

Living Constitution, Living Rights: India's Fundamental Rights in the Human Rights Era

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Abstract: The Constitution of India, envisioned as a transformative social charter, seeks to reconstruct a deeply hierarchical society into one founded upon the values of justice, liberty, equality, and fraternity. This research re-examines the Fundamental Rights enshrined in Part III through the lens of international human rights law and transformative constitutionalism. Using doctrinal and comparative legal analysis, this study investigates how the Indian judiciary, particularly the Supreme Court, has interpreted and expanded rights to meet emerging socio-political challenges. From *A.K. Gopalan v. State of Madras*¹ to *Justice K.S. Puttaswamy v. Union of India*², judicial interpretation has evolved from a formalist understanding of liberty to a dignitarian and autonomy-oriented jurisprudence. The research also explores intersections with global frameworks, including the Universal Declaration of Human Rights (1948) and the International Covenants of 1966, situating Indian constitutionalism within the global discourse on human dignity and equality. It concludes that the Indian Constitution must continue to function as a living instrument, responsive to the transformative aspirations of its people in a rapidly changing world.

I. INTRODUCTION

The Constitution of India occupies a unique place in the history of global constitutionalism. Drafted in the aftermath of colonial domination and social fragmentation, it embodies a commitment to both political democracy and social revolution. Dr. B.R. Ambedkar envisioned the Constitution as a “vehicle of life”, capable of adapting to changing times and addressing evolving social realities. The inclusion of Fundamental Rights was not intended as a mere transplant of Western liberal models but as an ethical

framework for dismantling caste hierarchies, patriarchal domination, and economic oppression.

Fundamental Rights are thus not static provisions but dynamic moral commitments that evolve through interpretation. The judiciary has played a central role in reimagining these rights to align with the values of human dignity, equality, and liberty. In *A.K. Gopalan v. State of Madras*,³ the Supreme Court initially adopted a restrictive and compartmentalized reading of rights. However, through progressive jurisprudence in *Maneka Gandhi v. Union of India*,⁴ the Court recognized the interdependence of Articles 14, 19, and 21, inaugurating a new era of substantive due process. This interpretive evolution aligns closely with the global human rights movement. The framers were deeply influenced by the Universal Declaration of Human Rights, 1948, which articulates the inherent dignity and equality of all persons.⁵ This influence manifests in Articles 14 (Equality), 19 (Freedoms), and 21 (Right to Life and Personal Liberty).

In the contemporary context, the Constitution faces new challenges: digital surveillance, algorithmic discrimination, gender and identity politics, environmental crises, and widening economic inequality. The interpretive responsibility of the judiciary, therefore, extends beyond protecting negative liberties; it must affirmatively realize substantive human freedom.

II. MATERIAL AND METHOD

This research adopts a doctrinal and comparative methodology, combining constitutional analysis with human rights theory. The doctrinal method involves a

¹ *A.K. Gopalan v. State of Madras* AIR 1950 SC 27

² *Justice K.S. Puttaswamy v. Union of India* AIR 2017 SC 4161

³ *A.K. Gopalan v. State of Madras* AIR 1950 SC 27

⁴ *Maneka Gandhi v. Union of India* AIR 1978 SC 597

close reading of the constitutional text, judicial decisions, and scholarly commentary to trace the conceptual evolution of Fundamental Rights. Comparative constitutionalism offers insight into how other jurisdictions, particularly South Africa, Canada, and Germany, have incorporated human rights norms into domestic constitutional interpretation.

Primary sources include:

- The Constitution of India, 1950
- Judicial decisions of the Supreme Court of India
- International human rights instruments: the UDHR (1948), ICCPR (1966), and ICESCR (1966)

Secondary sources include:

- Scholarly works on transformative constitutionalism
- Reports of the Law Commission of India
- Articles from Indian and international law journals

By integrating doctrinal and comparative perspectives, this study situates the Indian experience within the global discourse on human dignity and transformative justice.

III. FINDINGS

1. Evolution of Fundamental Rights through Judicial Interpretation

The early phase of Indian constitutionalism was dominated by textual formalism. In *A.K. Gopalan*, the Court treated each right as independent, denying their collective operation. However, the watershed decision in *Maneka Gandhi* redefined liberty as "fair, just, and reasonable," establishing a harmonious reading of Articles 14, 19, and 21.

