BLOGS

Fundamental Rights: A Recap

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Introduction

The Fundamental Rights enshrined in Part III of the Constitution of India represent the foundational charter of civil and political liberties guaranteed to every person against the state.

These rights serve as negative constraints, dictating what the state cannot do, and are inherently justiciable, meaning they can be enforced directly through the judiciary. This enforceability is paramount, transforming these rights from mere declarations of intent into mandatory constitutional obligations.

Dr. B.R. Ambedkar, recognizing the futility of rights without recourse, famously described the right to constitutional remedies under Article 32 as the “heart and soul” of the Constitution.

Indian constitutional jurisprudence has consistently refined and expanded the interpretation of these guarantees. Initially, judicial review adopted a strict and literal interpretation of procedure established by law, exemplified by early rulings that restricted the scope of personal liberty. However, the Supreme Court initiated a critical paradigm shift, moving towards an expansive approach designed to achieve substantive justice and human dignity.

This judicial dynamism has established that the fundamental rights are not static pronouncements but living provisions that adapt to evolving social morality and the requirements of a democratic republic.

The foundational legal struggle in Indian constitutional history—between the protective shield of Fundamental Rights in Part III and the socio-economic goals outlined in the Directive Principles of State Policy (Part IV)—saw the Supreme Court consistently uphold the supremacy of individual liberty, ensuring that core constitutional values remain unamendable and perpetual.

The Right to Equality (Articles 14–18)

The Right to Equality forms the bedrock of constitutional law, primarily articulated through Article 14, which mandates that the State shall not deny any person equality before the law or the

equal protection of the laws within the territory of India. The concept of “Equality Before Law,” derived from British jurisprudence, implies that no person is above the law, and all individuals are subject to the same ordinary laws of the land.

Conversely, “Equal Protection of Laws,” inspired by the American Constitution, ensures that the law treats individuals equally in similar circumstances. While this principle permits the State to classify persons for legitimate purposes, any such classification must satisfy the requirement of non-arbitrariness, requiring an intelligible differentiation among those classified and a rational relation between the classification method and the objective sought.

The evolution of Article 14 has witnessed a transformation from a mere guarantee against discriminatory classification into a dynamic safeguard against executive discretion and unreasonableness. In **E.P. Royappa v. State of Tamil Nadu (1974),** the Supreme Court revolutionized constitutional interpretation by introducing the doctrine that equality is the antithesis of arbitrariness.

This established that for state action to be constitutional, it must be reasonable, rational, and based on fair principles, thereby creating a standard that proactively scrutinizes government action for capriciousness, rather than merely checking if a classification was correctly executed.

Building upon this, the judgment in **Maneka Gandhi v. Union of India (1978)** profoundly integrated Article 14 with Article 19 (freedoms) and Article 21 (life and liberty), forming what is frequently termed the ‘Golden Triangle’. This decision established that any procedure affecting life or personal liberty must not only be established by law but must also satisfy the non-arbitrary requirements of Article 14 and the reasonableness standards of Article 19.

This ruling fundamentally introduced a standard of ‘fair, just, and reasonable’ procedure, which is analogous to the concept of substantive due process, confirming that statutory law itself must adhere to fundamental fairness.

The contemporary reach of the non-arbitrariness doctrine was vividly demonstrated in **Shayara Bano v. Union of India (2017),** often referred to as the Triple Talaq case. Here, the Supreme Court utilized Article 14 to strike down the practice of instantaneous triple talaq (Talaq-e-Biddat) within Muslim personal law. The Court determined that the practice was manifestly arbitrary, lacked fairness, and violated the fundamental equality rights of Muslim women.

This decision was significant because it extended the doctrine of non-arbitrariness, rooted in Article 14, even to practices potentially sanctioned by religious or personal laws, enforcing constitutional morality as the non-negotiable floor of dignity and non-discrimination for all citizens.

The Right to Freedom (Article 19)

Article 19 guarantees six essential freedoms to every citizen of India, which include the freedom of speech and expression (19(1)(a)), assembly (19(1)(b)), association (19(1)(c)), movement (19(1)(d)), residence (19(1)(e)), and the right to practice any profession or carry on any occupation, trade, or business (19(1)(g)).

A crucial characteristic of these freedoms is that they are not absolute; they are subject to "reasonable restrictions" that the State may impose by law only on specific grounds listed under Article 19(2) through 19(6), such as the interests of the sovereignty and integrity of India, the security of the State, public order, decency, morality, or defamation.

The judiciary's primary function concerning Article 19 has been to define the limits of these "reasonable restrictions." The landmark case of **State of Madras vs. V.G. Row (1952)** established the judicial test of reasonableness. The Supreme Court held that the reasonableness of a restriction must be determined by striking a proper balance between the fundamental right enjoyed by the citizen and the social control sought by the legislation.

This required the judiciary to apply an objective test, scrutinizing not only the terms of the law itself but also the method of its application, ensuring that the restriction is both necessary and proportional to the public good sought to be achieved.

In applying these limits, the Court in **Saghir Ahmad vs. State of U.P. (1955)** examined the state's power to create a monopoly. The challenge involved the Uttar Pradesh Road Transport Act, which granted the state exclusive control over certain transport services.

The Supreme Court ruled that such an imposition of a state monopoly on trade and commerce, if not supported by a compelling public justification, constitutes an arbitrary and unjust infringement of a citizen's right to carry on trade under Article 19(1)(g). This ruling strongly reinforced the principle that restrictions must be justified, reasonable, and non-arbitrary, protecting the economic freedom of citizens against undue state intervention.

Furthermore, the judiciary had to delineate the bounds of state regulation aimed at social welfare. **Express Newspapers (P) Ltd. v. The Union of India (1958)** concerned a challenge against legislation designed to improve journalists' working conditions, arguing that the financial burden imposed indirectly curtailed the freedom of the press under Article 19(1)(a).

The Supreme Court upheld the Act, clarifying that legislation intended for social welfare is considered a reasonable restriction. The Court drew a crucial distinction: regulations that indirectly affect a fundamental right are permissible, provided the legislation's direct intention is not to curb that freedom, but rather to serve a legitimate public interest or ensure social control.

The judicial requirement for proportionality ensures that the State must prove a necessary connection, or rational nexus, between the restriction and the social objective, preventing the misuse of unrelated laws to suppress protected freedoms.

The Right to Life and Personal Liberty (Article 21)

Article 21, which states that "No person shall be deprived of his life or personal liberty except according to procedure established by law," has undergone the most dramatic expansion in Indian legal history.

While initially interpreted restrictively, treating "procedure established by law" merely as state-enacted law regardless of its fairness (*A.K. Gopalan*), the Supreme Court has transformed Article 21 into a comprehensive guarantee of human dignity and positive rights, including the right to livelihood, shelter, health, a clean and healthy environment, and privacy.

This transformation means that Article 21 now serves as the judiciary's most potent instrument for defining and enforcing human dignity and the nation's evolving social ethics.

The pivotal judgment that catalyzed this shift was **Maneka Gandhi v. Union of India (1978)**. This case overturned the restrictive precedent and mandated that the procedure established by law must be "fair, just, and reasonable," and not arbitrary, fanciful, or oppressive.

By linking Article 21 with the non-arbitrariness principle of Article 14 and the reasonableness requirement of Article 19, the Court enshrined the necessity of natural justice and proportionality in any state action restricting personal liberty, effectively importing the essence of due process into Indian constitutional law.

In recent years, the expansion has focused intensely on individual autonomy and dignity. **Joseph Shine v. Union of India (2018)** saw the Supreme Court strike down Section 497 of the Indian Penal Code, which criminalized adultery, as unconstitutional. The Court found that the provision violated Articles 14, 15, and 21 by perpetuating gender inequality and patriarchal notions that treated a wife as the property of her husband.

The judgment fundamentally reaffirmed that **sexual autonomy** and self-determination are intrinsic parts of the right to life and personal liberty, rejecting societal structures that shield violations of fundamental rights within the family unit.

Further affirming the sanctity of individual choice over life, the Court delivered a landmark ruling in **Common Cause v. Union of India (2018)**, recognizing the **right to die with dignity** as a fundamental right derived from the right to live with dignity under Article 21.

This decision validated the execution of **Advance Medical Directives** or Living Wills by individuals with terminal illnesses, allowing them to make informed choices about end-of-life care. The Court emphasized that continuing medical treatment against a patient's informed consent violates their bodily integrity and personal autonomy, which are crucial facets of the expanded right to privacy under Article 21.

The Right Against Exploitation (Articles 23–24)

The Right against Exploitation is guaranteed by Articles 23 and 24, aimed at preventing involuntary servitude and protecting vulnerable populations. Article 23 comprehensively prohibits human trafficking and all forms of forced labour, including *begar* (involuntary labour without payment).

