

Reasonable Restrictions on Fundamental Rights: Balancing Liberty and Social Order

Ms. Krishna Chaudhary

Assistant Professor ILSR, Mangalayatan University, Aligarh (U.P.) India. Email: krishna.chaudhary@mangalayatan.edu.in

Abstract

Fundamental rights constitute the cornerstone of constitutional democracy and are essential for protecting individual liberty, dignity and equality. However, no fundamental right is absolute. The Constitution of India permits the State to impose reasonable restrictions on certain fundamental rights in the interests of public order, security of the State, morality, decency, sovereignty and integrity of India, friendly relations with foreign States and other constitutionally recognized grounds. The doctrine of reasonable restrictions therefore represents an attempt to reconcile individual freedom with the legitimate requirements of a democratic and orderly society. The central constitutional challenge lies in determining when a restriction is genuinely reasonable and when it becomes an excessive interference with individual liberty.

This paper examines the constitutional framework governing reasonable restrictions, particularly under Articles 19, 21 and 25 of the Constitution of India. It analyses the evolution of judicial standards through landmark decisions such as *State of Madras v. V.G. Row*, *Chintaman Rao v. State of Madhya Pradesh*, *Romesh Thappar v. State of Madras*, *Maneka Gandhi v. Union of India*, *Shreya Singhal v. Union of India*, *Modern Dental College & Research Centre v. State of Madhya Pradesh*, *K.S. Puttaswamy v. Union of India* and *Anuradha Bhasin v. Union of India*. Particular attention is given to proportionality, procedural safeguards, judicial review and the distinction between legitimate regulation and unconstitutional suppression.

The paper argues that reasonable restrictions are constitutionally legitimate only when they pursue a permissible objective, have a rational connection with that objective, are necessary and proportionate, and contain adequate safeguards against arbitrary State action. A constitutional democracy must therefore preserve a dynamic equilibrium between liberty and social order rather than allowing either value to completely override the other.

Keywords: Fundamental Rights, Reasonable Restrictions, Liberty, Social Order, Proportionality, Judicial Review, Constitutionalism.

1. Introduction

The Constitution of India establishes a democratic constitutional order founded upon liberty, equality, justice and dignity. Fundamental Rights contained in Part III provide individuals with enforceable constitutional guarantees against arbitrary State action. They protect essential aspects of human existence, including freedom of speech and expression, peaceful assembly, movement, association, personal liberty, religious freedom and equality before law.

At the same time, constitutional rights operate within a social environment. Individual conduct may affect public order, national security, morality, and the rights of other persons and the functioning of democratic institutions. Consequently, the Constitution does not treat fundamental freedoms as unlimited powers. It expressly authorizes the State to impose restrictions on specified rights, subject to constitutional conditions.

The expression "reasonable restrictions" is particularly significant in relation to Article 19. Article 19(1) guarantees a number of essential freedoms, while Articles 19(2) to 19(6) identifies circumstances in which those freedoms may be restricted. The constitutional scheme thus recognizes that liberty must coexist with legitimate collective interests.

The difficult question, however, is not whether restrictions can be imposed, but how far the State may go in restricting constitutional liberty. A restriction imposed in the name of public order may become a tool for suppressing legitimate dissent. A regulation intended to protect morality may interfere disproportionately with personal autonomy. Measures justified on grounds of national security may potentially undermine procedural fairness and transparency.

The judiciary has consequently developed constitutional standards for determining whether a restriction is reasonable. The doctrine has evolved from a relatively formal examination of statutory restrictions toward a more

substantive analysis involving proportionality, legitimate State purpose, necessity, procedural safeguards and protection of constitutional values.

2. Statement of the Problem

Fundamental rights are intended to protect individual freedom against excessive State power. However, unrestricted exercise of rights may sometimes adversely affect public order, national security, morality and the rights of others. The constitutional problem therefore involves identifying the appropriate boundary between individual liberty and legitimate State regulation. Excessively broad restrictions can undermine the very purpose of fundamental rights, while insufficient regulation may adversely affect social stability and the rights of other members of society. The absence of clear and consistently applied standards may also create possibilities for arbitrary executive action.

The principal problem addressed by this research is: How can Indian constitutional law ensure that restrictions imposed on fundamental rights remain reasonable, proportionate and constitutionally justified while simultaneously protecting legitimate interests of social order and national security?

