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# **BALANCING PRIVATE RIGHTS AND PUBLIC INTERESTS: A CONSTITUTIONAL AND LEGAL ANALYSIS**

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## **Abstract**

The relationship between private rights and public interests is a fundamental concern in constitutional law and legislative policy. Private rights protect individual liberty, privacy, dignity, property and personal autonomy, while public interests promote collective welfare, public order, national security, environmental protection and social justice. Conflicts arise when the exercise of individual rights affects the welfare of society or when State measures intended to protect public interests restrict individual freedoms. In a constitutional democracy such as India, balancing these competing interests requires a careful examination of constitutional principles, legislative objectives and judicial safeguards. This article examines the constitutional framework governing private rights and public interests, with particular reference to Articles 14, 19 and 21 of the Constitution of India. It analyses the role of the legislature in formulating public welfare policies and the judiciary in reviewing restrictions imposed on individual rights. The article also explores the principle of proportionality as an important tool for determining whether restrictions on private rights are justified by legitimate public objectives. It argues that public interest should not serve as an unrestricted justification for State interference, nor should private rights be treated as absolute in every circumstance. The study concludes that a fair balance requires reasonableness, necessity, proportionality, transparency and effective judicial review to ensure that individual liberty and collective welfare coexist within the constitutional framework.

## **Keywords**

Private Rights, Public Interest, Constitutional Law, Fundamental Rights, Proportionality, Legislative Policy, Judicial Review, Individual Liberty, Public Welfare, Indian Constitution.

## Introduction

A constitutional democracy must constantly reconcile two important concerns: the protection of individual rights and the advancement of the welfare of society. Individual rights provide people with protection for their liberty, dignity, privacy, property and personal choices. At the same time, the State is entrusted with responsibilities such as maintaining public order, protecting national security, promoting social justice, safeguarding public health and ensuring the welfare of the community. Since these objectives may sometimes come into conflict, determining the appropriate relationship between private rights and public interests becomes an important question of constitutional governance.

Private rights cannot always be understood as unrestricted or absolute entitlements. The Constitution of India guarantees a range of fundamental rights while recognising that certain limitations may be necessary to protect legitimate social interests. Article 19, for instance, permits reasonable restrictions on specified freedoms under constitutionally recognised grounds. Similarly, the judicial interpretation of Article 21 has significantly expanded the protection of life and personal liberty, particularly in relation to dignity, autonomy and privacy. At the same time, State interference with these interests must satisfy constitutional requirements.

The tension between individual rights and public interests becomes particularly visible when the State introduces legislation or policies intended to address broader social concerns. Measures relating to public health, environmental protection, national security, economic regulation, social welfare and emerging technologies may affect individual freedoms in different ways. Although such restrictions may pursue legitimate objectives, an excessive interference with individual rights can undermine the very constitutional values that the State is required to protect. Consequently, the existence of a public objective alone cannot be sufficient justification for restricting individual rights; the nature, extent and necessity of the restriction must also be examined.

The Indian judiciary has developed several constitutional principles to examine this relationship. The concepts of reasonableness and proportionality have become particularly significant in determining whether State action imposes an excessive burden upon individual rights. Proportionality requires the relationship between the objective pursued by the State and the restriction imposed on the individual to be carefully examined. It therefore provides a framework through which courts can assess whether a particular measure is justified, necessary and appropriately tailored to its purpose.

The legislature occupies an equally important position in this process. Legislative policy

frequently involves competing social interests, and lawmakers are required to respond to changing economic, social, technological and environmental circumstances. However, the pursuit of public welfare must remain within constitutional boundaries. Judicial review consequently acts as an important safeguard against arbitrary or disproportionate interference with protected rights while also recognising the legitimate role of the legislature in determining matters of public policy.

Against this background, the present article examines the constitutional and legal dimensions of balancing private rights with public interests in India. It focuses on the role of legislative policy, constitutional limitations and judicial review, with particular emphasis on the principle of proportionality. The article argues that neither individual rights nor public interests should automatically prevail in every situation. A constitutionally appropriate balance requires the State to pursue legitimate objectives through measures that are lawful, reasonable, necessary and proportionate, while ensuring adequate safeguards against arbitrary interference with individual liberty.

### **Meaning and Concept of Private Rights and Public Interest**

The ideas of private rights and public interest are closely connected with the functioning of a democratic legal system. Every individual needs freedom and protection to live with dignity, make personal choices and enjoy legally recognised rights. At the same time, individuals are part of a larger society, and their actions can sometimes affect the safety, welfare and rights of others. The law therefore has the difficult task of protecting individual interests while also responding to the needs of the community.

### **Private Rights**

Private rights are the rights and interests that the law recognises and protects in favour of individuals. They relate to matters such as personal liberty, privacy, dignity, property, freedom of expression and personal decision-making. In India, many of these interests receive constitutional protection through the fundamental rights guaranteed by the Constitution.

The protection of individual rights is particularly important because individuals must be protected from unnecessary or arbitrary interference by the State. Constitutional rights place limits on governmental power and provide individuals with remedies when those limits are violated. The understanding of personal liberty under Article 21 is a good example<sup>1</sup>. Over time,

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<sup>1</sup> Constitution of India 1950, arts 14, 19 and 21.

the courts have interpreted this provision broadly to include important aspects of human dignity, privacy and individual autonomy<sup>2</sup>.

However, individual rights cannot always operate without limitations. People live together in society, and the unrestricted exercise of one person's rights may sometimes affect the rights, safety or welfare of others. For this reason, the law permits certain restrictions on individual rights, provided that such restrictions are legally authorised and satisfy constitutional standards of reasonableness and proportionality<sup>34</sup>.

### **Public Interest**

Public interest generally refers to matters that concern the welfare and well-being of the community as a whole. It may include issues such as public health, public safety, environmental protection, national security, social justice, economic stability and the protection of vulnerable groups<sup>5</sup>.

Public interest should not simply be understood as whatever the government considers desirable. A government measure does not become automatically legitimate merely because it is described as being in the public interest. Its purpose, necessity and effect must be examined in the light of constitutional principles and the rights of individuals<sup>6</sup>.

The importance of public interest can be seen in many areas of legislation. For instance, environmental laws may place restrictions on private activities in order to prevent damage to natural resources and protect the health of the community. Similarly, public health measures may limit certain individual choices where unrestricted conduct could create serious risks to others.

Such measures demonstrate that individual freedom sometimes has to be considered alongside the wider consequences of individual actions.

### **Balancing the Two Interests**

The relationship between private rights and public interest is therefore not simply a conflict between the individual and the State. In many situations, protecting the public also helps to protect individual rights. At the same time, measures introduced in the name of public welfare can become problematic when they place an unnecessary or excessive burden on individuals.

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<sup>2</sup> *Justice KS Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1.

<sup>3</sup> *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

<sup>4</sup> Constitution of India 1950, art 19(2)–(6).

<sup>5</sup> Constitution of India 1950, arts 38, 39, 41, 42, 43 and 47.

<sup>6</sup> Constitution of India 1950, art 21; *Municipal Council, