

**LAWFOYER INTERNATIONAL**  
**JOURNAL OF DOCTRINAL LEGAL**  
**RESEARCH**

**(ISSN: 2583-7753)**

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**Volume 2 | Issue 4**

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**2025**

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# FUNDAMENTAL RIGHTS IN THE CONSTITUTION OF INDIA: AN ANALYSIS OF RELEVANT ARTICLES AND CASE LAWS

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## I. ABSTRACT

This research paper aims to analyze the fundamental rights granted by the Constitution of India which play a vital role in protecting and safeguarding the individual rights of citizens. The paper explores the relevant articles and case laws pertaining to these rights to provide a comprehensive understanding of their significance in Indian constitutional law. The Constitution of India under Part III guarantees fundamental rights to all citizens. These rights are essential for the promotion of social justice equality liberty and the overall well-being of individuals. This research paper focuses on the key fundamental rights enshrined in the Indian Constitution focusing on Articles 14<sup>3</sup>, 19<sup>4</sup>, 20-22<sup>5</sup>, 32<sup>6</sup>, etc. Article 14<sup>7</sup> which provides for the Right to Equality ensures that the state shall not discriminate against any citizen on grounds of religion race caste sex or place of birth. The paper explores landmark cases like *Maneka Gandhi v. Union of India*<sup>8</sup> which expanded the interpretation of this article ensuring equality before the law and equal protection of laws. Furthermore, the Right to Freedom guaranteed under Articles 19-22<sup>9</sup> establishes the freedoms of speech and expression, assembly, association, movement, and residence. Notable cases like *Keshavananda Bharati versus State of Kerala*<sup>10</sup> and *S.R. Bommai v. Union of India*<sup>11</sup> have emphasized the significance of these

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<sup>3</sup> Constitution of India, Article 14

<sup>4</sup> Constitution of India, Article 19

<sup>5</sup> Constitution of India, Article 20 - 22

<sup>6</sup> Constitution of India, Article 32

<sup>7</sup> Constitution of India, Article 14

<sup>8</sup> *Maneka Gandhi v. Union of India* AIR 1978 SC 597

<sup>9</sup> Constitution of India, Article 19 - 22

<sup>10</sup> *Keshavananda Bharati v. State of Kerala* AIR 1973 SC 1461

<sup>11</sup> *S.R. Bommai v. Union of India* 1994 AIR 1918

freedoms in a democratic society.

## **II. KEYWORDS:**

Constitution, Fundamental Rights, Equality, Freedom, Exploitation, Religion, Cultural Rights, Education Rights, Constitutional Remedies.

## **III. INTRODUCTION**

Fundamental Rights are considered to be the cornerstone of any democratic nation. These rights ensure the protection and preservation of individual liberties and freedoms. In the Constitution of India Part III from Articles 12 to 35 constitutes the section on Fundamental Rights. These rights guarantee equality, justice and freedom to all citizens irrespective of their caste creed religion sex or place of birth. The Constitution of India outlines and secures these rights to provide a framework for a just and fair society.

Fundamental rights are designed to protect individual dignity and promote personal growth. They establish a pattern of human rights and impose negative obligations on the state, not encroaching on individual liberty. These rights are crucial for achieving an individual's full intellectual, moral, and spiritual status. The inclusion of these rights in the constitution aims to establish a government of law, protecting citizens' liberties and freedom from state invasion and authoritarian rule. Fundamental rights are essentially human rights, but are regulated by the Indian Constitution. They integrate citizens with society, incorporating educational value and empowering them to understand the importance of all members. The Constitution also enforces these rights, giving legal value to citizens, empowering them to protect, respect, and fulfill the rule of law. They uphold equality, individual dignity, and the nation's unity.

## **IV. OVERVIEW OF FUNDAMENTAL RIGHTS**

### **1. Right to Equality (Articles 14-18):**

The Right to Equality ensures that every citizen is treated equally in the eyes of the law. It prohibits discrimination on the grounds of race religion caste sex or place of birth. Article 14<sup>12</sup> guarantees that all individuals are equal before the law and have equal

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<sup>12</sup> Constitution of India, Article 14

protection. Article 15<sup>13</sup> prohibits discrimination on various grounds and promotes equality. Article 16<sup>14</sup> ensures equal opportunities in public employment while Article 17<sup>15</sup> abolishes untouchability. Article 18<sup>16</sup> abolishes titles and honors.

## **2. Right to Freedom (Articles 19-22):**

The Right to Freedom guarantees various freedoms to individuals. Article 19<sup>17</sup> provides the freedom of speech and expression assembly association movement residence and the right to practice any profession occupation trade or business. However these rights are subject to reasonable restrictions for the interest of sovereignty integrity security public order morality or the rights of others under Article 19 (2) – (6)<sup>18</sup>. Article 20<sup>19</sup> protects against self-incrimination double jeopardy and ex post facto laws while Article 21<sup>20</sup> guarantees the right to life and personal liberty. Article 22<sup>21</sup> provides protection against arbitrary arrest and detention.

