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We the People: The Ever-Expanding Idea of Constitutionalism

(Why Constitution Matters)

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Abstract

When the book *Why the Constitution Matters* written by Justice D.Y. Chandrachud was scheduled to be published in August 2025, I, as a student deeply interested in constitutional studies, was eagerly waiting to get my hands on it. My curiosity only grew until mid-October, when I finally found a copy in the market and began reading it.

When I shared some excerpts from the book on a social media platform (while duly respecting its copyright), I was surprised to receive several responses questioning why I was even reading the book. Some people said I shouldn't read it because the author, in an interview on a certain channel, had expressed views contrary to what he preaches in the book.

Amid this flood of messages—most filled with pre-suppositions and preconceived notions from people who hadn't read the book at all—my simple response was: *Have you read the book?* Is it not the **murder of studentship and scholarship** to circulate opinions about any idea or book without reading it first?

All such popular, so-called condemnations were devoid of true scholarship or even basic studentship. If we wish to criticize or hold a contrary opinion about any idea—or any book, for that matter—the most fundamental principle is simple, yet profoundly scholarly: **first read it**, without any prior bias or stereotyped meanings attached.

This is not rocketing science—it is the very basic science of studentship.

So, I read the book with an open mind, and it took me almost a month to complete it, finishing around mid-November. Once I completed it, I decided to write a review of it.

Key Words: - Rule of law, Justice, equality, liberty, rights, democracy, dissent and debate, representation, truth and power, artistic prisms, Representation and agency

Introduction

About Book and Author

The Book Why the Constitution Matters is written by Justice Dhananjaya Yeswant ChandraChud, who holds office as the chief justice of India. He is an Alumnus of Harvard Law school where he obtained both Maters and doctorate degree. Justice ChndraChud is renowned for his land mark judgements on the right to privacy, gender equality, disability, dissent, free speech, decriminalising homosexuality, striking down the electoral bonds and article 370 , among others. In Why Constitution Matters , DY Chandrachud develops a profound significance of the constitution in shaping the nation's identity and governance. It is indeed Constitution which protects fundamental rights , ensuring justice and maintaining the rule of law. Why the Constitution Matters is not just a book for legal scholars , it is a must read for any or everyone , who values democracy, justice and rule of law. This book more than a concept is an attempt to build or lay foundations of just and equitable society

A Living Document and a Way of Life

Constitutionalism is not merely a structural or institutional virtue of progressive societies, but a way of life itself. The book is written in the most lucid manner and takes the reader on an intellectual journey from beginning to end. The Constitution is a living document—like human beings, it grows, sometimes faces crises, or even seems to perish for a time, yet, like humans, it always aspires toward progress and transformation for the better.

The Significance of the Title

On the cover page of the book, the title *"Why the Constitution Matters"*—notably presented **without a question mark**—is a unique statement to begin with. Interestingly, in Chapter 08, the same title appears **with a question mark**, where a scholarly attempt has been made to answer the very predicament pondered upon throughout the book. The book is dedicated by the author to **Kalpana**, who, as per readable information, appears to be the wife of Justice D.Y. Chandrachud, bearing the full name **Kalpana Dass Chandrachud**. The book is divided into **34 chapters**, accompanied by **acknowledgments** and multiple **notes.**

Engaging with Ideas: Locke, Rawls, and Martin Luther King Jr.

The very **introduction** of the book immediately captures attention when **John Locke's *Second Treatise of Government*** is referenced for its emphasis on **consent** and **toleration**, alongside **John Rawls's *A Theory of Justice*** with its concept of the **"veil of ignorance"**—an idea envisioning an egalitarian society where the **least well-off are cared for first**.

In a deeply **nostalgic** tone, the introduction also recalls the **historic 1963 speech of Martin Luther King Jr.**, with his timeless words, *"I have a dream,"*—a visionary idea of a society where people are judged **by the content of their character rather than the colour of their skin**.

The introductory section further engages with the profound and ongoing debate surrounding **"We the People"**—the ever-evolving discourse of our polity that strives to **accommodate every individual** under the guiding light of **liberty, equality, justice, rights, democracy, and fraternity.**

Now we shall present the chapter wise review of the Book Why the Constitution Matters below.

Chapter One: "The Sounds and Silences of Our Constitution"

In the opening chapter, **"The Sounds and Silences of Our Constitution,"** the author emphasizes how **words and texts hold a central place not only in law but also in society at large.** At the same time, **silences**—often overlooked—carry their own profound meanings within the framework of

constitutionalism. These silences exist in both **open and closed spaces** of the constitutional process. They can be found at the very **heart and soul of the Constitution**, such as in **Article 32**, within the **distribution of powers** across the **Union, State, and Concurrent Lists**, and in areas concerning **fundamental rights, constitutional violations, interpretations, and unenumerated rights.** Moreover, such silences also extend to the **unwritten principles** of the Constitution, reflected through **constitutional conventions and practices** that give life to its spirit beyond the text.

Chapter Two: "Indian Environmentalism

In the second chapter**, "Indian Environmentalism,"** Justice Chandrachud explores the ecological dimension of our constitutional jurisprudence. Referring to the Chipko Movement and the active participation of women in environmental struggles—seen as part of our shared human heritage on this planet—the author underscores the role of the Hon'ble Supreme Court of India in preserving this legacy of inclusive and sustainable development. By recalling significant milestones such as the **1972 United Nations Conference on the Human Environment at Stockholm, the landmark M.C. Mehta vs. Union of India (1987) case, and the establishment and functioning of the National Green Tribunal (NGT),** he highlights how the judiciary has strengthened environmental governance in India. Justice Chandrachud further asserts that the right to a clean environment, recognized as part of the right to life under Article 21 of the Constitution, transcends the realm of environmental justice—it represents a broader **vision of social justice and human dignity.**

Chapter Three: "The Indian Legal Profession in the Age of Globalization"

In the third chapter, **"The Indian Legal Profession in the Age of Globalization,"** the author examines the **transformative changes shaping India's legal landscape.** He observes that **women's participation in the legal profession is steadily rising**, marking a significant shift toward inclusivity and representation in law firms and legal institutions. However, he also points out the **lack of a strong pro bono culture** in India's legal sector—an aspect that should ideally form part of the **corporate legal responsibility** of firms.

Justice Chandrachud further notes that **technology and law have become inseparable**, influencing every aspect of legal practice and justice delivery. Importantly, the chapter also emphasizes the growing awareness of mental health—both psychological and psychosomatic—within the legal community, signalling a necessary move toward a more **humane and sustainable professional environment**

Chapter Four: "The Rule of Law — Past and Present"

In the fourth chapter, **"The Rule of Law: Past and Present,"** the author traces the evolution of the **concept of the rule of law** through different historical periods—beginning from **ancient India** (as reflected in the *Shastras*, *Smritis*, and *Manu-Smruti*), through **medieval Islamic jurisprudence**, and into the **modern colonial era**, marked by the establishment of **Law Commissions**, the enactment of the **Indian Penal Code**, **CrPC**, and **CPC**, among others.

The author discusses **A.V. Dicey's classic exposition** in his 1885 book *"The Law of the Constitution,"* which defines the **Doctrine of the Rule of Law** through three key principles:

1. **Absence of arbitrary power**,
2. **Equality before the law**, and
3. **Primacy of individual rights and liberties.**

Within the framework of India's **institutions and constitutionalism**, the rule of law manifests as both **procedural equality** (equality before law) and **substantive equality** (equality among equals). The author further notes that between **January 1, 1950, and January 1, 2010**, the term **"Rule of Law"** appeared in **1,299 judgments** of the Hon'ble Supreme Court of India, reflecting its deep constitutional entrenchment.

The landmark case of **Kesavananda Bharati vs. State of Kerala (1973)** is highlighted as a judicial milestone that affirmed the **Rule of Law, equality, fundamental rights, secularism, federalism, democracy, and judicial review** as **essential features of the Constitution's Basic Structure**—principles that are **beyond the reach of constitutional amendment**

Chapter Five: "The Rule of Law in a Constitutional Democracy"

In the fifth chapter, **"The Rule of Law in a Constitutional Democracy,"** which is based on a speech delivered at the **National Law University**, Justice Chandrachud reflects on how the **rule of law operates within the framework of constitutional democracy.** He discusses several key provisions and judicial developments that shape this understanding.

The chapter references **Section 377 of the Indian Penal Code, 1860**, in the context of evolving interpretations of personal liberty and dignity, and examines how **Article 19** (freedom of speech and expression), **Article 21** (right to life and personal liberty), and **Article 22** (protection against arbitrary arrest and preventive detention) together reinforce the constitutional commitment to individual freedoms and due process.

Furthermore, the author draws attention to **Article 13**, which defines the term *law* and establishes the supremacy of the Constitution by invalidating laws inconsistent with fundamental rights. He also discusses the **ordinance-making powers** of the **President under Article 123** and the **Governor under Article 213**, analyzing them through the lens of constitutional accountability and the principles of limited government.

Through these discussions, the author underscores that **the rule of law in a constitutional democracy** is not merely about legal authority but about **balancing power with liberty, procedure with justice, and governance with constitutional morality.**

Chapter Six: "Feminist Lawyering and Feminist Judging"

In the sixth chapter, **"Feminist Lawyering and Feminist Judging,"** Justice Chandrachud brings to life the spirit of **John Stuart Mill's** famous assertion that *"over himself (herself), over his (her) body, mind, and soul, the individual is sovereign."* The chapter delves into the **intersection of gender, law, and justice**, emphasizing how feminist perspectives have enriched and humanized constitutional interpretation.

The author discusses **gender-based judgments** and highlights the **importance of diversity within femininity**, recognizing that women's experiences are not uniform but deeply contextual. He calls for a conscious effort to **challenge gender bias in legal doctrines** by "**asking women's questions**" and by grounding judicial reasoning in the **lived realities of women.**

Justice Chandrachud further explains that **feminist legal theory** reshapes both **lawyering and judging** by promoting **contextual, empathetic, and equality-driven reasoning.** This approach advances the idea of **equality as personhood**, where every individual's autonomy and dignity are upheld. The discussion extends to **privacy as a facet of autonomy** and **bodily integrity**, illustrated through the **Aruna Shanbaug (Passive Euthanasia) case**, which affirmed the **right to die with dignity** as part of the broader constitutional guarantee of the **right to life under Article 21.**

Ultimately, the chapter reinforces that **feminist jurisprudence** is not merely about women's rights—it is about **reclaiming human dignity, autonomy, and equality for all.**

Chapter Seven: "Justice as a Narrative"

In the seventh chapter, **"Justice as a Narrative,"** the author beautifully captures the idea that the **first question of human existence and dignified survival is, at its core, a call for justice.** Justice, as he explains, is not a fixed concept but a **living, evolving narrative**—one that continues to grow as societies strive to move from the **good to the better, and from the better to the best.**

This **narrative of justice** forms the **soul of every Constitution**, including ours. It embodies the belief that the Constitution is **not merely a lawyer's document**, but a **vehicle of life**—a framework through which human aspirations, values, and dignity find expression. Echoing **Dr. B.R. Ambedkar**, the author reminds us that the **spirit of the Constitution is the spirit of the age**, ever responsive to the changing needs and conscience of society.

Chapter Eight: "Why Does the Constitution Matter?"

