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## THE POLITICO-JURISPRUDENTIAL FOUNDATIONS OF FUNDAMENTAL RIGHTS UNDER THE CONSTITUTION OF INDIA

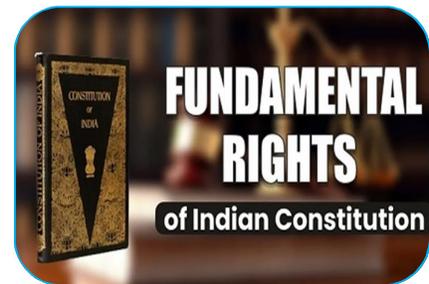
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### ABSTRACT:

*The Constitution of India, as the supreme law of the land, enshrines Fundamental Rights under Part III, which guarantees essential freedoms and rights to all citizens. These rights form the cornerstone of Indian democracy, balancing individual liberty with societal obligations. The politico-jurisprudential foundations of these rights are rooted in the intersection of political theory, legal principles, and social dynamics, which shape the interpretation and application of these rights within the constitutional framework. Politically, the Fundamental Rights were conceived as a mechanism to prevent the tyranny of the state and ensure the protection of individual dignity and autonomy. The framers of the Constitution sought to create a democratic polity that upholds justice, equality, and fraternity by limiting the power of the government and safeguarding citizens' freedoms. The influence of international human rights movements, as well as Indian traditions of justice and rights, played a significant role in the formulation of these rights.*

*Jurisprudentially, the scope and application of Fundamental Rights have been shaped by judicial interpretations and evolving legal principles. The role of the judiciary, especially the Supreme Court, in safeguarding these rights through judicial review has been pivotal. Landmark judgments, such as *Maneka Gandhi v. Union of India* and *Kesavananda Bharati v. State of Kerala*, illustrate how the judiciary has expanded the scope of these rights to include implied rights, such as the right to privacy and the right to education, thereby enriching the fundamental rights discourse. The jurisprudence of Fundamental Rights in India is also deeply interwoven with socio-political realities. The dynamic relationship between law and politics reflects the challenges of reconciling individual rights with broader social objectives such as affirmative action, social justice, and the protection of marginalized communities. The Constitution allows for reasonable restrictions on certain rights to balance them with public interest, national security, and morality, creating a complex legal and political landscape. In conclusion, the politico-jurisprudential foundations of Fundamental Rights in India are a product of the interplay between political ideology, judicial interpretation, and evolving social needs. The ongoing dialogue between law and politics ensures that these rights remain a vibrant and effective tool for the protection of human dignity, social justice, and democratic governance in the Indian context.*



**KEYWORDS :** *Fundamental Rights, Constitution of India, Politico-Jurisprudential Foundations, Judicial Review, Constitutional Law, Democracy and Rights, Indian Judiciary, Human Rights.*

## INTRODUCTION:

The Constitution of India, adopted in 1950, serves as the supreme legal document, establishing the framework for governance, law, and the protection of citizens' rights. Among its most vital provisions are the Fundamental Rights, enshrined under Part III, which guarantee essential liberties such as equality before the law, freedom of speech, and protection from arbitrary state actions. These rights not only serve as the bedrock of India's democracy but also represent a delicate balance between individual freedoms and the larger socio-political objectives of the state. The term "politico-jurisprudential" refers to the intertwined nature of political ideologies and legal principles in shaping and interpreting Fundamental Rights. These rights, while rooted in legal tradition and the constitutional text, have evolved through dynamic judicial interpretations, reflecting the shifting political, social, and cultural contours of the nation. The evolution of Fundamental Rights in India has been marked by the interplay between law and politics, as well as the changing needs of society. Politically, the inclusion of Fundamental Rights was motivated by the desire to prevent the tyranny of the state and to protect individuals from excessive governmental power. Drawing inspiration from the global human rights movement, the framers of the Indian Constitution sought to enshrine a vision of justice, equality, and liberty. The political ethos of the Indian independence struggle, marked by the quest for freedom, social justice, and the protection of minorities, also profoundly influenced the constitutional guarantees of Fundamental Rights.

Jurisprudentially, the protection and expansion of these rights have been shaped by the Indian judiciary, which plays a crucial role in interpreting the Constitution. Over the decades, landmark judgments have broadened the scope of Fundamental Rights to encompass not just the express provisions in the Constitution but also implied rights that were not explicitly stated. The judiciary's role in expanding and interpreting these rights has been instrumental in ensuring that they remain relevant in the face of changing socio-political conditions. The relationship between law, politics, and society is essential to understanding the evolution of Fundamental Rights in India. The Constitution provides for reasonable restrictions on certain rights in the interest of public order, morality, and national security, thereby giving the state the authority to limit rights under specific circumstances. This tension between individual rights and the state's power to regulate public interest reflects the complexity of balancing liberty with justice in a diverse and complex society.