## **3. Right against Exploitation (Articles 23-24):**

The Right against Exploitation ensures that no person is forced into any form of slavery or forced labor. Article 23<sup>22</sup> prohibits trafficking bonded labor and other forms of exploitation. Article 24<sup>23</sup> prohibits the employment of children below the age of 14 years in hazardous occupations.

## **4. Right to Freedom of Religion (Articles 25-28):**

India is known for its diverse religious beliefs and the Constitution guarantees the right to freedom of religion. Article 25<sup>24</sup> provides the freedom to profess practice and propagate any religion. However it also allows the state to regulate religious activities

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<sup>13</sup> Constitution of India, Article 15

<sup>14</sup> Constitution of India, Article 16

<sup>15</sup> Constitution of India, Article 17

<sup>16</sup> Constitution of India, Article 18

<sup>17</sup> Constitution of India, Article 19

<sup>18</sup> Constitution of India, Article 19 (2) – (6)

<sup>19</sup> Constitution of India, Article 20

<sup>20</sup> Constitution of India, Article 21

<sup>21</sup> Constitution of India, Article 22

<sup>22</sup> Constitution of India, Article 23

<sup>23</sup> Constitution of India, Article 24

<sup>24</sup> Constitution of India, Article 25

to maintain public order morality and health. Article 26<sup>25</sup> grants religious communities the right to manage their religious affairs. Article 27<sup>26</sup> prohibits the state from levying taxes for religious purposes while Article 28<sup>27</sup> prohibits religious instruction in educational institutions funded by the state.

### **5. Cultural and Educational Rights (Articles 29-30):**

The Constitution recognizes and protects the rights of minorities to preserve their language culture and education. Article 29<sup>28</sup> provides the right to conserve and develop the language script and culture of minority groups. Article 30<sup>29</sup> grants the right to establish and administer educational institutions of their choice. However these rights are subject to reasonable regulations imposed by the state.

### **6. Right to Constitutional Remedies (Article 32):**

The Right to Constitutional Remedies empowers citizens to seek enforcement of their fundamental rights through the Supreme Court. Article 32<sup>30</sup> guarantees the right to move the Supreme Court for the enforcement of fundamental rights. It ensures that these rights are not merely symbolic but can be protected when violated. The right to constitutional remedies under Article 32<sup>31</sup> is a vital fundamental right which has been called as the “Heart and Soul of the Constitution” by Dr. Bhim Rao Ambedkar, also known as Baba Saheb, who is also the father of the Constitution of India.

The Fundamental Rights provided in the Constitution of India are instrumental in safeguarding the rights and freedoms of its citizens. They are the guiding principles that ensure equality justice and protection against any form of exploitation or discrimination. These rights constitute the bedrock of a democratic society allowing citizens to participate actively and fearlessly in the nation’s progress. The Constitution empowers individuals to approach the judiciary for the enforcement of these rights ensuring a system of checks and balances. The inclusion of Fundamental Rights in the Constitution

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<sup>25</sup> Constitution of India, Article 26

<sup>26</sup> Constitution of India, Article 27

<sup>27</sup> Constitution of India, Article 28

<sup>28</sup> Constitution of India, Article 29

<sup>29</sup> Constitution of India, Article 30

<sup>30</sup> Constitution of India, Article 32

<sup>31</sup> Constitution of India, Article 32

reflects India's commitment to a just and inclusive society for all its citizens.

## V. OBJECTIVES OF LEGISLATIVE BODY

The Constitution of India encompasses a comprehensive framework for governing the nation and ensuring the rights and welfare of its citizens. One crucial aspect of this framework is the Fundamental Rights which are enshrined in Part III of the Constitution. To safeguard and uphold these rights the Indian legislative body plays a vital role.

### A. Protection and Promotion of Fundamental Rights:

The primary objective of the legislative body in India is to protect and promote the Fundamental Rights of its citizens. These rights act as a shield against any potential infringement upon the individual's liberty equality dignity and other essential rights. The legislature is responsible for enacting laws that not only safeguard these rights but also ensure their effective implementation.

For instance, the Right to Life and Personal Liberty is a fundamental right guaranteed under Article 21<sup>32</sup> of the Indian Constitution. To uphold this right the legislature has enacted laws against torture custodial violence and arbitrary arrests. Similarly the Right to Freedom of Speech and Expression is protected by laws that guarantee the citizens' right to voice their opinions and ideas.