In the eighth chapter, **"Why Does the Constitution Matter?"**—a reflective extension of the book's title **"Why the Constitution Matters"** (notably without a question mark on the cover)—the author explores the deeper meaning behind this question. He explains that the **Constitution matters both when everything seems to be in order and, more importantly, when nothing appears to be available.** It serves as a guiding force in times of stability as well as in moments of crisis, ensuring that justice, liberty, and equality remain the foundation of public life.

Justice Chandrachud illustrates this idea through the **constitutional guarantees of religious and cultural freedoms**—from **Articles 25 to 28**, which ensure the **freedom to profess, practice, and propagate any religion** and the **right to receive religious instruction**, to **Article 29**, which safeguards **cultural rights**, and **Article 30**, which protects the **educational rights of minorities.**

Through these provisions, the author emphasizes that the **essence of the Constitution both lies in and lives through these rights**—it breathes life into the diverse traditions, beliefs, and aspirations of the people, reminding us that the Constitution **matters not just as a legal text but as a living promise of dignity and coexistence**

Chapter Nine: "The Rainbow Above Kala Ghoda"

In the ninth chapter, **"The Rainbow Above Kala Ghoda,"** Justice Chandrachud reflects on his experiences at the **Kala Ghoda Arts Festival in Mumbai**, drawing a vivid parallel between the **vibrant diversity of the festival** and the **pluralistic spirit of India's constitutional polity.** Just as the festival celebrates the **confluence of multiple cultures, identities, and artistic expressions**, the Constitution envisions a society rooted in **diversity, inclusivity, and cosmopolitan harmony**—a living embodiment of **unity in difference.**

The chapter delves into the idea of **constitutional identity**, with particular attention to the struggles and recognition of the **LGBTQIA+ community**—described as the **subaltern sexual minority.** Justice Chandrachud discusses how, despite growing awareness and legal recognition, **biases continue to persist**—sometimes subtly—in the realms of **ethics, morality, and cultural attitudes.**

He emphasizes that **identities are contextual and socially constructed**, and therefore, **constitutional discourse** must serve as a tool to **deconstruct identities and practices that stand in opposition to constitutional and human values.** Ultimately, the chapter conveys that the **rainbow above Kala Ghoda** symbolizes the **inclusive spirit of the Constitution**, which embraces every shade of identity and aspires toward a society where **dignity, equality, and freedom** shine for all.

Chapter Ten: "Inventing and Reinventing Constitutional Identity"

In the tenth chapter, **"Inventing and Reinventing Constitutional Identity,"** Justice Chandrachud reflects on **how India became and continues to remain a democracy**—not merely through formal institutions, but through a **shared constitutional consciousness** that binds a nation of immense diversity. He explains how **India's constitutional identity** has been **mapped and shaped** within a **complex web of cultural, regional, linguistic, and social pluralities.**

According to the author, the **Constitution is India itself**—a mirror of its **values, ideals, and social aspirations.** It represents a project of **social reconstruction** and an **enduring normative vision** that has continually guided the **Supreme Court** in interpreting and preserving the spirit of democracy. Our **national identity**, he notes, is an expression of **national self-determination**, grounded in inclusivity and coexistence.

Justice Chandrachud emphasizes that the **Indian Constitution accommodates regional and linguistic diversities**, weaving them into a single yet multifaceted national fabric. Ultimately, our **constitutional identity** is the product of our **collective creative imagination**—a vision of India where **differences are not merely tolerated but celebrated**, and where plurality itself becomes the foundation of a **meaningful and dignified existence.**

Chapter Eleven: "A Borrowed Constitution — Fact or Myth"

In the eleventh chapter, **"A Borrowed Constitution: Fact or Myth,"** Justice Chandrachud revisits the long-standing debate over whether India's Constitution is merely a **compilation of borrowed ideas** or a **distinctive creation in its own right.** Quoting **Dr. B.R. Ambedkar**, he reminds us that *"there is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution."*

The chapter explores how, while it is true that several of India's constitutional provisions—ranging from the **Rule of Law to the Supremacy of the Judiciary**, and from **Fundamental Rights to the Directive Principles of State Policy**—have been inspired by or adapted from **various constitutions across the world**, each has been **carefully modified to suit India's unique social, cultural, and political realities.**

It is an undeniable fact that there is **no definitive evidence of when or where the first written constitution in human history originated**, implying that constitutional ideas are inherently **universal and evolutionary.**

Ultimately, the chapter **rejects the notion of India's Constitution as a mere "bag of borrowings"** and instead celebrates it as a **"beautiful patchwork"**—a living document rooted in the collective wisdom of humanity but **given life and legitimacy by "We, the People of India."** As the **Preamble** proclaims, it is **the people themselves who have adopted, enacted, and given themselves this Constitution**, and it is **they who remain its conscious guardians and moral custodians.**

Chapter Twelve: "The Rules That Are India — From Plurality to Pluralism"

In the twelfth chapter, **"The Rules That Are India: From Plurality to Pluralism,"** Justice Chandrachud celebrates the **principles of diversity, multiculturalism, difference, and toleration** as the **core constitutional values** that define the Indian nation. Much like the spirit of the ninth chapter, this section reaffirms that **India's strength lies in its plurality**—in the ability of its people and institutions to coexist amid vast differences of language, faith, region, and culture.

Quoting historian **Ramachandra Guha**, the author recalls that *"India is the most reckless political experiment ever conducted in human history."* Indeed, India is both the **world's most unlikely democracy**

and its **most unnatural nation**, for **never before in history** had a newly independent country—amid **poverty, illiteracy, and deep social divisions**—extended the **right to vote to all its citizens at once.** Similarly, **never before** had a nation been born amid such a **complex web of diversities**, yet managed to sustain a vibrant democratic order.