This article forbids the misuse of others' services by force or without proper payment, though it allows the state to impose compulsory service for legitimate public purposes without discrimination. Article 24 focuses specifically on child protection, forbidding the employment of any child below the age of fourteen years in factories, mines, or any other hazardous employment, although non-hazardous work may be permitted.

The judiciary has actively employed Article 23 to enforce minimum economic standards and labour rights, transforming it into a safeguard against both traditional slavery and wage exploitation.

In **Peoples Union for Democratic Rights v. Union of India (1982)**, often known as the *Asiad Workers' Case*, the Supreme Court significantly expanded the definition of forced labour. The Court ruled that forced labour under Article 23 is not restricted to physical compulsion but also encompasses economic compulsion. Accordingly, work performed for a remuneration less than the prescribed minimum wage constitutes forced labour and violates the fundamental right against exploitation, confirming that labour must be remunerated fairly to uphold human dignity.

This principle was extended even to correctional settings in **Deena v. Union of India (1983)** . The Supreme Court addressed the conditions of hard labour imposed on convicts in prisons.

The Court held that compelling prisoners to perform labour without adequate or fair remuneration amounts to forced labour and exploitation, violating Article 23. The judgment mandated that prisoners must be paid fair wages for their labour, ensuring that the right to dignified treatment is maintained even during penal servitude.

Following the spirit of the *PUDR* ruling, the case of **Sanjit Roy v. State of Rajasthan (1983)** reinforced the prohibition against economic exploitation, specifically concerning public relief work.

The state had employed impoverished workers on famine relief projects but paid them less than the minimum wage, characterizing the shortfall as justified by public necessity or "charity." The Court rejected this justification, affirming that the state cannot use public necessity, such as drought or poverty, as a pretext to avoid paying the statutorily required minimum wages, thereby confirming that economic exploitation in any context, particularly state-sponsored projects, is prohibited under Article 23.

The Right to Freedom of Religion (Articles 25–28)

The Right to Freedom of Religion is guaranteed under Articles 25 to 28, assuring the liberty to follow, profess, and promote any religion, subject explicitly to public order, morality, health, and other Fundamental Rights. Article 25 guarantees the individual right to freedom of conscience and the right to profess, practice, and propagate religion, which is available to all persons, citizens and non-citizens alike.

Article 26 grants religious denominations the autonomy to manage their own affairs in matters of religion. These articles also allow the State the authority to regulate secular aspects associated with religious practice and enact laws for social welfare and reform.

In defining the constitutional protection afforded to religious practices, the seven-judge bench ruling in **The Commissioner, Hindu Religious Endowments, Madras v. Shri Lakshmindra Thirtha Swamiar of Shirur Mutt (1954)** established the foundational **Doctrine of Essential Religious Practices (ERP)**.

This doctrine holds that only those practices deemed essential or integral to the fundamental faith and tenets of a religion receive constitutional protection under Articles 25 and 26. This judicial assessment allows the State to intervene and regulate practices deemed non-essential or secular in nature, enabling social reform.

The application of the freedom of conscience guaranteed by Article 25 was central to **Bijoe Emmanuel v. State of Kerala (1987)**. This case involved children from the Jehovah's Witnesses faith who refused to sing the national anthem on religious grounds, though they stood respectfully.

The Supreme Court upheld their right, ruling that the right to practice religion includes the protection of the internal belief system and the right to passive, non-disruptive adherence based on sincere conscience. This judgment confirmed that the freedom of conscience cannot be infringed upon merely by compelling mandatory participation in an act contrary to deep-seated religious belief.

Finally, the supremacy of constitutional morality over certain religious practices was affirmed in **Shayara Bano v. Union of India (2017)**. Although rooted primarily in the equality guarantee of Article 14, this judgment clarified the bounds of religious freedom.

By striking down instantaneous triple talaq as arbitrary, the Court established that while religious practices are protected, they must nevertheless meet the stringent tests of fairness, dignity, and non-arbitrariness established by the Fundamental Rights framework. This ensured that religious practice operates within the foundational, egalitarian constitutional structure, affirming that the guarantee of religious freedom cannot negate the core principles of the republic.

Cultural and Educational Rights (Articles 29–30)

Articles 29 and 30 are dedicated to safeguarding the cultural identity and educational autonomy of minorities in India. Article 29 guarantees the right of any section of citizens to conserve their distinct language, script, or culture, and prohibits discrimination against individuals in admission to state-maintained or state-aided educational institutions solely on grounds of religion, race,

caste, or language.

Article 30 grants linguistic and religious minorities the right to establish and administer educational institutions of their choice, protecting this autonomy from state discrimination during the grant of aid.

The initial challenge concerning the interplay between Fundamental Rights and state policies was addressed in **State of Madras v. Champakam Dorairajan (1951)**. This case contested a communal government order that allocated reservations for educational seats, arguing it violated the anti-discrimination provision in Article 29(2).

The Supreme Court ruled that Fundamental Rights must prevail over Directive Principles, holding the communal quota unconstitutional. This judgment directly led to the First Amendment of the Constitution, which introduced special provisions to allow the state to make reservations for socially and educationally backward classes.

Defining the limits of state control over minority institutions, the **Re Kerala Education Bill Case (1958)** recognized the protected nature of administration under Article 30. The Court affirmed that while minorities possess the right to administer their own educational institutions, the State retains the authority to impose reasonable regulatory measures necessary to ensure academic efficiency, financial stability, and high educational standards.

However, the Court cautioned that these regulations must not be so extensive or intrusive as to effectively destroy the essence of the right to administer the institution guaranteed to the minority community.

The extent of autonomy under Article 30 was exhaustively clarified by an eleven-judge bench in **T.M.A. Pai Foundation v. State of Karnataka (2002)**. The ruling affirmed the right of minorities to establish and administer institutions, including determining their governance structure and admitting students primarily from their community.

Crucially, the Court clarified that the State can impose reasonable regulations regarding conditions of employment, academic standards, and fee structures to prevent maladministration and ensure that educational objectives are met. The resulting jurisprudence confirms that while Article 30 protects against cultural homogenization, this protection is balanced by public accountability for maintaining educational standards.

The Right to Constitutional Remedies (Article 32)

Article 32 is the most unique fundamental right, as it provides the mechanism for enforcing all other Fundamental Rights guaranteed under Part III. It empowers the Supreme Court to issue directions, orders, or the five prerogative writs to ensure justice.

These writs include *Habeas Corpus* (to challenge unlawful detention), *Mandamus* (to compel public officials to perform legal duties), *Prohibition* (to prevent lower courts from exceeding jurisdiction), *Certiorari* (to transfer cases for review of decisions), and *Quo-Warranto* (to question the legality of holding a public office).

The importance of this article is such that it is considered part of the basic structure of the Constitution, ensuring its perpetual existence and accessibility.

The foundational importance of Article 32 was established in **Kesavananda Bharati v. State of Kerala (1973)**. This case, which established the Basic Structure Doctrine, ensures that certain core constitutional features, including the power of judicial review and the guaranteed right to constitutional remedies under Article 32, cannot be abrogated or destroyed by Parliament through its amending power under Article 368. The doctrine acts as a structural guarantee that the enforcement mechanism for fundamental rights remains immune from legislative removal.

This structural significance was further solidified in **L. Chandra Kumar vs. Union Of India (1997)**. This judgment explicitly declared that the power of judicial review vested in the High Courts (under Article 226) and the Supreme Court (under Article 32) is an integral and essential feature of the Basic Structure of the Constitution.

This ruling prevents the dilution of these crucial enforcement mechanisms through ordinary legislative action, affirming that access to the apex court for rights enforcement is a non-negotiable constitutional guarantee.

Finally, the protective reach of judicial review over high executive action was affirmed in **S.R. Bommai v. Union of India (1994)**. This seminal decision clarified that the discretionary power of the President to impose President's Rule under Article 356 is subject to judicial review. The Court ensured that even in matters concerning the federal structure and state emergencies, the executive's actions must adhere to constitutional standards and cannot be arbitrary, thereby securing fundamental rights against potential political abuse and overreach.

Conclusion

The Fundamental Rights, as interpreted through the comprehensive jurisprudence of the Supreme Court, represent far more than a collection of limitations on state power; they are the active guarantees of dignity, autonomy, and substantive justice in India.

The Court's evolution, particularly since the 1970s, has expanded these rights dramatically, transforming the procedural protection of Article 21 into a positive source of rights encompassing health, livelihood, and privacy.

The persistent judicial scrutiny of arbitrariness under Article 14 ensures that state action remains fair and rational, while the expansive definition of forced labour under Article 23 enforces critical economic rights.

These interpretations demonstrate a commitment to enforcing minimum standards of fairness, dignity, and autonomy within the most intimate spheres of individual life. Ultimately, the classification of Article 32 as a core element of the Basic Structure ensures that the institutional apparatus for enforcing these dynamic rights remains immune and perpetual, confirming that the remedy for infringement is as deeply enshrined as the right itself.