### B. Ensuring Equality and Non-Discrimination:

Another crucial objective of the legislative body is to ensure equality and non-discrimination among citizens. The Constitution of India prohibits discrimination on grounds of religion race caste sex or place of birth. It guarantees equal protection of the law and prohibits any unfair treatment based on these characteristics.

To achieve this objective the legislature has enacted laws that aim to eradicate caste-based discrimination promote gender equality and provide affirmative action for marginalized and disadvantaged sections of society. The Prevention of Atrocities Act the Dowry Prohibition Act and the Protection of Women from Domestic Violence Act are a few examples of legislative measures that address discriminatory practices.

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<sup>32</sup> Constitution of India, Article 21

### **C. Balancing Rights and Public Interest:**

While protecting individual rights the legislative body also needs to strike a balance with the larger public interest. This objective entails ensuring that Fundamental Rights do not impede the effective functioning of the state or jeopardize the rights of others. It involves the delicate task of reconciling conflicting interests and adopting a prudent approach to regulation.

For instance, the Right to Freedom of Speech and Expression is not an absolute right as it is subject to certain reasonable restrictions. The legislature has enacted laws that regulate hate speech defamation obscenity and incitement to violence to balance the right to expression with the protection of public order morality and the dignity and reputation of individuals.

Fundamental rights empower individuals, while fundamental duties remind citizens of their societal responsibilities, balancing rights and responsibilities to ensure responsible exercise of individual freedoms.

### **D. Expanding the Scope of Fundamental Rights:**

The legislative body is also responsible for expanding the scope of Fundamental Rights in response to societal changes evolving needs and emerging challenges. The reinterpretation and expansion of these rights through legislation ensure that the Constitution remains a living document in tune with the present times.

For instance, over the years the right to privacy has been recognized as an intrinsic aspect of the Right to Life and Personal Liberty under Article 21. The legislature recognizing this need introduced the Personal Data Protection Bill to regulate the collection storage and use of personal data thus safeguarding citizens' right to privacy in the digital age.

The objectives of the legislative body in relation to the Fundamental Rights laid out in the Indian Constitution are pivotal to building a just equitable and progressive society. By protecting and promoting these rights ensuring equality striking a balance with public interest and expanding their scope the legislative body helps foster an environment where citizens can exercise their rights freely without fear of discrimination or repression.

However, it is essential to acknowledge that the fulfillment of these objectives is an ongoing process. As the fabric of society evolves the legislative body must respond proactively to address emerging challenges and ensure that the Fundamental Rights remain relevant and effective. Only through constant vigilance legislative reforms and public participation can the objectives of the legislative body in upholding Fundamental Rights be successfully achieved in the Indian context.

## **VI. SCOPE OF FUNDAMENTAL RIGHTS IN THE CONSTITUTION OF INDIA**

The Constitution of India adopted on January 26<sup>th</sup>, 1950 enshrines a comprehensive set of Fundamental Rights that are guaranteed to every citizen. These rights form the bedrock of a democratic society ensuring individual freedom equality and justice. The scope of fundamental rights in the Indian Constitution extends to encompass a wide range of areas including personal liberties social justice and protection against discrimination.

### **A. Personal Liberties:**

The Constitution of India recognizes several personal liberties that are vital for the exercise of autonomy and the protection of individuals' dignity. These liberties encompass freedom of speech and expression freedom of religion right to privacy right to life and personal liberty. These rights provide citizens with the freedom to express their views openly practice their faith live their lives with integrity and protect their privacy. They serve as a shield against state interference and uphold the belief that every individual should be allowed to lead a life of their choosing.

### **B. Social Justice:**

In addition to personal liberties the Indian Constitution emphasizes the importance of social justice. It recognizes the right to equality prohibiting discrimination on the grounds of religion race caste sex or place of birth. This right promotes inclusivity and ensures that no individual is subject to unfair treatment or subjugation based on their identity. Moreover, the Constitution provides for affirmative action through reservations to uplift marginalized communities and promote their participation in

public life.

### **C. Protection Against Discrimination:**

Fundamental Rights in the Indian Constitution provide protection against discrimination and promote equal opportunities for all. The Constitution guarantees the right to equality ensuring that every individual is treated fairly and without prejudice. Furthermore it prohibits untouchability and the practice of forcing individuals into forced labor safeguarding the dignity and well-being of all citizens. These provisions underscore India's commitment to creating a society free from discrimination and oppression.

### **D. Right to Education and Social Welfare:**

The Constitution of India recognizes education as a fundamental right and mandates the state to provide free and compulsory education to all children up to the age of 14. Right to Education is enshrined under Article 21 A<sup>33</sup> as a fundamental right and it was added by 86<sup>th</sup> Constitutional Amendment in the year 2002. This provision ensures equal access to education promoting the goal of universal literacy and empowering individuals to realize their potential. Additionally fundamental rights encompass the right to social welfare including access to clean water sanitation healthcare and a clean environment. These rights prioritize the overall well-being of citizens fostering a society that values human dignity and social progress.