3. Objectives of the Study

The research has the following objectives:

1. To examine the meaning of the expression "reasonable restriction".
2. To study constitutional framework of reasonable restrictions recognized under Article 19.
3. To trace the judicial development of the doctrine of reasonable restriction.
4. To examine the emergence of proportionality as a constitutional standard.
5. To identify the constitutional safeguards necessary to balance liberty and social order.

4. Hypothesis

The research proceeds on the hypothesis that reasonable restrictions on fundamental rights are constitutionally valid only when they are prescribed by law, pursue a constitutionally legitimate objective, have a rational relationship with that objective, are necessary and proportionate, and incorporate adequate procedural safeguards against arbitrary State action.

It is further hypothesised that the proportionality doctrine provides an effective constitutional mechanism for maintaining equilibrium between individual liberty and legitimate requirements of social order.

5. Research Methodology

The study adopts a doctrinal and analytical research methodology to examine the concept of reasonable restrictions on fundamental rights and the need to balance individual liberty with social order. The study primarily relies on the analysis of constitutional provisions, judicial decisions, legislation, and established principles of constitutional law. The research is primarily based on secondary sources of legal information. These sources include the books, academic journals, research articles, law commission reports, legal commentaries, online legal databases, and authoritative legal resources.

6. Meaning of Reasonable Restriction

The Constitution does not provide a precise definition of the word "reasonable." Its meaning has consequently been developed primarily through judicial interpretation. A restriction may be regarded as reasonable when it strikes a proper balance between individual liberty and legitimate public interest. The reasonableness therefore cannot be determined solely from the government's stated objective. The means adopted by the State must also satisfy constitutional standards. The reasonableness requires consideration of factors such as:

- The nature of the right affected;
- The purpose of the restriction;
- The nature and extent of the restriction;
- The urgency of the social problem;
- The proportional relationship between restriction and objective;
- Availability of less restrictive alternatives;

- Procedural safeguards; and
- The overall impact on constitutional liberty.

7. Constitutional Framework of Reasonable Restrictions

7.1 Article 19 and Fundamental Freedoms

Article 19(1) guarantees citizens the following freedoms: freedom of speech and expression, right to assemble peaceably and without arms, right to form associations or unions, right to move freely throughout India, right to reside and settle in any part of India; and right to practice any profession or carry on any occupation, trade or business.

These freedoms are subject to restrictions specifically authorized by the Constitution under Article 19(2). It provides that the freedom of speech and expression may be reasonably restricted in the interests of sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation, and incitement to an offence.

Article 19(3) provides that the right to peaceful assembly may be restricted in the interest of sovereignty and integrity of India; and public order. The State cannot therefore impose restrictions merely because an assembly is inconvenient to the authorities. There must be a constitutionally recognized justification.

Article 19(4) provides that the freedom to form associations may be restricted in the interest of sovereignty and integrity of India, public order; and morality.

Article 19(5) provides that the rights to move freely and reside or settle anywhere in India may be restricted in the interest of general public; or protection of the interests of any Scheduled Tribe.

Article 19(6) provides that the freedom to practice a profession or carry on an occupation, trade or business is subject to reasonable restrictions in the interests of the general public.

8. Judicial Evolution of the Doctrine of Reasonable Restriction

In **Chintaman Rao v. State of Madhya Pradesh**, the Supreme Court emphasized that a restriction should not be arbitrary or excessive. A restriction must maintain a proper balance between the freedom guaranteed by the Constitution and the social interests sought to be protected. This decision established an important principle that excessive restrictions cannot be justified merely by invoking public interest.

In **State of Madras v. V.G. Row**, the Supreme Court emphasized that the reasonableness of a restriction must be assessed in light of several circumstances, including the nature of the right, the purpose of the restriction, the extent of the restriction, the urgency of the problem, the disproportion between the restriction and intended objective; and prevailing social conditions. This case significantly strengthened judicial review of restrictions.

In **Romesh Thappar v. State of Madras**, freedom of speech and expression was recognized as fundamental to democratic government. The Court treated restrictions on political speech with particular constitutional sensitivity. The judgment demonstrates that political expression occupies a central position within constitutional democracy and restrictions affecting it require strong constitutional justification.

9. Freedom of Speech and Reasonable Restrictions

Freedom of speech is fundamental to democratic government because citizens must be able to criticize government policies, discuss public affairs and express political opinions. However, speech may cause serious harm in certain circumstances, including incitement to violence, threats to national security, defamation, contempt of court, certain forms of public disorder; and legally recognized forms of harmful expression.