This doctrinal shift expanded the constitutional horizon to include:

- Right to livelihood (*Olga Tellis v. Bombay Municipal Corporation*)⁵
- Right to education (*Mohini Jain v. State of Karnataka*,⁶ *Unni Krishnan v. State of Andhra Pradesh*)⁷
- Right to a healthy environment (*Vellore Citizens' Welfare Forum v. Union of India*)⁸
- Right to health (*Paschim Banga Khet Mazdoor Samity v. State of West Bengal*)⁹

2. The Dignitarian Turn: Privacy, Identity, and Equality

The twenty-first century saw a jurisprudential shift toward dignity-centered interpretation:

- *Justice K.S. Puttaswamy v. Union of India*¹⁰ recognized privacy as intrinsic to dignity and autonomy.
- *National Legal Services Authority (NALSA) v. Union of India*¹¹ acknowledged gender identity as self-determined.
- *Navtej Singh Johar v. Union of India*¹² invalidated Section 377 IPC, affirming sexual orientation as a facet of dignity.
- *Shreya Singhal v. Union of India*¹³ reinforced freedom of speech in the digital age.

These decisions mark the maturity of Indian constitutionalism as a living constitutional framework, aligning domestic jurisprudence with global human rights principles.

3. Integration of International Human Rights Norms

The Court has adopted a harmonization approach toward international law. In *Vishaka v. State of Rajasthan*,¹⁴ the Supreme Court held that international conventions and norms must be read into Fundamental Rights when domestic law is silent. This method strengthens the Constitution's universality while maintaining its sovereignty.

⁵*Olga Tellis v. Bombay Municipal Corporation AIR 1986 SC 180*

⁶*Mohini Jain v. State of Karnataka* (1992) 3 SCC 666

⁷*Unni Krishnan v. State of Andhra Pradesh* (1993) 1 SCC 645

⁸*Vellore Citizens' Welfare Forum v. Union of India AIR 1996 SC 2715*

⁹*Paschim Banga Khet Mazdoor Samity v. State of West Bengal AIR 1996 SC 2426.*

¹⁰*Justice K.S. Puttaswamy v. Union of India AIR 2017 SC 4161*

¹¹*National Legal Services Authority (NALSA) v. Union of India* (2014) 5 SCC 438

¹²*Navtej Singh Johar v. Union of India* (2018) 10 SCC 1

¹³*Shreya Singhal v. Union of India* (2015) 5 SCC 1

¹⁴*Vishaka v. State of Rajasthan AIR 1997 SC 3011*

IV. DISCUSSION

The evolution of Fundamental Rights represents the constitutionalization of human rights in the Indian context. The Supreme Court's interpretive approach has redefined rights as living guarantees rather than static entitlements.

A. Human Dignity as the Core Value

Human dignity now functions as a constitutional meta-principle, guiding all rights interpretation. In *Puttaswamy*, the Court declared privacy to be "the constitutional core of human dignity." Similarly, in *Navtej*, the Court recognized that dignity extends beyond mere existence to the right to love and self-expression. Dignity thus becomes both the foundation and limit of constitutional power.

B. Constitutional Morality and Transformative Constitutionalism

Dr. Ambedkar's notion of constitutional morality compels adherence to constitutional values even against popular will. This was affirmed in *Sabarimala (Indian Young Lawyers Association v. State of Kerala)*,¹⁵ where the Court prioritized gender equality over religious orthodoxy. Transformative constitutionalism, as conceptualized in *Navtej* and *NALSA*, implies that the Constitution must actively dismantle structures of exclusion and promote social reform.

C. Emerging Challenges

1. Digital Surveillance and Algorithmic Bias – The constitutional framework must adapt to datafication, protecting informational privacy and ensuring algorithmic transparency.
2. Climate Justice and Intergenerational Equity – The right to life encompasses the right to a sustainable environment and ecological balance.
3. Gender and Reproductive Autonomy – True equality demands reproductive self-determination and protection from patriarchal control.
4. Economic Inequality and Social Justice – The Directive Principles must be operationalized

through welfare legislation that ensures housing, food, and healthcare as enforceable entitlements.

D. Comparative Insights

South Africa's emphasis on substantive equality, Canada's living tree doctrine, and Germany's dignity-centred proportionality review all provide valuable models for India.²³ The Indian judiciary has adopted these insights to contextualize its constitutional mission without compromising national particularity.

V. CONCLUSION

The Indian Constitution is not merely a legal text but is a moral compass guiding the nation's democratic evolution. Fundamental Rights embody a commitment to human dignity that transcends textual limits. Judicial interpretation has transformed rights from mere procedural guarantees into substantive tools of justice and equality.

However, the transformative project remains unfinished. Caste oppression, gender discrimination, digital surveillance, and economic inequality continue to challenge the moral fabric of the Republic. The Constitution must thus remain alive, continually reinterpreted to meet new social and technological realities.

The judiciary, legislature, and civil society share collective responsibility to uphold constitutional morality and ensure that the rights of every citizen are respected, protected, and fulfilled. The ultimate test of the Constitution's vitality lies not in the courts alone but in the daily practices of citizenship in how individuals, institutions, and communities internalize its values.

The Constitution will remain a living document only if it continues to expand human freedom, safeguard human dignity, and promote a just and egalitarian social order.

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