

Fundamental Rights: Cornerstone of Indian Democracy

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Abstract—Fundamental rights are the basic human rights enshrined in the Constitution of India which are guaranteed to all citizens. They are applied without discrimination on the basis of race, religion, gender, etc. Significantly, fundamental rights are enforceable by the courts, subject to certain conditions. Fundamental Rights are the basic human rights guaranteed by Part III (Articles 12–35) of the Constitution of India. They protect individual liberty, equality, dignity, and justice against arbitrary state action. These rights are regarded as the cornerstone of Indian democracy because they ensure that the government functions within constitutional limits while safeguarding citizens' freedoms. Over the years, the judiciary has expanded the scope of these rights through progressive interpretation, making them dynamic and responsive to changing social needs. This paper examines the constitutional framework, democratic significance, judicial interpretation, and contemporary challenges relating to Fundamental Rights.

I. Introduction

Fundamental Rights are the cornerstone of the Indian Constitution and form the foundation of India's democratic system. India adopted its Constitution on 26 January 1950, establishing itself as a sovereign democratic republic committed to justice, liberty, equality, and fraternity. The framers of the Constitution recognized that democracy could not survive merely through periodic elections; it also required protection of individual rights against state oppression.

Fundamental Rights form the backbone of the Indian constitutional system. They guarantee civil liberties and limit governmental power. Inspired by the American Bill of Rights, the British constitutional tradition, and the Universal Declaration of Human Rights (1948), these rights ensure that every citizen can develop their personality with dignity and freedom.

They are enforceable by courts, making them more effective than ordinary legal rights. Article 32 empowers individuals to directly approach the Supreme Court when their rights are violated, which B. R. Ambedkar famously described as the "heart and soul" of the Constitution. Although Fundamental Rights are guaranteed to all citizens, they are not absolute. The Constitution permits reasonable restrictions on certain rights in the interests of national security, public order, morality, and the sovereignty and integrity of India. These limitations help strike a balance between individual freedom and the welfare of society.

Over the years, Fundamental Rights have played a crucial role in protecting civil liberties, promoting social equality, and strengthening democratic governance. They have empowered citizens, safeguarded minority interests, and served as a shield against the misuse of power. As the cornerstone of Indian democracy, Fundamental Rights continue to uphold constitutional values and ensure that every individual can live with freedom, equality, and dignity in a democratic and secular nation.

II. Meaning of Fundamental Rights

Fundamental Rights are basic constitutional guarantees that protect individuals from arbitrary governmental action. They are enforceable through the judiciary and constitute essential conditions for democratic governance.

Their objectives include:

- Protecting individual liberty
- Promoting equality
- Preventing discrimination
- Ensuring religious freedom
- Protecting minority interests
- Preserving human dignity
- Establishing the rule of law

III. Features of Fundamental Rights

- Fundamental rights are different from ordinary legal rights in the manner in which they are enforced. If a legal right is violated, the aggrieved person cannot directly approach the SC bypassing the lower courts. He or she should first approach the lower courts.
- Some of the fundamental rights are available to all citizens while the rest are for all persons (citizens and foreigners).
- Fundamental rights are not absolute rights. They have reasonable restrictions, which means they are subject to the conditions of state security, public morality and decency and friendly relations with foreign countries.
- They are justiciable, implying they are enforceable by courts. People can approach the SC directly in case of violation of fundamental rights.
- Fundamental rights can be amended by the Parliament by a constitutional amendment but only if the amendment does not alter the basic structure of the Constitution.
- The Fundamental Rights of the Indian Constitution can be suspended during a national emergency. But, the rights guaranteed under Articles 20 and 21 cannot be suspended.
- The application of fundamental rights can be restricted in an area that has been placed under martial law or military rule.

IV. Constitutional Framework

Fundamental Rights are contained in **Part III (Articles 12–35)** of the Constitution.

The Constitution originally guaranteed seven Fundamental Rights. The Right to Property was removed as a Fundamental Right by the **44th Constitutional Amendment (1978)** and is now a constitutional legal right under Article 300A.

Presently there are six categories of Fundamental Rights.

1. Right to Equality (Articles 14–18)

This right guarantees equality before law and equal protection of laws.

It prohibits discrimination on grounds of religion, race, caste, sex, or place of birth.

Important provisions include:

- Equality before law
- Equal opportunity in public employment
- Abolition of untouchability
- Abolition of titles

2. Right to Freedom (Articles 19–22)

Article 19 guarantees:

- Freedom of speech and expression
- Freedom of assembly
- Freedom of association
- Freedom of movement
- Freedom of residence
- Freedom to practice any profession

Article 21 protects life and personal liberty.

Article 21A guarantees free and compulsory education.

Articles 20 and 22 provide safeguards against arbitrary arrest and criminal prosecution.

3. Right against Exploitation (Articles 23–24)

These provisions prohibit:

- Human trafficking
- Forced labour
- Child labour in hazardous industries

4. Right to Freedom of Religion (Articles 25–28)

India follows secularism.

Citizens enjoy:

- Freedom of conscience
- Freedom to profess religion
- Freedom to practice religion
- Freedom to propagate religion

5. Cultural and Educational Rights (Articles 29–30)

These provisions protect linguistic and religious minorities by allowing them to preserve their language, culture, and educational institutions.

6. Right to Constitutional Remedies (Article 32)

Article 32 enables citizens to approach the Supreme Court for enforcement of Fundamental Rights.

Available constitutional writs include:

- Habeas Corpus
- Mandamus
- Certiorari
- Prohibition
- Quo Warranto

Why Fundamental Rights Are the Cornerstone of Indian Democracy

Fundamental Rights strengthen democracy by:

Protection of Individual Liberty

They prevent arbitrary interference by the State and secure personal freedom.

Rule of Law

Everyone, including the government, is subject to the Constitution.

Equality

Articles 14–18 ensure equal treatment before law.

Social Justice

Fundamental Rights eliminate discrimination and promote inclusive development.

Accountability

Judicial review ensures that unconstitutional laws are struck down.

Human Dignity

The Supreme Court has interpreted dignity as an essential component of Article 21.

Judicial Interpretation

The Supreme Court has significantly expanded the scope of Fundamental Rights.

1. Kesavananda Bharati v. State of Kerala

Established the **Basic Structure Doctrine**, holding that Parliament cannot amend the Constitution in a way that destroys its basic structure, including Fundamental Rights.

2. Maneka Gandhi v. Union of India

Expanded Article 21 by holding that the "procedure established by law" must be just, fair, and reasonable.

3. Justice K. S. Puttaswamy v. Union of India

Recognized the Right to Privacy as an intrinsic part of Article 21 and other Fundamental Rights.

4. Minerva Mills Ltd. v. Union of India

Emphasized the balance between Fundamental Rights and Directive Principles of State Policy.

5. Olga Tellis v. Bombay Municipal Corporation

Recognized the Right to Livelihood as part of the Right to Life under Article 21.

V. Contemporary Challenges

Modern developments continue to test the scope and application of Fundamental Rights:

- Digital surveillance and privacy
- Social media regulation and freedom of expression

- Hate speech and misinformation
- Internet shutdowns
- Artificial intelligence and algorithmic bias
- Environmental protection and climate justice
- Balancing national security with civil liberties

VI. Recommendations

- Strengthen data protection and privacy safeguards.
- Promote transparency and accountability in governance.
- Balance security measures with constitutional freedoms.
- Enhance judicial capacity for speedy enforcement of rights.

VII. Conclusion

Fundamental Rights are the foundation of India's constitutional democracy. They protect individual freedoms, uphold equality, and restrain arbitrary state action. Through judicial interpretation, especially under Article 21, these rights have evolved to include privacy, livelihood, education, health, and environmental protection. As India faces new challenges from technological change and evolving governance, the continued protection and effective enforcement of Fundamental Rights remain essential for preserving democratic values, the rule of law, and human dignity.

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