## AIMS AND OBJECTIVES:

### Aims

1. To examine the political and jurisprudential foundations underlying the concept of Fundamental Rights in the Constitution of India.
2. To analyze the philosophical and constitutional principles that influenced the incorporation of Fundamental Rights in Part III of the Indian Constitution.
3. To study the role of the judiciary in interpreting and expanding the scope of Fundamental Rights through constitutional jurisprudence.
4. To explore the relationship between political ideology, constitutional governance, and the protection of individual liberties in India.
5. To evaluate how Fundamental Rights contribute to the realization of democratic values, social justice, and the rule of law.

### Objectives

1. To understand the historical background and political circumstances that led to the inclusion of Fundamental Rights in the Constitution of India.
2. To analyze the constitutional provisions relating to Fundamental Rights and their legal significance in protecting citizens' liberties.
3. To examine the contribution of judicial interpretation in shaping the evolving jurisprudence of Fundamental Rights.

4. To study the balance between individual freedoms and reasonable restrictions imposed by the state in the interest of public welfare.
5. To assess the impact of Fundamental Rights on the development of democratic governance and constitutionalism in India.

#### REVIEW OF LITERATURE:

The concept of Fundamental Rights under the Constitution of India has been widely examined by constitutional scholars, jurists, and political thinkers. The existing literature highlights the philosophical foundations, political motivations, and judicial interpretations that have shaped the development of Fundamental Rights in India. Granville Austin in his seminal work *The Indian Constitution: Cornerstone of a Nation* emphasizes that the Constitution of India is founded upon the ideals of social revolution and democratic governance. According to Austin, Fundamental Rights and Directive Principles of State Policy together form the conscience of the Constitution. He argues that the framers designed these provisions to ensure political democracy while simultaneously striving for socio-economic transformation in India. Similarly, H. M. Seervai in his authoritative treatise *Constitutional Law of India* provides a detailed legal analysis of the structure and scope of Fundamental Rights. Seervai discusses how constitutional provisions such as equality, freedom, and protection of life and liberty are interpreted through judicial review. His work highlights the role of courts in maintaining constitutional supremacy and safeguarding citizens against arbitrary state action.

V. N. Shukla in *V. N. Shukla's Constitution of India* examines the constitutional framework of Fundamental Rights and explains their doctrinal foundations. Shukla focuses on the balance between individual liberty and the state's authority to impose reasonable restrictions in the interest of public order, morality, and national security. His work provides a comprehensive commentary on constitutional provisions and judicial precedents relating to Fundamental Rights. Another significant contribution comes from M. P. Jain through his book *Indian Constitutional Law*, which explores the evolution of Fundamental Rights through judicial interpretation. Jain highlights how the Supreme Court of India has expanded the meaning of rights, particularly the right to life and personal liberty, thereby transforming the scope of constitutional protection. His analysis underscores the dynamic nature of constitutional jurisprudence in India. In addition, Upendra Baxi has contributed significantly to the critical understanding of Fundamental Rights from a socio-legal perspective. Baxi emphasizes the importance of human rights, social justice, and judicial activism in strengthening constitutional democracy. His writings explore how the judiciary has responded to social inequalities and expanded access to justice through innovative interpretations of Fundamental Rights.

#### RESEARCH METHODOLOGY:

The present study adopts a doctrinal and analytical research methodology to examine the politico-jurisprudential foundations of Fundamental Rights under the Constitution of India. The research is primarily qualitative in nature and focuses on analyzing constitutional provisions, judicial interpretations, and scholarly opinions relating to the development and functioning of Fundamental Rights within the Indian constitutional framework. The doctrinal method is considered appropriate for this research as it involves a detailed examination and interpretation of legal texts, principles, and judicial decisions that form the basis of constitutional jurisprudence. The study relies mainly on secondary sources of data. These sources include constitutional provisions, landmark judgments delivered by the Supreme Court and various High Courts, books written by eminent constitutional scholars, academic journal articles, commentaries on constitutional law, and official documents such as the debates of the Constituent Assembly. Through these sources, the research seeks to understand the philosophical, political, and legal foundations that influenced the incorporation of Fundamental Rights in the Constitution of India and the manner in which these rights have evolved through judicial interpretation over time.