### **E. Judicial Review and Remedies:**

The scope of fundamental rights extends beyond their mere recognition; they also provide citizens with a robust mechanism for seeking redressal in case of their violation. The Constitution empowers the judiciary to act as the guardian and interpreter of fundamental rights. Through the power of judicial review the courts can strike down laws or government actions that infringe upon these rights. This judiciary oversight ensures that fundamental rights are not mere abstract concepts but practical safeguards that citizens can rely on for legal protection. The Indian Constitution does not explicitly

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<sup>33</sup> Constitution of India, Article 21 A

mention judicial review, but it implicitly allows it majorly through Articles 13<sup>34</sup>.

The scope of fundamental rights in the Indian Constitution is vast and encompasses various aspects of personal freedom equality and social justice. These rights serve as a pillar of democracy ensuring that citizens can exercise their individual liberties fight against discrimination and seek justice when their rights are violated. The significance of fundamental rights lies not only in their recognition but also in their enforcement through the mechanism of judicial review. By providing a legal framework for protection and redressal fundamental rights in the Indian Constitution play a crucial role in shaping the nation's commitment to democracy inclusivity and justice for all.

## VII. SIGNIFICANCE OF FUNDAMENTAL RIGHTS

The Constitution of India grants its citizens several fundamental rights which form the cornerstone of our democracy and ensure the protection of our individual liberties. These rights are enshrined in Part III of the Constitution and they uphold the principles of equality justice and liberty. The significance of fundamental rights cannot be overstated as they ensure that every citizen is entitled to certain basic freedoms and safeguards against any form of discrimination or oppression.

### 1. Protection of individual liberties:

Perhaps the most fundamental significance of fundamental rights is the protection they provide to the individual liberties of every citizen. These include the freedom of speech and expression freedom to assemble peacefully and the freedom of religion. These rights enable citizens to express their opinions beliefs and ideas without fear of retribution thereby fostering a vibrant and inclusive democracy.

### 2. Equality and non-discrimination:

Another crucial aspect of fundamental rights is the promotion of equality and the prohibition of discrimination. The Constitution guarantees equality before the law and prohibits discrimination on grounds of religion race caste sex or place of birth. These provisions ensure that all citizens have equal access to opportunities resources and

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<sup>34</sup> Constitution of India, Article 13

justice regardless of their background or identity.

### **3. Protection against exploitation:**

Fundamental rights also provide protection against any form of exploitation or abuse. The Constitution outlaws practices such as forced labor slavery and human trafficking ensuring that every citizen is guaranteed the right to live with dignity and autonomy. These rights act as safeguards against exploitation particularly of vulnerable groups in society.

### **4. Right to education:**

The right to education is fundamental in ensuring that every citizen has access to quality education without any discrimination. Article 21A<sup>35</sup> of the Constitution guarantees free and compulsory education for children between the ages of 6 and 14. Article 21 A was added by 86<sup>th</sup> Constitutional Amendment Act, 2002. This right not only empowers individuals and promotes their overall development but also contributes to the nation's progress by creating an educated and skilled workforce.

### **5. Right to privacy:**

The right to privacy has gained significant importance in recent years particularly with advancements in technology and the increasing importance of personal data. The Supreme Court of India has recognized the right to privacy as a fundamental right ensuring that individuals have control over their personal information and preventing its misuse. The *Puttaswamy case*<sup>36</sup> recognized privacy as a fundamental right under Article 21<sup>37</sup>, stating it is integral to life and personal liberty, protecting individual autonomy and choices. This landmark judgment influenced issues like data protection surveillance and government intrusion, ensuring privacy's protection and protection.

### **6. Right to fair trial:**

The right to a fair trial is a cornerstone of a just and democratic society. Fundamental rights such as the right to be heard the right to legal representation and the right of speedy trial ensures that every accused person is afforded a fair and impartial trial. These

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<sup>35</sup> Constitution of India, Article 21A

<sup>36</sup> Justice K.S. Puttaswamy (Retired) v. Union of India AIR 2017 SC 4161

<sup>37</sup> Constitution of India, Article 21

rights are crucial in upholding the principles of justice and preventing any abuse of power by authorities.

#### **7. Right to life and personal liberty:**

Article 21<sup>38</sup> of the Constitution guarantees every citizen the right to life and personal liberty. This right has been interpreted expansively by the courts encompassing several aspects such as the right to live with dignity the right to privacy and the right to a clean environment. The significance of this right cannot be understated as it ensures the protection of the fundamental aspects of human existence.

#### **8. Right against untouchability and discrimination:**

The Constitution prohibits untouchability and provides for measures to eradicate the practice. This right is significant as it promotes social equality and justice ensuring that individuals are not discriminated against based on their caste or social status. It is a crucial step towards building a more inclusive and egalitarian society.

