

Implied Fundamental Rights under Article 21 of the Constitution of India: Effects and Applicability

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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, nuances of Article 21, express fundamental rights, implied fundamental rights, procedure established by law

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