The analytical approach is used to critically examine the relationship between political ideology and legal reasoning in shaping the interpretation of Fundamental Rights. Judicial decisions are studied

to understand how courts have expanded the scope of these rights and ensured their protection against arbitrary state action. The research also evaluates the balance maintained by the Constitution between individual liberties and reasonable restrictions imposed by the state in the interest of public welfare, morality, and national security. The scope of the study is limited to the examination of the political and jurisprudential aspects of Fundamental Rights within the Indian constitutional framework. As the research is based entirely on secondary sources, it does not include empirical or field-based methods. Nevertheless, the doctrinal analysis of legal materials and scholarly writings provides a comprehensive understanding of the evolution and significance of Fundamental Rights and their role in strengthening democratic governance and the rule of law in India.

### DISCUSSION:

The Fundamental Rights enshrined in Part III of the Constitution of India represent one of the most significant features of the Indian constitutional framework. These rights were incorporated to ensure the protection of individual liberty, equality, and dignity while also promoting democratic governance and social justice. The politico-jurisprudential foundations of these rights reflect the interaction between political ideals, constitutional philosophy, and judicial interpretation that have shaped their development since the adoption of the Constitution in 1950. From a political perspective, the inclusion of Fundamental Rights was influenced by the historical experiences of colonial rule and the aspirations of the Indian freedom movement. Leaders and constitution-makers sought to establish a democratic system that would protect citizens from arbitrary state action and guarantee essential freedoms. The ideals of liberty, equality, and justice were deeply embedded in the constitutional vision and were inspired by international human rights principles as well as democratic traditions across the world. The framers of the Constitution believed that the protection of civil liberties was essential for the functioning of a democratic society and for ensuring accountability of the state.

The political philosophy underlying Fundamental Rights also reflects the commitment of the Constitution to social transformation. India's society has historically been marked by social inequalities based on caste, religion, gender, and economic status. Therefore, the Constitution not only aimed to protect individual freedoms but also sought to create conditions for social justice and equality. Provisions relating to equality before law, prohibition of discrimination, and abolition of untouchability illustrate the constitutional commitment to addressing deep-rooted social inequalities. From a jurisprudential standpoint, the interpretation and expansion of Fundamental Rights have largely been shaped by the judiciary, particularly the Supreme Court of India. Through the process of judicial review, courts have played a crucial role in ensuring that legislative and executive actions conform to constitutional principles. Judicial interpretation has gradually broadened the meaning and scope of Fundamental Rights, transforming them into dynamic instruments for the protection of human dignity and personal liberty. A significant development in the jurisprudence of Fundamental Rights has been the expansion of the concept of the right to life and personal liberty under Article 21 of the Constitution. The judiciary has interpreted this provision in a broad and progressive manner, recognizing various rights that are essential for a dignified life, such as the right to livelihood, the right to a clean environment, the right to privacy, and the right to education. This evolving interpretation demonstrates how constitutional jurisprudence adapts to changing social and political realities.

### CONCLUSION:

The Fundamental Rights guaranteed under the Constitution of India form the core of the Indian democratic framework and serve as essential safeguards for the protection of individual liberty, equality, and human dignity. These rights reflect the politico-jurisprudential vision of the framers of the Constitution, who sought to establish a system of governance that balances state authority with the protection of citizens' freedoms. By incorporating these rights in Part III of the Constitution, the framers ensured that the state would remain accountable to constitutional principles and that citizens would have enforceable protections against arbitrary action. The political foundations of Fundamental Rights are closely connected to the ideals of the Indian freedom movement and the aspiration to build a

democratic society based on justice, liberty, equality, and fraternity. These values were not only influenced by global human rights traditions but also by the unique social and political conditions of India. The Constitution was designed to address historical inequalities and promote social transformation while maintaining democratic governance and the rule of law. From a jurisprudential perspective, the interpretation and development of Fundamental Rights have largely been shaped by the judiciary, particularly the Supreme Court of India. Through judicial review and constitutional interpretation, the courts have expanded the meaning and scope of these rights to ensure their relevance in changing social and political circumstances. Judicial decisions have played a crucial role in protecting individual freedoms, strengthening constitutional governance, and promoting social justice.

At the same time, the Constitution recognizes that Fundamental Rights are not absolute and must be balanced with the broader interests of society. The concept of reasonable restrictions allows the state to regulate certain freedoms in the interest of public order, morality, and national security. This balance reflects the dynamic relationship between individual liberty and collective welfare within the constitutional framework. In conclusion, the politico-jurisprudential foundations of Fundamental Rights demonstrate the dynamic interaction between political philosophy, constitutional design, and judicial interpretation. These rights continue to evolve as living principles that guide democratic governance and protect the dignity of individuals. Their continued relevance lies in their ability to adapt to changing social realities while preserving the fundamental values of justice, equality, and freedom that form the basis of the Indian constitutional system.

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