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FUNDAMENTAL RIGHTS UNDER THE INDIAN CONSTITUTION: SCOPE, PROTECTION AND CONTEMPORARY CHALLENGES

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Abstract

Fundamental Rights constitute the constitutional foundation for the protection of equality, liberty, dignity and democratic participation in India. Enshrined primarily in Part III of the Constitution under Articles 12 to 35, these rights impose constitutional limits on State power and provide enforceable protections to individuals. This paper examines the scope of Fundamental Rights, mechanisms for their protection, major developments in judicial interpretation, and contemporary challenges arising from digital technology, privacy, internet restrictions, freedom of expression, equality, religious liberty and personal liberty. The study adopts a doctrinal and analytical methodology based primarily on the Constitution of India, Supreme Court judgments and selected academic literature. Particular attention is given to Articles 14, 19, 21 and 32 and landmark decisions including Kesavananda Bharati, Maneka Gandhi, Shreya Singhal, Justice K.S. Puttaswamy and Anuradha Bhasin. The analysis finds that Fundamental Rights have developed through constitutional interpretation from textual guarantees into a broader framework protecting dignity, autonomy and liberty. At the same time, constitutional rights remain subject to legally authorised restrictions. The paper concludes that effective rights protection requires constitutional remedies, independent judicial review, proportionality, institutional accountability and constitutional awareness. Expression; Constitutional Remedies.

Keywords: Fundamental Rights; Indian Constitution; Article 14; Article 19; Article 21; Article 32; Judicial Review; Privacy; Freedom of

1. Introduction

The Constitution of India establishes a constitutional order founded upon justice, liberty, equality and dignity. Fundamental Rights occupy a central position in this framework. Part III of the Constitution contains the principal catalogue of Fundamental Rights, while Articles 12 and 13 establish important foundations concerning the meaning of State and the constitutional validity of laws inconsistent with Fundamental Rights (Constitution of India, 2025, arts. 12–13). The constitutional significance of these rights extends beyond their textual formulation. Indian constitutional jurisprudence has developed their meaning through judicial interpretation, particularly in relation to equality, freedom and personal liberty. The evolution of Article 21 is a major example. In Maneka Gandhi v. Union of India (1978), the Supreme Court adopted a broader understanding of constitutional protection for life and personal liberty and linked Articles 14, 19 and 21 in assessing State action. Contemporary developments have created new constitutional questions. Digital communication, personal-data processing, online speech, surveillance technologies and internet restrictions require traditional constitutional principles to be applied to changing social and technological conditions. The Supreme Court's privacy jurisprudence and its decision in Anuradha Bhasin demonstrate this continuing process of constitutional adaptation (Justice K.S. Puttaswamy (Retd.) v. Union of India, 2017; Anuradha Bhasin v. Union of India, 2020).

2. Objectives of the Study

To examine the constitutional framework governing Fundamental Rights in India. To analyse the scope and nature of major Fundamental Rights. To examine judicial and institutional mechanisms for protecting Fundamental Rights. To study the development of Articles 14, 19 and 21. To analyse contemporary challenges involving privacy, digital expression and internet restrictions. To identify measures that can strengthen the practical enforcement of Fundamental Rights.

3. Research Questions

What is the constitutional scope of Fundamental Rights under Part III? How has judicial interpretation expanded the practical meaning of Fundamental Rights? What constitutional remedies are available for rights violations? How have privacy and digital technologies affected Fundamental Rights jurisprudence? How should constitutional rights be balanced with legitimate State interests?

4. Research Methodology

The study adopts a doctrinal and analytical legal research methodology. Primary sources include the Constitution of India and selected judgments of the Supreme Court of India. Secondary sources include academic literature and institutional publications. The analysis is qualitative and focuses on constitutional text, judicial reasoning and contemporary legal challenges. The paper does not claim to be an empirical study of rights violations.

5. Constitutional Framework of Fundamental Rights

Fundamental Rights are principally contained in Part III of the Constitution, Articles 12 to 35. Article 12 defines State for Part III, and Article 13 provides that laws inconsistent with Fundamental Rights are void to the extent of inconsistency (Constitution of India, 2025, arts. 12–13). 5.1 Right to Equality Articles 14 to 18 establish the constitutional framework of equality. Article 14 guarantees equality before law and equal protection of laws, while Articles 15 and 16 address discrimination and equality of opportunity. Articles 17 and 18 address untouchability and titles respectively (Constitution of India, 2025, arts. 14–18). 5.2 Right to Freedom Article 19 protects specified freedoms of citizens, including speech and expression, peaceful assembly, association, movement, residence and profession. These freedoms are subject to constitutionally specified restrictions. The constitutional inquiry therefore includes whether a restriction is authorised by law, falls within the permitted grounds and satisfies the requirement of reasonableness (Constitution of India, 2025, art. 19). 5.3 Right to Life and Personal Liberty Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Judicial interpretation has transformed Article 21 into a broad constitutional protection of liberty and dignity. Maneka Gandhi v. Union of India (1978) is a central decision in this development. 5.4 Right against Exploitation Articles 23 and 24 prohibit trafficking, forced labour and specified forms of child labour. These provisions reflect the constitutional commitment to protect individuals from exploitative practices. 5.5 Freedom of Religion Articles 25 to 28 establish constitutional protection for freedom of conscience and religion, subject to constitutional limitations such as public order, morality and health (Constitution of India, 2025, arts. 25–28). 5.6 Cultural and Educational Rights Articles 29 and 30 protect specified cultural interests and the rights of minorities to establish and administer educational institutions, subject to constitutional interpretation and regulation.

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6. Constitutional Remedies

Article 32 guarantees a constitutional remedy for enforcement of Fundamental Rights and empowers the Supreme Court to issue directions, orders and writs. Article 226 provides High Courts with writ jurisdiction for Fundamental Rights and, subject to constitutional limitations, other legal rights (Constitution of India, 2025, arts. 32, 226). The principal writs include habeas corpus, mandamus, prohibition, certiorari and quo warranto.

7. Judicial Review and the Basic Structure

Judicial review is an important mechanism through which courts examine legislative and executive action for constitutional compliance. In Kesavananda Bharati v. State of Kerala (1973), the Supreme Court developed the Basic Structure Doctrine, under which the constitutional power of amendment cannot be used to destroy the basic structure of the Constitution. The doctrine has important implications for constitutional supremacy and judicial review.

8. Evolution of Article 14

Article 14 has developed beyond a purely formal conception of equality. Indian constitutional jurisprudence has addressed reasonable classification, non-arbitrariness and substantive equality. The relationship between equality and liberty has become especially important when State action affects personal freedoms. The constitutional evaluation of State action therefore increasingly considers both formal equality and the broader constitutional requirement against arbitrary governmental action.

9. Freedom of Speech and Expression

Article 19(1)(a) protects freedom of speech and expression, while Article 19(2) permits specified reasonable restrictions. Freedom of expression supports political participation, democratic accountability, exchange of ideas and individual self-expression. The digital environment has made these principles especially significant. In Shreya Singhal v. Union of India (2015), the Supreme Court considered Section 66A of the Information Technology Act in the context of online expression. The judgment is an important part of Indian constitutional jurisprudence on digital speech (Shreya Singhal v. Union of India, 2015).

10. Right to Privacy

The constitutional recognition of privacy represents a major development in Fundamental Rights jurisprudence. In Justice K.S. Puttaswamy (Retd.) v. Union of India (2017), a nine-judge bench unanimously recognised privacy as a constitutionally protected right. The Court connected privacy with life, personal liberty, dignity and the freedoms contained in Part III (Justice K.S. Puttaswamy (Retd.) v. Union of India, 2017). Privacy has important implications for informational autonomy, bodily integrity, personal decisions and the protection of personal data. The constitutional importance of privacy has increased with digital payments, biometric systems, social media, artificial intelligence and large-scale data processing.

11. Internet Access and Constitutional Rights

In Anuradha Bhasin v. Union of India (2020), the Supreme Court examined restrictions on internet services in Jammu and Kashmir. The Court recognised the constitutional protection of freedom of speech and expression and the freedom to practise a profession through the medium of the internet, while emphasising that restrictions must comply with constitutional requirements including proportionality (Anuradha Bhasin v. Union of India, 2020).

12. Contemporary Challenges

12.1 Digital Privacy Digital services create extensive opportunities for collection and analysis of personal information. Constitutional concerns include unauthorised data collection, surveillance, profiling, data breaches and automated decision-making. Privacy jurisprudence provides an important constitutional framework for evaluating such practices. 12.2 Internet Restrictions Internet restrictions may affect speech, education, employment, commerce and access to information. Anuradha Bhasin demonstrates that internet-based exercise of protected freedoms can attract constitutional scrutiny and that restrictions must satisfy applicable legal and proportionality requirements. 12.3 Online Speech and Content Regulation Social media creates difficult questions involving misinformation, harassment, content moderation, intermediary regulation and government blocking. The constitutional task is to protect lawful expression while allowing legally authorised responses to genuine harms. 12.4 Equality and Social Discrimination Formal constitutional equality operates within a society containing significant social and economic differences. Contemporary equality questions include discrimination, access to education and employment, disability, socioeconomic disadvantage and digital exclusion. 12.5 Religious Freedom Religious freedom under Articles 25 to 28 must be interpreted alongside equality, dignity, public order and other constitutional guarantees. This creates recurring questions concerning the relationship between individual conscience, community practices and competing constitutional rights. 12.6 Personal Liberty and Preventive Detention Preventive detention presents a distinctive constitutional tension because it concerns deprivation of liberty without the ordinary process associated with conviction. Article 22 provides procedural safeguards subject to its constitutional scheme. Judicial review remains important in examining whether constitutional requirements have been followed.

