rights centric decision by the Canadian Court, or the structural interventions of the Colombian Constitutional Court, symbolises a global convergence towards a modern constitutional adjudications, where the substantive justice and human dignity is increasingly prioritised over the procedural formalism.

In the context of India specifically, the expansion of Article 21 is not an outcome of a series of

isolated judicial pronouncements but is an outcome of a significant transformation in the methodology for constitutional interpretation. In order to preserve the Constitution as a vibrant, organic and living document, the Supreme Court of India made a reasoned shift towards the principle of “Law According to Justice”. Such a shift resulted in the judicial expansion of Article 21, making it one of the most significant provisions of the Indian Constitution. This approach ensures that the Constitution is not restricted due to its text, written almost 3 quarters of the century ago, but remains vibrant and relevant to secure justice, liberty and dignity for all in this modern era of democracy.