In **Shreya Singhal v. Union of India**, the Supreme Court struck down Section 66A of the Information Technology Act, 2000. The Court distinguished between discussion, advocacy, and incitement. Only expression falling within constitutionally permissible restrictions could be restricted under Article 19(2). The decision demonstrates that the State cannot rely upon vague or undefined standards to suppress constitutionally protected expression.

10. Right to Privacy and Reasonable Restrictions

Article 21 provides that "no person shall be deprived of his life or personal liberty except according to procedure established by law." Initially, Article 21 was interpreted relatively narrowly. However, the Supreme Court's constitutional jurisprudence subsequently expanded the meaning of life and personal liberty.

In *Maneka Gandhi v. Union of India*, the Court transformed Article 21 jurisprudence by requiring the procedure depriving a person of liberty to satisfy standards of fairness and non-arbitrariness. This judgment also strengthened the relationship between Articles 14, 19 and 21.

Further, the recognition of privacy as a fundamental right in *K.S. Puttaswamy v. Union of India* significantly expanded the constitutional framework of liberty. Privacy encompasses important aspects of individual autonomy, dignity and personal decision-making.

However, privacy is not absolute. State interference may be constitutionally permissible where it satisfies requirements such as legality, legitimate State aim, necessity, proportionality; and appropriate procedural safeguards. Thus, the privacy jurisprudence reinforces the principle that the existence of a legitimate governmental objective does not automatically justify interference with a fundamental right.

11. Proportionality as a Constitutional Standard

Proportionality is an important constitutional principle used to determine whether a restriction on a fundamental right is justified. It requires that the restriction have a legitimate purpose, be reasonably connected to that purpose, and not impose a greater burden on individual liberty than necessary. In India, the principle is closely connected with the concept of reasonable restrictions under Article 19. The Supreme Court has developed this approach through cases such as *State of Madras v. V.G. Row*, *Maneka Gandhi v. Union of India*, and *Modern Dental College & Research Centre v. State of Madhya Pradesh*.

In *Modern Dental College & Research Centre v. State of Madhya Pradesh*, the Supreme Court expressly discussed proportionality in the context of restrictions on fundamental rights and recognized proportionality as an important tool for determining whether a restriction is excessive. The doctrine provides a structured method for evaluating State action and prevents courts from accepting governmental objectives without examining whether the means adopted are constitutionally appropriate.

12. Internet Restrictions and Fundamental Rights

The development of digital technology has created new constitutional questions concerning internet access and freedom of expression. In *Anuradha Bhasin v. Union of India*, the Supreme Court considered restrictions on communication and internet access. This judgment emphasized the importance of constitutional scrutiny of restrictions affecting freedom of speech and expression in the digital environment. Internet restrictions therefore need to be evaluated in terms of legality, necessity, proportionality, duration, geographical scope, procedural safeguards; and availability of review.

13. Liberty versus Social Order

Liberty and social order are two essential values of a democratic constitutional system. Fundamental rights protect individual freedom, dignity and autonomy, while social order enables the State to maintain peace, security and the rights of others. In India, the Constitution therefore does not make fundamental rights absolute. It permits reasonable restrictions on certain rights, particularly under Article 19, for purposes such as public order, security of the State, morality and the general public interest. However, such restrictions must have a constitutional basis and should not unnecessarily interfere with individual freedom.

The real challenge is to maintain a balance between individual liberty and legitimate social interests. Excessive restrictions may suppress freedom of speech, peaceful protest and personal autonomy, whereas insufficient regulation may threaten public safety and the rights of others. The Supreme Court has therefore emphasized reasonableness and proportionality in reviewing restrictions on fundamental rights. A restriction should be lawful, necessary and proportionate to the objective it seeks to achieve. Thus, the constitutional approach is neither absolute liberty nor unrestricted State control, but a balanced framework in which individual freedoms are protected while reasonable measures are permitted to preserve social order and the welfare of society.

The relationship between liberty and social order is sometimes presented as a conflict. However, constitutional democracy requires both.

14. Conclusion

The doctrine of reasonable restrictions reflects one of the fundamental compromises of constitutional democracy: individual liberty must coexist with legitimate requirements of social order. The Indian Constitution neither creates

absolute individual freedom nor grants unlimited regulatory authority to the State. Instead, it establishes a constitutional framework within which restrictions may be imposed only for legitimate purposes and subject to judicial scrutiny.

The evolution of Indian constitutional jurisprudence demonstrates a gradual movement from formal legality toward substantive constitutional review. Decisions such as *V.G. Row*, *Maneka Gandhi*, *Shreya Singhal*, *Modern Dental College*, *Puttaswamy* and *Anuradha Bhasin* demonstrate the increasing importance of reasonableness, fairness, proportionality and procedural safeguards.

