



## **IMPLIED FUNDAMENTAL RIGHTS UNDER ARTICLE 21 OF THE CONSTITUTION: EFFECTS AND APPLICABILITY**

**Sathish N. Gowda**

University Law College Bangalore University, Bangalore.  
Corresponding author Email : nsathishgowda@gmail.com

### **ABSTRACT:**

A Constitution without fundamental rights will become zero. The very object of constitution of three organs viz; Legislature, Executive and Judiciary under the Constitution of India is to protect, preserve and promote fundamental rights guaranteed under part-III. In India, along with express fundamental rights, Supreme Court has also recognized implied fundamental rights. But, unfortunately State has not been implementing these implied fundamental rights. In this regard, this research paper discusses the catalogue of implied fundamental rights evolved by the judiciary in interpreting Article 21 of the Constitution of India and seeks to examine the effects and applicability of these rights in India.

### **Keywords:**

Fundamental Rights, Judicial Activism, Procedure Established by Law, Implied Fundamental Rights

### **INTRODUCTION:**

There is no Democratic Constitution worthy of its name without fundamental rights. Fundamental Rights are the \

### **MATERIAL AND METHOD:**

This research paper based on doctrinal methos. Where Suprme Court judgements, related laws and constituional provisons have been discussed. Nuance of Article 21

### **RESULT AND DISCUSSION:**

Suprme Court has evolved many implied fundamental rights but there is no proper implementation of these rights by the State.





### **CONCLUSION:**

There is no difference between “State without law and State with law without implementation”. Article 21 has maximum implied fundamental rights with minimum implementation. The Supreme Court has been constantly evolving many implied fundamental rights under Art. 21 of the Constitution. It has used Article 21 in a very creative manner to improve the quality of life. But in practice, there is no proper observance of these rights by the State. In this regard, law makers have showed their passive approach to fill the gap existed in Article 21. Executive has also failed to implement these implied fundamental rights recognized by the Judiciary. It is obvious that unless the Executive and the Legislature begin to respond to the needs of the citizens and discharge their responsibilities, public interest litigation and judicial activism are bound to remain centre stage as long as courts continue to respond the way they do now. Finally, the researcher felt that there will be no effect to the judicial verdict unless State nationalizes at least three important subject matters viz, food, health and education to make right to life more significant one.

### **REFERENCE:**

Bhat. P. Ishwara, *Fundamental Rights: A Study of Their Interrelationship*, Kolkata Eastern Law House, 2004