Justice Chandrachud attributes this remarkable success to the **rules that make India**—the **constitutional principles of accommodation, decentralization, and pluralism.** He explains that India's unity has endured **not through assimilation but through accommodation**, **not through centralization but through the diffusion of power and respect for difference.**

Ultimately, the chapter conveys that **Indian pluralism is not mere tolerance of diversity—it is the joyous celebration of it.** This celebration of differences, enshrined in the Constitution, is what has enabled India to **survive, adapt, and flourish** as a democracy unlike any other in human history.

Chapter Thirteen: "Visualizing the Constitution Through Artistic Prisms — Stories of Aspiration and Emancipation" (The Soul of Book)

In the **thirteenth chapter**, titled **"Visualizing the Constitution Through Artistic Prisms: Stories of Aspiration and Emancipation,"** Justice Chandrachud offers one of the most **aesthetically rich and emotionally profound** sections of the book. This chapter, from my prospective shall be regarded as the **heart and soul** of the work, is deeply **nostalgic**, where **intuition and intellect run parallel and ultimately converge.** It conveys the idea that, among all human constructs, **the Constitution stands as the finest artifice**—a living masterpiece shaped by imagination, emotion, and reason.

The author illustrates how **constitutionalism finds reflection in the many dimensions of Indian culture**—through **language, literature, cinema, sculpture, painting, music, storytelling, traditions, and religion.** The Constitution, he suggests, **lives not merely in the courts or legal texts but in the daily expressions of art and life.**

Justice Chandrachud enriches this chapter with numerous examples: **Pandit Kumar Gandharva's "Nirguni Bhajan," Pandit Bhimsen Joshi's "Jo Bhaje Hari Ko Sada," Saadat Hasan Manto's "Naya Qanoon," Abanindranath Tagore's Bengal School of Art, Nehru's "Tryst with Destiny" speech, and Tilak's declaration, "Swaraj is my birthright and I shall have it."** From the **court of Akbar** to **Mahatma Gandhi's Dandi March**, he demonstrates how **art, politics, and law** have always shared a **symbiotic relationship** in shaping India's constitutional consciousness.

He also celebrates the role of **contemporary books, cinema, art galleries, theatre, music, and Nukkad Nataks (street plays)**—even the **bedtime stories told by grandmothers**—as all carrying within them **the rhythm of constitutional values: freedom, equality, and justice.**

A particularly touching moment in the chapter is the reference to the **iconic song from the 1955 film *Shree 420***, sung by **Mukesh Chand Mathur**, written by **Shailendra**, and performed by **Raj Kapoor**:

"*Mera joota hai Japani, yeh patloon Inglistani,*

Sar pe laal topi Rusi, phir bhi dil hai Hindustani."

Justice Chandrachud notes that this song became a **national hymn of identity and belonging**, capturing the **spirit of cosmopolitan India**—open to the world yet deeply proud of its own heart.

Ultimately, the chapter teaches that **the Constitution is not just a legal document but a cultural and artistic creation**—a living testament to **India's collective imagination, aspirations, and emancipatory spirit.**

In addition to its celebration of India's cultural and constitutional imagination, the **thirteenth chapter**, also introduces readers to the idea of **"Protest Art"**—a **new genre of artistic expression born from dissent and resistance.** Justice Chandrachud explains how art, beyond its aesthetic dimension, can become a **powerful instrument of social and constitutional dialogue**, confront oppression and amplifying the voices of the marginalized.

The author references the **Guerrilla Girls**, an **iconic feminist collective movement** that emerged in **New York** in the 1980s. These artists used striking **posters and public art** to **challenge sexism and racism** within the world of art and literature, exposing the exclusion and underrepresentation of women and people of colour in galleries and museums. Their creative resistance not only questioned institutional biases but also inspired **new forms of cultural expression**, including **hip-hop dance**, which originated as a **countercultural response** to the **ghettoization of African Americans** in urban America.

Justice Chandrachud also alludes to **George Orwell's classic novel *1984***, a haunting portrayal of a **dystopian society under constant surveillance**, symbolized by the omnipresent **"Big Brother."** The reference serves as a cautionary reminder of how the **erosion of privacy and freedom** can lead to a world stripped of individuality, autonomy, and truth—values that the **Constitution seeks to safeguard.**

Through these examples, the chapter reinforces that **art, in all its forms—be it resistance, reflection, or celebration—is deeply constitutional**. It becomes a **mirror of society's conscience**, reminding us that the **spirit of the Constitution thrives wherever creativity confronts injustice and reimagines freedom.**

Chapter Fourteen: "Why Representation Matters"

In the fourteenth chapter, **"Why Representation Matters,"** Justice Chandrachud explores the profound idea that **representation is the primary tool and agency through which individuals and communities seek recognition, rights, and liberties.** Representation, he argues, is not merely about occupying space—it is about **being seen, being heard, and being acknowledged** within the constitutional and democratic framework.

The author emphasizes how **historically marginalized and erstwhile apolitical groups**—including **women, Dalits, Adivasis, tribals, OBCs, transgender persons, persons with disabilities, and other minorities**—have gradually found their place within the **mainstream legal, political, and constitutional discourse.** Their inclusion, he suggests, marks not just social progress but the deepening of **substantive democracy**, where equality transforms from a principle on paper into a lived reality.

Justice Chandrachud also invokes the ideas of **Michael Joseph Sandel**, the renowned American political philosopher and author of works such as *"Liberalism and the Limits of Justice" (1982)* and *"The Tyranny of Merit."* Sandel's observation that **"success is seen as a sign of virtue in society"** serves as a critique of meritocratic arrogance—a reminder that **opportunity and privilege are not evenly distributed.**

Through this discussion, the chapter underscores that **true representation is not about token presence but about participatory empowerment.** It ensures that every section of society—especially those historically excluded—can shape the nation's moral and constitutional imagination. In essence, **representation gives democracy its human face** and allows justice to move from the courtroom to the community.