#### **9. Right to information:**

The right to information is a significant tool to promote transparency accountability and good governance. It enables citizens to access information about the functioning of the government and hold public authorities accountable. This right empowers citizens to participate actively in the democratic process and ensure that public resources are used effectively and for the benefit of all.

#### **10. Right to constitutional remedies:**

The Constitution provides for the right to approach the courts for the enforcement of fundamental rights. This right ensures that citizens have a mechanism to seek redressal and justice in case of any violation of their fundamental rights. It acts as a check on the government and helps in upholding the supremacy of the Constitution.

The fundamental rights granted in the Constitution of India hold immense significance in safeguarding the individual liberties promoting equality and upholding the principles of justice and democracy. These rights ensure that every citizen is entitled to certain basic

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<sup>38</sup> Constitution of India, Article 21

freedoms and protections regardless of their background or identity. They form the bedrock of our democracy and play a crucial role in creating an inclusive and just society.

## VIII. LIMITATIONS OF FUNDAMENTAL RIGHTS IN THE CONSTITUTION OF INDIA

Fundamental rights are considered the cornerstone of any democratic country. They ensure that individuals are protected from the arbitrary exercise of power by the state. The Constitution of India one of the most comprehensive in the world guarantees fundamental rights to its citizens. However like any other set of rights they are not absolute and come with certain limitations.

### 1. Reasonable Restrictions:

The Constitution of India recognizes that certain restrictions may be necessary in order to strike a balance between individual rights and the larger interests of society. Article 19<sup>39</sup> of the Constitution guarantees six fundamental rights including the right to freedom of speech assembly and expression. However these rights can be restricted on grounds such as public order morality decency or security of the state. While these restrictions are intended to preserve social harmony and protect public welfare there is scope for abuse by those in power.

### 2. Sovereignty and Integrity of India:

The Constitution of India places limitations on fundamental rights in order to maintain the integrity and sovereignty of the nation. For instance Article 19(1) (a)<sup>40</sup> guarantees the right to freedom of speech and expression but this right does not extend to anything that undermines the security or integrity of India. This limitation is considered crucial for safeguarding national interests and preventing activities that threaten the sovereignty of the country.

### 3. Public Order and Morality:

Fundamental rights in India are subject to limitations based on considerations of public

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<sup>39</sup> Constitution of India, Article 19

<sup>40</sup> Constitution of India, Article 19 (1) (a)

order and morality. While individual freedom is important it cannot be permitted to jeopardize public peace and tranquility. Article 19(2)<sup>41</sup> allows the state to impose reasonable restrictions on the rights to assembly speech and movement to maintain public order. However the interpretation of what constitutes 'public order' and 'morality' can vary leading to potential infringement of rights.

*Romesh Thappar v. State of Madras*<sup>42</sup> was a significant case in Indian judiciary, where the judiciary addressed constitutional issues related to freedom of speech and expression<sup>43</sup>. Thappar, a communist, was at odds with the Madras government's restrictions on his magazine, Crossroads, under Section 9 (1-A)<sup>44</sup> of the Madras Maintenance of Public Order Act, 1949. The case highlighted the delicate balance between state interests and individual liberties particularly press freedom. The Supreme Court's decision shaped fundamental rights jurisprudence and defined governmental powers in a democratic society.

*Romesh Thappar vs. State of Madras*<sup>45</sup> was a landmark case that ruled that the State of Madras violated the petitioner's freedom of speech and expression by banning the journal "Cross Roads." The court ruled that the petitioner had the right to approach the Supreme Court without seeking relief from the High Court. It also found Section 9(1-A) of the Madras Maintenance of Public Order Act unconstitutional, setting a precedent for upholding free speech rights in India.

#### **4. Protection of Interests of Scheduled Castes and Scheduled Tribes:**

The Constitution of India also imposes limitations on fundamental rights in order to safeguard the interests of marginalized sections particularly Scheduled Castes and Scheduled Tribes (SC/ST). Article 17<sup>46</sup> abolishes untouchability protecting the dignity and human rights of the oppressed while also allowing for protective discrimination in favor of the SC/ST communities. While this provision aims to rectify historical injustices critics argue that it can perpetuate social divides and hinder the achievement of true

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<sup>41</sup> Constitution of India, Article 19 (2)

<sup>42</sup> Romesh Thapar v. State of Madras 1950 AIR 124

<sup>43</sup> Constitution of India, Article 19 (1) (a)

<sup>44</sup> Madras Maintenance of Public Order Act 1949, Section 9 (1-A)

<sup>45</sup> Romesh Thapar v. State of Madras 1950 AIR 124

<sup>46</sup> Constitution of India, Article 17

equality.

### **5. National Security:**

National security concerns can curtail certain fundamental rights in India. The Constitution provides for limitations on freedom of speech expression assembly and association in the interest of national security. These restrictions can be seen in laws concerning sedition anti-terrorism measures and censorship. However the ambiguity in defining 'national security' raises concerns about the potential misuse of these provisions to suppress dissent and stifle freedom of expression.

### **6. Right to Privacy:**

While the Constitution of India does not explicitly recognize the right to privacy as a fundamental right the Supreme Court in the landmark judgment of *K.S. Puttaswamy v. Union of India*<sup>47</sup> held that privacy is an intrinsic part of Article 21<sup>48</sup> (right to life and personal liberty). However this right is not absolute and can be limited in certain circumstances such as for national security public order or the prevention and detection of crime. Balancing privacy rights with legitimate state interests is an ongoing challenge for the judiciary.

The limitations on fundamental rights incorporated in the Constitution of India reflect the delicate balance between individual freedoms and the larger interests of society. These limitations aim to uphold public order protect national security ensure social justice and maintain the integrity of the nation. However, there is a need for caution to prevent these limitations from being misused as tools of suppression or oppression. It is incumbent upon the judiciary and citizens to continuously scrutinize the enforcement of these limitations to ensure that they are reasonable necessary and justifiable in a democratic society. Only then can the fundamental rights in the Indian Constitution truly serve as a bulwark against arbitrary state action and provide citizens the freedom they deserve.

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<sup>47</sup> Justice K.S. Puttaswamy (Retired) v. Union of India AIR 2017 SC 4161

<sup>48</sup> Constitution of India, Article 21

## IX. CONFLICT BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY

The Constitution of India upholds the principles of justice liberty equality and fraternity. These principles are enshrined in two different parts of the Constitution - Part III which deals with Fundamental Rights and Part IV which deals with Directive Principles of State Policy. However, there are instances where conflicts arise between these two guiding principles.

### A. Inherent Conflict:

The divergent nature of Fundamental Rights and Directive Principles of State Policy leads to an inherent conflict between the two. Fundamental Rights are justiciable and enforceable by the courts while Directive Principles of State Policy are non-justiciable and not enforceable. This creates a conflict between the rights of individuals and the aspirations of society as a whole.

### B. Specific Conflict Areas:

#### a) Right to Property vs. Land Reform:

Article 19(1) (f)<sup>49</sup> guarantees the right to acquire hold and dispose of property as a Fundamental Right whereas Article 39(b)<sup>50</sup> and (c)<sup>51</sup> direct the State to distribute the ownership and control of material resources to ensure the common good. The conflict between these provisions led to the 44th Constitutional Amendment Act, 1978 which removed the right to property as a Fundamental Right and converted it into a legal right.

#### b) Freedom of Speech vs. Reasonable Restrictions:

Article 19(1) (a)<sup>52</sup> guarantees the freedom of speech and expression subject to reasonable restrictions for reasons such as public order decency or morality. However, Article 19(2)<sup>53</sup> allows the State to impose restrictions on this right. The conflict arises when the State seeks to curb freedom of speech in the interest of public order or the reputation of

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<sup>49</sup> Constitution of India, Article 19 (1) (f)

<sup>50</sup> Constitution of India, Article 39 (b)

<sup>51</sup> Constitution of India, Article 39 (c)

<sup>52</sup> Constitution of India, Article 19 (1) (a)

<sup>53</sup> Constitution of India, Article 19 (2)

individuals.

### **C. Harmonization Efforts by the Supreme Court:**

#### **a) Balancing Fundamental Rights and Directive Principles:**

The Supreme Court has attempted to harmonize Fundamental Rights and Directive Principles by interpreting them in a manner that gives effect to both. In the landmark case of *Kesavananda Bharati v. State of Kerala (1973)*<sup>54</sup> the Supreme Court held that Fundamental Rights and Directive Principles are not opposing principles but rather complementary to each other.

#### **b) Expanding the Horizon of Fundamental Rights:**

The Supreme Court through its progressive interpretation of Fundamental Rights has expanded their scope to align with Directive Principles. In the case of *Maneka Gandhi v. Union of India (1978)*<sup>55</sup> the Court declared that the right to life under Article 21<sup>56</sup> includes the right to live with human dignity which encompasses socio-economic rights.

### **D. Limitations on the Conflict:**

#### **a) Doctrine of Harmonious Construction:**

The doctrine of harmonious construction mandates that courts should interpret conflicting provisions of the Constitution in a manner that reconciles them rather than rendering one provision meaningless. This approach helps mitigate conflicts between Fundamental Rights and Directive Principles.