13. Fundamental Rights and Directive Principles

Fundamental Rights and Directive Principles represent different but complementary dimensions of the constitutional project. Fundamental Rights provide enforceable guarantees, while Directive Principles establish broader social and economic objectives for governance. Constitutional jurisprudence has increasingly sought to read the two parts harmoniously rather than as inherently conflicting.

14. Institutional Protection

Supreme Court: Article 32 provides a direct constitutional remedy for enforcement of Fundamental Rights. High Courts: Article 226 provides broad writ jurisdiction. Legislatures: Laws must comply with constitutional limitations. Executive authorities: Administrative action must remain within constitutional and statutory limits. Human-rights institutions and civil society: These bodies can contribute to awareness, documentation and accountability.

15. Major Judicial Developments

Case	Year	Key constitutional issue
Kesavananda Bharati v. State of Kerala	1973	Basic Structure Doctrine
Maneka Gandhi v. Union of India	1978	Life, liberty and fair procedure
Vishaka v. State of Rajasthan	1997	Workplace sexual harassment and constitutional protections
Shreya Singhal v. Union of India	2015	Online speech and Section 66A
Justice K.S. Puttaswamy	2017	Constitutional right to privacy

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(Retd.) v. Union of India		
Shayara Bano v. Union of India	2017	Triple talaq and constitutional review
Navtej Singh Johar v. Union of India	2018	Equality, dignity and liberty
Joseph Shine v. Union of India	2018	Equality, dignity and personal autonomy
Anuradha Bhasin v. Union of India	2020	Internet restrictions and proportionality

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16. Critical Analysis

The Indian Fundamental Rights framework combines textual guarantees with judicially developed principles. The constitutional text establishes enforceable rights, while courts have interpreted those rights in response to changing social conditions. Article 21 illustrates this evolution particularly clearly. Rights are not absolute. The Constitution itself recognises circumstances in which restrictions may be imposed. The central legal question is therefore whether a restriction has lawful authority, pursues a constitutionally permissible objective and satisfies the applicable requirement of reasonableness and proportionality. The Supreme Court has described proportionality as embedded in the constitutional doctrine of reasonable restriction (Modern Dental College and Research Centre v. State of Madhya Pradesh, 2016; Anuradha Bhasin v. Union of India, 2020).

17. Findings

- Fundamental Rights are central to India's constitutional democracy.
- Part III establishes a broad framework covering equality, liberty, religion, protection against exploitation and cultural interests.
- Article 13 strengthens constitutional review of laws inconsistent with Fundamental Rights.
- Article 32 provides an important constitutional remedy.
- Judicial interpretation has expanded the practical scope of Articles 14, 19 and 21.
- Privacy is constitutionally protected and has particular significance in the digital age.
- Internet-based expression can engage constitutionally protected freedoms.
- Contemporary rights protection requires both judicial remedies and institutional accountability.

18. Suggestions

- Strengthen constitutional literacy and public awareness of rights and remedies.
- Improve affordable and accessible legal assistance.
- Strengthen privacy and data-governance safeguards.
- Apply proportionality consistently when Fundamental Rights are restricted.
- Improve transparency and review mechanisms for executive restrictions.
- Maintain institutional safeguards supporting judicial independence.
- Assess emerging technologies such as artificial intelligence and biometric surveillance against equality, privacy, dignity and liberty.

19. Conclusion

- Fundamental Rights constitute a core component of the Indian constitutional system. Their significance extends beyond the text of

Part III because judicial interpretation has continuously adapted constitutional protections to changing social and technological conditions. The development of privacy jurisprudence and constitutional scrutiny of internet restrictions illustrates this continuing evolution.

- At the same time, constitutional rights operate within a framework that permits certain lawful restrictions. The constitutional

challenge is to ensure that such restrictions remain authorised by law, connected to legitimate constitutional purposes and proportionate. Independent judicial review, effective constitutional remedies, institutional accountability and constitutional awareness are therefore essential to the practical protection of Fundamental Rights.

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