Chapter Fifteen: "Speaking Truth to Power — Citizens and the Law"

In the fifteenth chapter, **"Speaking Truth to Power: Citizens and the Law,"** Justice Chandrachud draws upon the timeless wisdom of **Socrates**, the **greatest prophet of philosophy**, whose dictum continues to inspire generations to challenge falsehood and uphold truth. The author reflects on how **ignorance and enlightenment are not confined to any particular age**—they exist in fragments across all eras, and in every epoch, the **forces of darkness** have been resisted by the **power of truth, reason, and logic.**

Tracing this intellectual and moral journey, Justice Chandrachud notes that **from the philosophers of ancient Greece, through the medieval Church, to the eras of the Renaissance, Reformation, and Revivalism, and into the modern age**, thinkers and reformers have consistently stood **against injustice, inequality, and arbitrary power.** To **speak truth to power**, he suggests, is not merely an act of defiance but an **ethical duty** that sustains the moral core of democracy.

Connecting these philosophical traditions to India's own constitutional spirit, the author highlights our **national motto, "Satyamev Jayate" (Truth Alone Shall Prevail)**, as the enduring moral compass of the Republic. Justice Chandrachud also invokes the legacy of **Justice M.C. Chagla**, a jurist whose integrity and courage embodied this Socratic spirit. Through Justice Chagla's example, he urges that **every citizen of India must emulate this fearless commitment to truth**, for **democracy thrives only when citizens hold power accountable and stand as sentinels of justice and reason.**

Ultimately, the chapter proclaims that **to speak truth to power is both the right and responsibility of every citizen**, and it is through this act of moral courage that **the light of constitutional democracy continues to shine.**

Chapter Sixteen: "Conceptualizing Marginalization — Agency, Assertion, and Personhood"

In **Chapter Sixteenth**, titled **"Conceptualizing Marginalization: Agency, Assertion and Personhood,"** Justice Chandrachud explores the multidimensional realities of **marginality**—from **caste, race, and gender to class and economic status.** The author begins by explaining that **to be marginal is to be powerless**, and **to be powerless is to be invisible** in the mainstream **social and developmental discourse**. Marginalization, therefore, is not just a sociological condition but a **systemic denial of recognition, agency, and participation** in shaping one's own destiny.

The chapter draws a vital distinction between **political democracy** and **economic democracy.** While the former grants the **right to vote and formal equality**, the latter ensures **freedom from want and freedom from the fear of tomorrow**—a phrase reminiscent of **Franklin D. Roosevelt's Four Freedoms**. Justice Chandrachud argues that **true democracy must rest on both pillars**, for the absence of economic freedom renders political equality hollow and illusory.

The author then turns to the concept of **personhood**, defining it as **the condition of being an individual endowed with moral worth, dignity, and inherent value.** This universal recognition of human dignity finds its roots in international human rights instruments—

- **Article 2 of the Universal Declaration of Human Rights (UDHR)**,
- **Article 26 of the International Covenant on Civil and Political Rights (ICCPR)**, and
- The **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**—

  all of which emphasize equality, dignity, and protection against discrimination.

Within the **Indian constitutional framework**, this moral and legal acknowledgment of personhood is firmly embedded in several provisions—

- **Article 15**, which prohibits discrimination on grounds of religion, race, caste, sex, or place of birth;
- **Article 16**, which guarantees equality of opportunity in public employment; and
- **Article 17**, which abolishes untouchability and forbids its practice in any form.

Justice Chandrachud also refers to **landmark judgments of the Supreme Court and various High Courts**, which have interpreted these articles expansively to strengthen the idea of **substantive equality**—not just in law, but in lived experience.

Ultimately, the chapter conveys that **marginalization is not destiny but a condition to be challenged through assertion and agency.** Recognizing **personhood** is the first step toward reclaiming one's place in the social, political, and moral universe—where every individual, regardless of background, is seen not as a subject of pity but as a **bearer of rights, dignity, and worth.**

Chapter Seventeen: "Reconciling Rights and Innovation — Examining the Relationship Between Law and Technology"

In **Chapter Seventeenth**, titled **"Reconciling Rights and Innovation: Examining the Relationship between Law and Technology,"** Justice Chandrachud delves into the complex and ever-evolving interface between **technological advancement and the legal system.** The chapter captures how the **Information Technology Enabled Services (ITES) revolution** has fundamentally transformed not only the global economy but also the **judicial landscape**—reshaping how justice is accessed, delivered, and experienced.

The author begins by observing that technology today permeates every facet of the **judicial ecosystem**—from **research and development (R&D)** and **entrepreneurship** to **e-courts, digital filing, online case tracking, and artificial intelligence-assisted judgments.** This new era of **digital transformation** has increased efficiency, accessibility, and transparency, marking the emergence of what may be termed the **"e-judiciary."**

However, Justice Chandrachud also cautions that the **rapid digitization** of the legal and judicial system is **not without perils.** With automation, algorithms, and predictive analytics entering courtrooms, there is a growing risk of **algorithmic bias, data surveillance, privacy erosion, and exclusion of the digitally disadvantaged.** Technology, he warns, must remain a **tool to serve justice, not a mechanism to replace human judgment or empathy.**

The author references **Evgeny Morozov's** celebrated and critical work ***"To Save Everything, Click Here,"*** which critiques the ideology of **"solutionism."** Morozov warns against the naïve belief that **codes, algorithms, and artificial intelligence** can provide solutions to all human problems. Justice Chandrachud invokes this argument to emphasize that **technological utopianism**—the blind faith that every social issue can be "coded away"—poses grave dangers to democratic accountability and human rights.

In one of the most memorable moments of the chapter, the readers shall recall the timeless warning by **George Bernard Shaw**, the Fabian socialist and Nobel laureate, who said:

"Science is a useful servant but a bad master."

This aphorism becomes the moral compass of the chapter. Justice Chandrachud reminds readers that while **technology can enhance justice delivery**, it must never **dominate, dictate, or dehumanize** it. The ultimate purpose of innovation should be to **empower individuals and democratize access to rights**, not to create new hierarchies of power or exclusion.

The chapter concludes on a note of **hope and dialogue.** The author envisions a future where **law and technology** engage in a **mutually enriching conversation**—a partnership aimed at protecting rights while harnessing innovation. In such a future, the **scientific community** and the **legal fraternity** would work hand in hand to ensure that technology remains **a servant of justice, not its master**, and that the **digital revolution** becomes a **democratic revolution** as well.

Chapter Eighteen: "Promoting Constitutional Morality — Beyond Courtroom"

In **Chapter Eighteenth**, titled **"Promoting Constitutional Morality: Beyond the Courtroom,"** Justice D.Y. Chandrachud expands the idea of the **Constitution** from being merely a **legal charter** to being a **living moral compass** that guides the social and ethical fabric of the nation. The author argues that the **Constitution of India** is not just a framework of governance or a repository of laws—it is, above all, a **social document** that embodies the moral conscience of the Republic.

Justice Chandrachud reminds us that **democracy** is not merely the **rule of the majority**, but rather the **best guarantee of protection for the rights of minorities**. In his view, constitutionalism demands that even when numbers govern, **justice and morality must lead**. The Constitution, therefore, is not confined to the walls of the courtroom; it must live and breathe in the **hearts, homes, and habits** of every citizen.

The author urges citizens to understand that **constitutional morality** cannot be cultivated solely through judicial pronouncements or legislative actions—it must be **practised in everyday life**. Every individual, he suggests, carries a **personal responsibility** to embody and promote the **ethos of liberty, equality, fraternity, and justice** in their own spaces—be it in families, workplaces, or communities.

Justice Chandrachud specifically calls for a **personal and societal awakening** against the entrenched evils of **casteism, patriarchy, homophobia, communalism, and discrimination** in all their forms. He emphasizes that true fidelity to the Constitution lies not in **ritualistic reverence** but in **moral action**—in standing up for the marginalized, respecting differences, and nurturing empathy.

The author beautifully concludes that the **highest form of constitutional morality** is achieved when there exists an **equilibrium between private morality and public morality**, where both are harmonized under the **shadow of constitutional values**. Such a balance ensures that justice is not just dispensed in courts but is **lived in society**.

Ultimately, Justice Chandrachud's message is profound yet simple:

To build a truly democratic society, we must carry the Constitution **in our hearts**, not just in our statute books.

Chapter Nineteen: "Making Disability Rights Real — Addressing Accessibility and More"

In **Chapter Nineteenth**, titled **"Making Disability Rights Real: Addressing Accessibility and More,"** Justice D.Y. Chandrachud sheds light on the constitutional and moral responsibility of society to ensure **dignity, equality, and inclusion** for **persons with disabilities (PwDs)**—or as he prefers to call them, **specially-abled individuals**. The chapter emphasizes that disability is not merely a physical or mental condition but often a **social construct rooted in systemic exclusion and attitudinal barriers**.

The author highlights the transformative work of the **IDIA (Increasing Diversity by Increasing Access)** programme, which has played a pioneering role in creating **awareness, accessibility, and empowerment** for students with disabilities in India. Through training, mentorship, and academic support, IDIA has enabled several differently-abled students to enter the field of law and emerge as professionals and advocates for inclusivity. Justice Chandrachud expresses hope that **National Law Universities (NLUs)**

across the country will continue to **collaborate with IDIA**, integrating the spirit of inclusion into their **curriculum, infrastructure, and institutional culture**.

He notes that **disability should not be viewed as a hindrance or incapacity**, but as a **form of structural oppression** that requires **special recognition, legal protection, and empathetic accommodation**. True equality, the author asserts, lies not in treating everyone the same, but in **acknowledging the different needs of individuals and creating enabling conditions for their full participation in society**.

To illustrate how law can respond sensitively to such needs, Justice Chandrachud cites **Section 164(5A)** of the **Code of Criminal Procedure, 1973**, which allows a magistrate to seek the **assistance of an interpreter or a special educator** while recording the statement of a person with a disability. This, he observes, is a **progressive and disability-friendly provision**, reflecting how procedural justice can be made **more humane, accessible, and inclusive**.

The chapter ultimately calls for a **paradigm shift**—from **charity-based perceptions** of disability to a **rights-based and dignity-centered approach**. Justice Chandrachud envisions a society where accessibility is not an exception but a **norm**, and where institutions of justice actively work to **remove physical, social, and psychological barriers**, ensuring that **every individual, regardless of ability, can live with autonomy, respect, and purpose.**

Chapter Twenty: "Leveraging Technology Towards Dispute Resolution in Commercial Courts"

In **Chapter Twentieth**, titled **"Leveraging Technology Towards Dispute Resolution in Commercial Courts,"** Justice D.Y. Chandrachud builds upon the ideas introduced earlier in **Chapter Seventeenth**, extending the discussion on the role of **technology and artificial intelligence (AI)** in modernizing the judicial process. The author emphasizes that the **integration of digital tools** into the justice delivery system, especially in **commercial courts**, has immense potential to transform how disputes are resolved in India.

He observes that **technology serves as both a catalyst and a bridge**—simplifying complex legal procedures, reducing delays, enhancing efficiency, and promoting **transparency and accountability** within the system. The introduction of **e-courts, digital filing systems, virtual hearings, and AI-assisted legal research** are seen as vital innovations that can make justice not only faster but also **more accessible and citizen-friendly**.

Chapter Twenty-One: "Universal Adult Franchise — Translating India's Political Transformation into a Social Transformation"

In **Chapter Twenty-One**, titled **"Universal Adult Franchise: Translating India's Political Transformation into a Social Transformation,"** Justice D.Y. Chandrachud reflects on one of the most **revolutionary and visionary features** of the Indian Constitution—the **grant of Universal Adult Franchise (UAF)** from the very inception of the Republic. The author calls this decision not merely an administrative or legal act, but a **moral and civilizational leap**, unprecedented in human history.

Justice Chandrachud notes that when India adopted **universal suffrage**, many so-called **mature Western democracies** were still grappling with the idea of political equality. In nations like the **United States** and the **United Kingdom**, the right to vote was granted in a **gradual, phased manner**—first to property-owning men, then to the working class, and much later to women and racial minorities. The United States, from its founding in **1776** until the **early 20th century**, expanded suffrage in stages, while the United Kingdom took nearly **two and a half centuries**, from the **Bill of Rights (1689)** to the **Representation of the People Act (1928)**, to achieve full adult franchise.

In sharp contrast, **India was born with universal suffrage**—a monumental act of faith in the capacity, dignity, and wisdom of every citizen, regardless of caste, gender, class, or literacy. The Pundits of Western

Democracy describes this as **"the greatest political gamble of modern democracy"**, one that placed profound trust in the common people of India to shape their collective destiny and predicted that Indian constitutional polity will not survive.

But much against the fears we have not only survived but also thrives under Universal Adult Franchise. The author recalls **Dr. B.R. Ambedkar's prophetic vision**, who believed that **universal adult franchise** would serve as a **stimulus for broader social and economic transformation**. Political equality, Ambedkar argued, would eventually lead to the **realization of social and economic equality**, thereby dismantling entrenched hierarchies and enabling a truly democratic society.

Justice Chandrachud emphasizes that **universal adult franchise** in India was not just a procedural mechanism—it was an act of **social revolution**, designed to empower the historically voiceless and marginalized. It marked the **beginning of India's democratic awakening**, where every individual became an equal participant in the governance of the nation.

The chapter concludes with a reaffirmation of faith in this founding principle, observing that **the story of India's democracy is the story of its people**—their aspirations, struggles, and resilience. The **ballot**, in this sense, is not just an instrument of choice but a **symbol of equality, dignity, and hope**, carrying forward the Constitution's enduring promise of justice for all.

Chapter Twenty-Second, "Law and Morality: The Bounds and Reaches.

In **Chapter Twenty-Second, "Law and Morality: The Bounds and Reaches,"** the author suggests that laws must be fair and reasonable, and that morality shall sometimes be subservient to them. The debate on law and morality has been explained from the dawn of the Natural Law school (moral dominance) to the Positivist school (legal determinism) to the post-modern era of moral relativism.

Our Constitution, as the author says, was not only designed for the people *as they are* but also for the people *as they ought to be*, which resembles the moral aspect in legal parlance.

Chapter Twenty-Third "Law, Justice and the Heart: Cultivating Empathy in Legal Education

In Chapter Twenty-Third, **"Law, Justice and the Heart: Cultivating Empathy in Legal Education,"** the author writes that promoting empathy must be the first step of our educational institutions, which shall end the culture of elitism and exclusion. Those who are experimenting with law shall be open to the world of love, compassion, justice, and fair play which surrounds all of us.

Twenty-Fourth, "A Prescription for Justice: A Quest for Fairness and Equity in Healthcare

In Chapter Twenty-Fourth, **"A Prescription for Justice: A Quest for Fairness and Equity in Healthcare,"** Justice Chandrachud argues that sound health shall be the prime indicator of any developmental economic discourse and that health shall be understood through the lens of the capability approach. Health is the nucleus of all activities of life — physical, social, spiritual, or any other conceivable human activity. The inequalities in health, primarily among marginalized sections, are on the rise, and justice will never be served if this gap is not reduced.

Chapter Twenty-Fifth, "Free Speech: Identity, Expression and Self-Realization

In Chapter Twenty-Fifth, **"Free Speech: Identity, Expression and Self-Realization,"** the value of free speech and free debate has been highlighted. The chief purpose of free debate is that bad ideas are exposed and only truthful elements are nurtured in society. Article 19, the Bible of free speech, and Section 66A of the IT Act, which has been declared null and void in *Shreya Singhal vs Union of India* (2015), have been debated.

Chapter Twenty-Six "Journalism in the New Age: Challenges, Responsibilities and Excellence"

In Chapter Twenty-Six, **"Journalism in the New Age: Challenges, Responsibilities and Excellence,"** Justice Chandrachud mentions that journalism in our country has been the mirror of our society, and that the *Bombay Chronicle* exposed the repressive British colonial Raj, including the Jallianwala Bagh massacre of 1919. The role played by *The Indian Express* during the Emergency period of 1975–77 was spectacular.

There is a rise of new media also in the form of the **#MeTooMovement**. The example of Gauri Lankesh is also given to explain the difficult circumstances under which journalists are working and serving the masses. Despite all this, the author builds a narrative against the concept called **'trial by media'** — trial by press, electronic media, or public agitation — which is the very antithesis of the rule of law.

Chapter Twenty-Seven **"The Relationship Between Constitutional Rights and Constitutional Structure"**

In Chapter Twenty-Seven, **"The Relationship Between Constitutional Rights and Constitutional Structure,"** the author explains that it is this delicate balance and overarching consideration between institutional structures and the values they cherish that has enabled the Constitution to stand against the test of time and be trusted by generations.

