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TITLE:- GUARDIANS OF LIBERTY:- A CRITICAL ANALYSIS OF FUNDAMENTAL RIGHTS UNDER THE INDIAN CONSTITUTION.

~Krishna H. Dhrangadhariya

KEY WORDS:-

- ❖ Fundamental Rights
- ❖ Constitution Of India
- ❖ Right To Equality
- ❖ Right To Freedom
- ❖ Judicial Review
- ❖ Rule Of Law
- ❖ Human Rights

ABSTRACT :-

Fundamental rights constitution of cornerstone of a democratic constitutional framework ensuring the protection of individual liberty, equality, and human dignity. These rights are enshrined in the constitution as basic guarantees against arbitrary state action and are essential for the holistic development of individual being justiciable in nature, fundamental rights are enforceable through judicial remedies thereby empowering citizens to seek protection in cases of violation. Although these rights are subject to reasonable restrictions imposed in interest of public order, morality, and national security. This paper examines the concept, nature and significance of fundamental rights, highlighting their role in maintaining the balance between individual freedoms and state authority. it further emphasizes their importance as the foundation of the rule of law and a vital element in preserving the vital element in preserving the A vital element in preventing the democratic ethos of the nation. One of the most important aspect of fundamental rights is that they are enforceable by courts, which means individuals have the power to seek legal protection. Furthermore the paper explores the balance between fundamental rights and reasonable restrictions imposed by the state in the interest of public, order, morality and national security. It also addresses contemporary challenges, including the impact of technological advancement, national securing concerns, and socio- economic inequalities on the effective realization of these rights. The findings of the study reveal that while fundamental rights have significantly contributed to the protection of individual freedoms their3 practical enforcement continues to face certain limitations. The paper concludes by emphasizing the need

for continuous judicial vigilance and legislative reforms to strengthen the protection and accessibility of these rights in a rapidly changing society.¹

QUESTIONS :-

- (1) HOW HAS THE SUPREME COURT OF INDIA EXPANDED THE SCOPE OF FUNDAMENTAL RIGHTS IN RESPONSE TO CONTEMPORARY CHALLENGES SUCH AS TECHNOLOGY AND PRIVACY?
- (2) TO WHAT EXTENT DO REASONABLE RESTRICTIONS IMPOSED BY THE STATE IMPACT THE EXERCISE OF FUNDAMENTAL RIGHTS IN PRESENT- DAY INDIA?
- (3) WHAT ARE THE KEY CHALLENGES IN THE EFFECTIVE ENFORCEMENT OF FUNDAMENTAL RIGHTS IN THE CURRENT SOCIO- POLITICAL AND DIGITAL LANDSCAPE?

RESEARCH OBJECTIVES:-

- (1) To understand the concept, scope and importance of fundamental constitution of India.
- (2) To examine the role of the supreme court of India in interrelating and expanding these rights in interpreting and expanding these rights in light of changing societal and technological conditions.
- (3) To assess how reasonable restrictions imposed by the state influence the practical enjoyment of fundamental rights.
- (4) To identify the present-day challenges affecting the effective enforcement of fundamental rights in India.

RESEARCH METHEDODOLOGY

- ❖ This research is based on a doctrinal method of study, focusing on the analysis of existing legal materials rather than empirical data. The study follows a qualitative and analytical approach to understand the development and application of fundamental rights in India.
- ❖ The research is carried out using secondary sources including constitutional provisions, judicial decisions, standard legal textbooks, scholarly articles and reliable online resources case laws have been examined to understand how courts have interpreted and expanded the meaning of fundamental rights over time.
- ❖ Additionally, the study adopts a critical approach to evaluate the effectiveness of the current legal frame work and to identify gaps or issues in its implementation wherever relevant, brief comparative insights have been considered to provide a broader perspective.

MAIN BODY:-

¹ DURGA DAS BASU THE CONSTITUTION OF INDIA 2 (16TH ED, VOL 1., 2021)

INTRODUCTION

fundamental rights occupy central framework , Serving as essential guarantees for the protection of individuals liberty, equality and dignity. They are not merely legal provisions but represent the core values of a democratic society. These rights act as a shield against arbitrary state action and ensures that every individual can live with freedom and respect. The vision behind incorporating fundamental rights into the constitution was to create a balance between state authority and individual autonomy.² Over the years their interpretation has evolved significantly legally shaped by the progressive approach of the supreme court of India. The judiciary has played a crucial role in adapting these rights to meet the needs of a changing society.³ In today's world, where technology , globalization and socio political dynamic are constantly transforming everyday life, the relevance of fundamental rights has grown even more significant.⁴ This paper seeks to explore their evolving scope the limitations imposed on them and the challenges faced in ensuring their effective enforcement.⁵

CONCEPT AND NATURE OF FUNDAMENTAL RIGHTS:-

Fundamental rights can be understood as basic human freedoms that are essential for the overall development of an individual. These rights, enshrined in part III of the constitution, are enforceable by courts, which distinguished them from ordinary legal rights.⁶ Their enforceability ensures that individuals are not left helpless in the face of violations.⁷ A key feature of these rights is their justiciability, allowing individuals to directly approach the supreme court of India under article 32. This provision reflects the importance attached to these rights by the framers of the constitution. It the same time. Fundamental rights are not absolute in nature.⁸ The constitution allows the state in impose reasonable restrictions in the interest of public order. Morality and national security. This limitation highlights the need to maintain a balance between individual freedom and the larger interest of society.⁹

JUDICIAL EXPANSION OF FUNDAMENTAL RIGHTS

One of the most remarkable aspects of fundamental rights in India is their dynamic interpretation by the judiciary. Initially, these rights were interpreted in a relatively narrow manner. However, with changing times, the courts have adopted a more liberal and purposive approach. A turning point in this evolution came with the landmark case of *Kesavananda Bharti v. State of Kerala*.¹⁰ Where the concept of basic structure doctrine was introduced. This judgement ensured that the essential features of the constitution, including fundamental rights, cannot be altered arbitrarily. The scope of personal liberty was further expanded in *Maneka Gandhi v. Union of India*¹¹ where

² KESAVANANDA BHARTI V. STATE OF KARELA (1973) 4 SCC 225

³ MANEKA GANDHI V. UNION OF INDIA (2017) 1 SCC 248

⁴ K.S. PUTTUSWAMY V. UNION OF INDIA (2017) 10 SCC 1

⁵ M.P. JAIN INDIAN CONSTITUTIONAL LAW 108-115 (8TH ED. 2018)

⁶ M.P. JAIN INDIAN CONSTITUTIONAL LAW 116-120 (8TH ED. 2018)

⁷ RAMESH THAPPAR V. STATE OF MADRAS AIR 1950 SC 124

⁸ STATE OF MADRAS V. V.G.ROW AIR 1952 SC 196

⁹ INDIA CONST.ARTS 12-35

¹⁰ KESAVANANDA BHARTI V. STATE OF KARELA (1973) 4 SCC 225

¹¹ MANEKA GANDHI V. UNION OF INDIA (2017) 1 SCC 248

the court emphasized that any law affecting personal liberty must be fair, just, and reasonable. This interpretation gave a broader meaning to article 231. In recent times, the recognized of the right to privacy in *K.S.puttuswamy v. union of India*¹² marked a significant development. It acknowledged that privacy is an integral part of personal liberty, especially in the digital age. where personal data is constantly at risk. Through such decisions, the judiciary has ensured that fundamental rights remain relevant and responsive to contemporary challenges.¹³

REASONABLE RESTRICTIONS AND THEIR IMPACT:-

While fundamental rights guarantee freedom, they are subject to certain limitations to ensure that such freedoms do not harm societal interests. The constitution provides for reasonable restrictions particularly under Article 19, to maintain public order, morality and national security. These restrictions are necessary in a diverse and complex society like India. However, their application often raises concerns regarding misuse or excessive control by the state.¹⁴ The challenging lies in determining whether a restriction is genuinely reasonable or merely a tool to curb dissent. The judiciary plays a vital role in this context by examining the validity of such restrictions. It ensures that the state does not overstep its boundaries and that individual freedoms are not unnecessarily compromised.¹⁵ In recent years, issues such as restriction on speech, internet shutdowns and security laws have brought this debate to the forefront, highlighting the delicate balance between liberty and control.