The modern constitutional position may therefore be summarized as follows: A restriction is not constitutionally legitimate merely because it serves a public purpose; the restriction must also be lawful, necessary, proportionate and consistent with constitutional values. The State undoubtedly has a responsibility to maintain public order, protect national security and safeguard the rights of others. Nevertheless, these objectives must be pursued through constitutionally limited means. Democracy cannot be preserved by unnecessarily suppressing the freedoms that make democracy meaningful.

In the contemporary era of digital communication, mass surveillance, artificial intelligence and rapidly changing social conditions, the doctrine of reasonable restrictions has acquired even greater significance. The future of Indian constitutionalism will depend upon maintaining a careful equilibrium in which liberty remains the rule, restrictions remain the exception, and constitutional proportionality remains the governing principle

References

Journal Articles:

1. Ahmad, Ghulab Nabi, Shafiullah, Hira Fatima, Mohamed Abbas, Obaidur Rahman, Imdadullah, and Mohammed S. Alqahtani (2022). "Mixed Machine Learning Approach for Efficient Prediction of Human Heart Disease by Identifying the Numerical and Categorical Features" *Applied Sciences* 12, no. 15: 7449. <https://doi.org/10.3390/app12157449>
2. Bhandari, Vrinda, and Rishab Bailey. "Evolution of Privacy Jurisprudence in the Supreme Court of India: Evaluating the Impact of Puttaswamy." *National Law School of India Review* 36, no. 2 (2025), Article 7. <https://doi.org/10.55496/FVXR6356>.
3. Bhatia, Gautam. *Offend, Shock, or Disturb: Free Speech under the Indian Constitution*. New Delhi: Oxford University Press, 2016. ISBN 978-0-19-946087-8.
4. Bhatia, Gautam. *The Transformative Constitution: A Radical Biography in Nine Acts*. Noida, Uttar Pradesh: HarperCollins Publishers India, 2019. ISBN 978-93-5302-684-4.
5. Husain, A, Alouffi S, Khanam A, Akasha R, Farooqui A, Ahmad S. (2022). Therapeutic Efficacy of Natural Product 'C-Phycocyanin' in Alleviating Streptozotocin-Induced Diabetes via the Inhibition of Glycation Reaction in Rats. *International Journal of Molecular Sciences* ;23(22):14235. doi: 10.3390/ijms232214235. PMID: 36430714; PMCID: PMC9698742.
6. Khan, Anwar, Naquvi, Kamran Javed, Haider, Md Faheem and Khan, Mohsin Ali. (2024) 'Quality by design- newer technique for pharmaceutical product development', *Intelligent Pharmacy*, 2(1), pp. 122–129. Available at: <https://doi.org/10.1016/j.ipha.2023.10.004>
7. Manish. "Protecting Journalism from National Security in Contemporary India." *National Law School of India Review* 36, no. 2 (2026), Article 4.
8. Suresh, Sandeep. "The Transformative Constitution: A Radical Biography in Nine Acts." *International Journal of Constitutional Law* 18, no. 2 (2020): 668–672. <https://doi.org/10.1093/icon/moaa046>.

Books

1. D.D. Basu, *Introduction to the Constitution of India*, LexisNexis.
2. Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press.
3. Granville Austin, *Working a Democratic Constitution: A History of the Indian Experience*, Oxford University Press.
4. H.M. Seervai, *Constitutional Law of India*, Universal Law Publishing.
5. H.R. Khanna, *Making of India's Constitution*, Eastern Book Company.
6. M.P. Jain, *Indian Constitutional Law*, LexisNexis.
7. Upendra Baxi, *The Indian Constitution: Trends and Issues*, N.M. Tripathi.

8. V.N. Shukla, Constitution of India, Eastern Book Company.

Case Laws

1. Anuradha Bhasin v. Union of India, (2020) 3 SCC 637.
2. Chintaman Rao v. State of Madhya Pradesh, AIR 1951 SC 118.
3. Justice K.S. Puttaswamy (Retd.) v. Union of India, (2019) 1 SCC 1.
4. Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
5. Modern Dental College & Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353.
6. Romesh Thappar v. State of Madras, AIR 1950 SC 124.
7. Shreya Singhal v. Union of India, (2015) 5 SCC 1.
8. State of Madras v. V.G. Row, AIR 1952 SC 196.