Chapter Twenty-Eight "Reforming Beyond Representation,"

In Chapter Twenty-Eight, **"Reforming Beyond Representation,"** the author has lucidly narrated how the social life of the Constitution has acted as a remedial force for various historical wrongs. Rectification is a part of emancipation, and our Constitution has shown impact in this field. The author has also debated the limits of affirmative action or protective discrimination, and there has been a discussion on social law vs constitutional law.

The Constitution outside the courtroom — for real social transformation to happen, the discourse needs to extend beyond courtrooms and judges.

Chapter Twenty-Nine "Revisiting Penal Philosophy,"

In Chapter Twenty-Nine, **"Revisiting Penal Philosophy,"** the discourse on reformative justice in India has been pondered upon. Speaking about the reforms needed, the statement of Justice Krishna Iyer has been relied upon, which says that *"Our legal system, including the police, is anti-Dalit and anti-poor… The law barks at all but bites only the poor, the powerless, the illiterate, the ignorant."* This is so unfortunate because our penal laws, most of the time, are not victim-oriented.

Chapter Thirty, "Upholding Civil Liberties in the Digital Age,"

It is one of the most engaging chapters of the book, especially in its exploration of *privacy, surveillance, and free speech*. The author traces the lineage of India's civil liberties movement—from the **1974 JP Movement** and the recommendations of the **Tarkunde Committee**, which led to the formation of **Citizens for Democracy (CFD)**, to the creation of the **People's Union for Civil Liberties (PUCL)** in **1976** during the Emergency. By revisiting draconian legislations like the **Maintenance of Internal Security Act (MISA), 1971**, the chapter highlights how tools of State control have evolved across time. While the excesses of the Emergency era showcased overt suppression, the author warns that today's threats are more subtle, emerging in the form of **overreach on social networking platforms**, mass digital surveillance, data harvesting, and algorithmic control. The chapter compellingly argues that as technology advances, the defence of civil liberties must expand beyond traditional frameworks to ensure that constitutional freedoms remain protected in this rapidly transforming digital landscape.

Chapter Thirty-One *"Democracy, Debate and Dissent"*

This chapter delineates the core philosophy of democracy in India. The chapter reflects on how our Constitution was adopted in an atmosphere of *immense expectation and idealism*. It has rightly been described as the **largest social document**, operating within a framework of scarce resources but *skyrocketing public expectations*. The author discusses the profound paradox that India became a political democracy while still being a deeply undemocratic society in its social structures.

This contradiction is best captured in Dr. B.R. Ambedkar's historic address to the Constituent Assembly, where he warned:
"We are going to enter into a life of contradictions. In politics we will have equality, and in social and economic life we will have inequality… How long shall we continue to live this life of contradiction? If we continue to deny equality in our social and economic life, we will put our political democracy in peril."

The author emphasizes that mere voting and choosing a government does not fulfil the constitutional promise of democracy. Democracy thrives only when its foundational postulates—debate, accountability, transparency, and above all, *the acceptance of dissent*—are preserved. The chapter provides us with a powerful insight: even the *worst form of democracy* is better than the most *enlightened dictatorship*, because **only democracies possess an inherent mechanism of self-correction**, driven by free debate and the courage to dissent.

Chapter Thirty-Two *"Navigating Discrimination in Public and Private Spaces,"*

This Chapter examines the constitutional mandate that **discrimination, whether in public or private spheres, is equally unjust and unacceptable**. Justice Chandrachud explores the deeper philosophical foundations of the "public–private divide," drawing from **Radical Feminist thought**, which famously asserts that *"the personal is political,"* and from strands of **neo-liberal economic thought**, which endorse the idea that *"private good, public bad."*

The chapter critiques these binaries and argues that the Constitution cannot permit discrimination to thrive in either domain. The author makes it clear that **freedom, dignity, and equality cannot be compartmentalised**. For **freedom of expression to have real meaning**, it must operate not only in public spaces but also within private relationships, institutions, and interactions.

Thus, the chapter concludes that **the Constitution's transformative promise extends beyond courts and state institutions into everyday social and private life**, urging us to rethink how discrimination is normalized across spaces and how constitutional values must permeate them all.

Last Two Chapters -Supreme Cout of India @75

The **last two chapters** share a common thread: the **seventy-fifth year of the Supreme Court of India**. From **28 January 1950 to January 2024**, the Supreme Court marks its **Diamond Jubilee**, celebrating a remarkable journey of constitutional growth and democratic resilience.

Across these chapters, Justice Chandrachud highlights the Supreme Court's continuing efforts toward **efficiency, accessibility, and transparency**. Significant initiatives include the **e-filing of cases**, an institutional focus on **scanning and digitisation**, and the vision of **futuristic courts** driven by **office automation** and seamless digital processes.

The narrative also covers **'SuSwagatam'**, an initiative aimed at streamlining entry and access to the Court, as well as the landmark **MOU with IIT Madras**, which strengthens the Court's technological backbone. Justice Chandrachud refers to this collaborative framework as forming a **quadrangle of transformation**, essential for adapting to **changing demographics** and evolving societal needs.

Together, these chapters portray a **journey through law, liberty, and justice**, reflecting how the Supreme Court has matured into a modern constitutional institution committed to innovation, openness, and service to the people of India.

Concluding Remarks

This book offers the best guide to students interested in constitutional case studies, as the majority of the most reportable cases are explained at length. The book also uses both normative as well as empirical analysis when it comes to debating constitutional values and ethics.

There are some shortcomings also. Firstly, in many places when discussing certain ideas or cases, the book does not explain them at sufficient length. This short-led explanation at times creates confusion in conceptual understanding.

At the end, I shall say that reading *Why the Constitution Matters* by Justice D.Y. Chandrachud is a masterpiece which can help every student interested in learning and growing.

References

1). Why The Constitution Matters, Chandrachud D.Y.2025 Penguin Random House