#### **b) Reasonable Restrictions:**

The Constitution allows reasonable restrictions to be imposed on the exercise of Fundamental Rights for various reasons including public order morality and security. These restrictions act as a limiting factor and strike a balance between the individual's rights and the State's responsibilities towards larger societal goals.

The conflict between Fundamental Rights and Directive Principles of State Policy is

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<sup>54</sup> Keshavananda Bharati v. State of Kerala AIR 1973 SC 1461

<sup>55</sup> Maneka Gandhi v. Union of India AIR 1978 SC 597

<sup>56</sup> Constitution of India, Article 21

inherent in the Indian Constitution. However, through judicial interpretation efforts have been made to harmonize these conflicting provisions and ensure that both the rights of individuals and the welfare of society are protected. The Supreme Court's balancing acts, doctrine of harmonious construction and imposition of reasonable restrictions help strike a delicate balance between these guiding principles. It is a continuous struggle to achieve a harmonious coexistence of individual rights and the collective welfare of society.

## X. LANDMARK CASES OF FUNDAMENTAL RIGHTS

The Constitution of India is the supreme law of the country providing a comprehensive framework for governing its people and ensuring their fundamental rights and freedoms. Over the years several landmark cases have shaped and reaffirmed the importance of fundamental rights in India. These cases have involved groundbreaking legal interpretations and judgments that have had a lasting impact on the Indian legal system.

### 1) *Keshavananda Bharati versus State of Kerala* (1973)<sup>57</sup>:

The *Keshavananda Bharati case* stands as a cornerstone in constitutional jurisprudence by establishing the basic structure doctrine. This case challenged the power of Parliament to amend any part of the Constitution without any limitations. The court held that there are certain core features or the "basic structure" of the Constitution that cannot be amended. This ruling has since become a precedent to protect fundamental rights and maintain the constitutional balance of power.

### 2) *Maneka Gandhi v. Union of India* (1978)<sup>58</sup>:

The *Maneka Gandhi case* was a landmark judgment that expanded the scope of Article 21<sup>59</sup> which guarantees the right to life and personal liberty. The Supreme Court held that this right includes the right to travel abroad and the right to be heard before granting or cancelling a passport. This case established that the right to life is not confined to mere

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<sup>57</sup> *Keshavananda Bharati v. State of Kerala* AIR 1973 SC 1461

<sup>58</sup> *Maneka Gandhi v. Union of India* AIR 1978 SC 597

<sup>59</sup> Constitution of India, Article 21

animal existence but also includes the right to live with dignity.

### **3) Vishaka & Others v. State of Rajasthan & Others (1997)<sup>60</sup>:**

The *Vishakha case* addressed the issue of sexual harassment of women in the workplace. The Supreme Court recognized that sexual harassment violates a woman's fundamental right to equality under Article 14<sup>61</sup> and her right to life and personal liberty under Article 21<sup>62</sup>. The court laid down guidelines to prevent and address workplace harassment outlining the concept of sexual harassment and specifying the duties of employers. This case played a crucial role in creating awareness and establishing a legal framework for addressing sexual harassment at a national level.

### **4) Naz Foundation v. Government of NCT Delhi (2009)<sup>63</sup>:**

In the *Naz Foundation case* the Supreme Court decriminalized consensual homosexual acts between adults overturning the colonial-era law of Section 377 of the Indian Penal Code. The court held that Section 377 infringed upon the fundamental right to privacy under Article 21<sup>64</sup> and denied the LGBTQ+ community their right to equality under Article 14<sup>65</sup>. This judgment represented a significant step towards recognizing and protecting the rights of sexual minorities in India.

### **5) Shayara Bano v. Union of India (2017)<sup>66</sup>:**

In the *Shayara Bano case* the Supreme Court declared the practice of triple talaq (instant divorce) among Muslims as unconstitutional and violative of fundamental rights. The court held that triple talaq was arbitrary and violated a woman's right to equality under Article 14<sup>67</sup>. This judgment aimed to promote gender justice and tackle gender discrimination prevalent in personal laws.

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<sup>60</sup> Vishaka & Others v. State of Rajasthan & Others AIR 1997 SC 3011

<sup>61</sup> Constitution of India, Article 14

<sup>62</sup> Constitution of India, Article 21

<sup>63</sup> Naz Foundation v. Government of NCT Delhi 2009 160 Delhi Law Times 277

<sup>64</sup> Constitution of India, Article 21

<sup>65</sup> Constitution of India, Article 14

<sup>66</sup> Shayara Bano v. Union of India AIR 2017 SC 4609

<sup>67</sup> Constitution of India, Article 14

## 6) Justice K.S. Puttaswamy (Retired) v. Union of India (2017)<sup>68</sup>:

The *Puttaswamy case* heralded the recognition of the right to privacy as a fundamental right under Article 21<sup>69</sup>. The Supreme Court held that privacy is intrinsic to the right to life and personal liberty safeguarding an individual's autonomy and personal choices. This landmark judgment not only affirmed the right to privacy but also had far-reaching implications on issues like data protection surveillance and government intrusion.

The Indian judiciary has played a crucial role in developing and expanding the scope of fundamental rights enshrined in the Constitution. Landmark cases such as *Keshavananda Bharati*<sup>70</sup>, *Maneka Gandhi*<sup>71</sup>, *Vishakha*<sup>72</sup>, *Naz Foundation*<sup>73</sup>, *Shayara Bano*<sup>74</sup> and *Puttaswamy*<sup>75</sup> have significantly influenced the interpretation and enforcement of fundamental rights in India. These cases highlight the judiciary's commitment to ensuring justice equality and the protection of individual rights. The judgments rendered in these cases have transformed the legal landscape and continue to shape the evolution of fundamental rights in India. As the country progresses it is essential to uphold and safeguard these rights while acknowledging the changing needs and dynamics of a modern society.

## XI. CONCLUSION

The Fundamental Rights provided in the Constitution of India form the bedrock of a democratic and egalitarian society. These rights have significantly transformed Indian society by upholding individual liberties promoting equality and safeguarding the rule of law. However, challenges such as implementation gaps social inequalities and balancing conflicting interests persist. To overcome these challenges concerted efforts from the government civil society and the judiciary are required. By addressing these limitations and nurturing a rights-sensitive culture we can ensure the continued

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<sup>68</sup> Justice K.S. Puttaswamy (Retired) v. Union of India AIR 2017 SC 4161

<sup>69</sup> Constitution of India, Article 21

<sup>70</sup> Keshavananda Bharati v. State of Kerala AIR 1973 SC 1461

<sup>71</sup> Maneka Gandhi v. Union of India AIR 1978 SC 597

<sup>72</sup> Vishaka & Others v. State of Rajasthan & Others AIR 1997 SC 3011

<sup>73</sup> Naz Foundation v. Government of NCT Delhi (2009) 160 Delhi Law Times 277

<sup>74</sup> Shayara Bano v. Union of India AIR 2017 SC 4609

<sup>75</sup> Justice K.S. Puttaswamy (Retired) v. Union of India AIR 2017 SC 4161

relevance and effectiveness of the Fundamental Rights for future generations.

The Indian Constitution provides a comprehensive framework of fundamental rights that ensure the protection and promotion of individual liberties and freedoms. These rights are essential for the functioning of a democratic society and they play a crucial role in safeguarding the dignity and equality of every citizen. The scope of fundamental rights in the Constitution is broad and covers a wide range of areas including personal freedoms equality social justice cultural and educational rights and the right to constitutional remedies.

The framers of the Constitution understood the importance of these rights and recognized that they were necessary to prevent any form of tyranny oppression or abuse of power. Over the years the judiciary has played a significant role in interpreting and expanding the scope of fundamental rights. Through various landmark judgments the courts have ensured that fundamental rights are not mere textual provisions but living realities for every citizen. The judiciary has also recognized that the Constitution is a dynamic document that must evolve and adapt to the changing needs of society. One of the noteworthy aspects of the scope of fundamental rights in India is their wide applicability. Fundamental rights are not confined to citizens alone; they are available to every person within the territory of India irrespective of their nationality. This inclusivity reflects the commitment of the Constitution towards upholding human rights and ensuring the protection of all individuals within its jurisdiction. However, it is important to acknowledge that the scope of fundamental rights is not absolute. The Constitution itself allows for certain limitations and restrictions in the interest of public order morality health and national security. These restrictions known as reasonable restrictions are necessary to strike a balance between individual rights and the collective welfare of society.

The effectiveness of fundamental rights depends not only on their inclusion in the Constitution but also on their implementation and enforcement. It is essential for the government legislature judiciary and citizens to work together to ensure that these rights are respected and upheld. Furthermore awareness and education about these rights are crucial to empower individuals to exercise their rights and seek redressal when they are

violated. In recent years certain challenges and debates have emerged regarding the scope of fundamental rights.

One such debate revolves around the tension between individual rights and the greater common good. Balancing the rights of individuals with the needs of society is a delicate task and there is a need for a continuous dialogue and engagement to address this issue. Another challenge lies in the application of fundamental rights in the digital age. As technology advances new questions arise regarding privacy surveillance and freedom of expression. The courts and policymakers must adapt the interpretation of fundamental rights to effectively address these emerging concerns.

The path for continuing the commitment towards upholding fundamental rights is crucial for the democratic future of India. The proper continuing enforcement with the reasonable restrictions in accordance with the spirit of the fundamental rights due to which they were inserted in the Constitution of India is vital to maintain peace and order in the country and it can also keep India as a global example of a democratic country to other democratic states.