CONTEMPORARY CHALLENGES IN ENFORCEMENT

Despite strong constitutional backing, the enforcement of fundamental rights continues to face several practical challenges. One of the most significant issues is the impact of technology, which has created new forms of rights violations, particularly in areas such as privacy and data protection. Another major concern is socio-economic inequality. A large section of the population lacks the awareness and resources required to assert their rights effectively. This creates a gap between the existence of rights and their actual realization. Judicial delays also pose a serious challenge. Even through remedies available, the time taken to obtain justice often discourages individuals from seeking redress. Additionally, increasing state control in the name of national security and public order sometimes leads to excessive restrictions on individual freedoms. This raises an important question about the proportionality and necessity of such measures. These challenges indicate that fundamental rights exist in theory, their practical implementation requires continuous attention and improvement.¹⁶

CRITICAL ANALYSIS

The framework of fundamental rights in India is both comprehensive and progressive. It reflects a strong commitment to protecting individual freedoms while maintaining social order.¹⁷ The role

¹² K.S. PUTTUSWAMY V. UNION OF INDIA (2017) 10 SCC 1

¹³ M.P. JAIN INDIAN CONSTITUTIONAL LAW 132-145 (8TH ED. 2018)

¹⁴ SHREYA SINGHAL V. UNION OF INDIA (2015) 5 SCC 1

¹⁵ ANURADHA BHASIN V. UNION OF INDIA (2020) 3 SCC 637

¹⁶ MODERN DENTAL COLLEGE V. STATE OF MADHYA PRADESH (2016) 7 SCC 353

¹⁷ M.P. JAIN INDIAN CONSTITUTIONAL LAW 420-435 (8TH ED. 2018)

of the judiciary particularly significant in ensuring that these rights evolve with changing times.¹⁸ However the growing complexity of modern society have made the protection of these rights more challenging. The tension between individual liberty and state authority is becoming increasingly evident, especially in the context to technological advancement and security concerns. To address these issues there is a need for a more balanced and holistic approach legislative reforms, administrative transparency and greater public awareness can play an important role in strengthening the enforcement of fundamental rights. ultimately the trade effectiveness of these rights depends not only on their constitutional recognition but also on their practical accessibility to every individual.¹⁹

REFORMS AND SUGGESTIONS

➤ *IMPROVING ACCESS TO TIMELY JUSTICE*

A major concern in the enforcement of fundamental rights is the delay of the judicial process to address this there is a need to strengthen the efficiency of courts by increasing judicial capacity and creating dedicated mechanisms for faster disposal of rights-related cases. Timely justice is essential to ensure that rights are not reduced to mere theoretical guarantees.²⁰

➤ *DEFINING THE SCOPE OF REASONABLE RESTRICTIONS*

The concept of “reasonable restrictions” required clearer interpretation and consistent application. Ambiguity in its scope often leads to misuse or excessive limitations on individual freedoms. Establishing well-defined standards, particularly through judicial guidance, can help ensure that restrictions remain fair, necessary and proportionate.²¹

➤ *STRENGTHENING PROTECTION OF DIGITAL AND PRIVACY RIGHTS*

In the modern digital environment, individuals are increasingly exposed to risks such as data misuse and surveillance there is a pressing need for a strong and effectively implemented legal framework that protects personal data and ensures privacy. Such a framework should balance technological advancement with the protection of individual autonomy.²²

➤ *PROMOTING LEGAL AWARENESS AMONG CITIZENS*

A significant barrier to the effective realization of fundamental rights is the lack of awareness among citizens efforts must be made to educate people about their through schools, public champions and digital platforms. An informed citizenry is better equipped to recognize and challenge violations.²³

➤ *EXPANDING AND STRENGTHENING LEGAL AID SERVICE*

Access to justice should not depend on an individual’s financial capacity. Strengthening legal aid systems and making them more accessible can help marginalization sections of

¹⁸ KESAVANANDA BHARTI V. STATE OF KARELA (1973) 4 SCC 225

¹⁹ K.S. PUTTUSWAMY V. UNION OF INDIA (2017) 10 SCC 1

²⁰ HUSSAINARA KHATOON V. HOME SECRETARY S, STATE OF BIHAR (1979) 1 SCC 81

²¹ MODERN DENTAL COLLEGE V. STATE OF MADHYA PRADESH (2016) 7 SCC 353

²² K.S. PUTTUSWAMY V. UNION OF INDIA (2017) 10 SCC 1

²³ M.P. JAIN INDIAN CONSTITUTIONAL LAW 480-485 (8TH ED. 2018)

society enforce their rights. This includes improving outreach, quality of legal assistance and institutional support.²⁴

➤ *ENSURING TRANSPERANCY AND ACCOUNTABILITY IN STATE ACTIONS*

To prevent the misuse of power, government actions affecting fundamental rights must be transparent and accountable, establishing strong oversight mechanisms and ensuring regular review of administrative decisions can help maintain public trust and protect individual freedoms.²⁵

➤ *REGULATING THE USE OF STATE POWER IN SENSITIVE AREAS*

Powers exercised in the name of national security or public order must be used with caution. There should be clear safeguards to prevent excessive or arbitrary actions, such as prolonged restrictions or unjustified limitations a freedoms. Independent review and judicial scrutiny are essential in such cases.²⁶

➤ *ENCOURAGING A CILTURE OF CONSTITUTIONAL VALUE*

The protection of fundamental rights cannot rely on solely on legal mechanism. There is a need to foster a culture where constitutional values are respected in everyday life. Educational institutions, media, civil society can play a key role in promoting respect for rights and responsibility.²⁷

➤ *PERIODIC REVIEW OF LAWS AFFECTING RIGHTS*

Laws that impact fundamental rights should b regularly examined to ensure that they remain relevant and just. Outdated or overly restrictive provisions must be amended or removed to reflect contemporary realistic and evolving societal needs²⁸.

➤ *MAINTAINING A BALANCED ROLE OF THE JUDICIARY*

While the judiciary has been instrumental in expanding fundamental rights, it is important to maintain a balance between judicial intervention and respect for legislative authority. A measured and principled approach can ensure long-term stability in the constitutional framework.²⁹

CONCLUSION

The evolution of fundamental rights in India reflects the constitution's dynamic and adoptive character. Through judicial interpretation, the supreme court has expanded those rights to address contemporary challenges as seen in *Maneka Gandhi v. union of India*, where procedural fairness was broadened and *k.s.puttuswamy v, union of India*, which recognized the right to privacy as a fundamental right. While reasonable restrictions are necessary to maintain social order, their application must remain proportionate and non-arbitrary. the paper highlights that despite judicial progress challenges such as inconsistent enforcement and emerging digital risks persist. Addressing these issues

²⁴ INDIA CONT. ART.39A

²⁵ DURGA DAS BASU THE CONSTITUTION OF INDIA 300-305(16TH ED, VOL 1., 2021)

²⁶ ANURADHA BHASIN V. UNION OF INDIA (2020) 3 SCC 637

²⁷ M.P. JAIN INDIAN CONSTITUTIONAL LAW 490-495 (8TH ED. 2018)

²⁸ DURGA DAS BASU THE CONSTITUTION OF INDIA 310-315(16TH ED, VOL 1., 2021)

²⁹ KESAVANANDA BHARTI V. STATE OF KARELA (1973) 4 SCC 225

requires continuous reforms, stronger institutional accountability and greater public awareness ultimately the true essence of fundamental rights lies in their effective realization, ensuring that the principles of justice, liberty, equality and dignity are meaningful upheld in a rapidly evolving democratic society.³⁰

³⁰ MANEKA GANDHI V. UNION OF INDIA (2017) 1 SCC 248
K.S. PUTTUSWAMY V. UNION OF INDIA (2017) 10 SCC 1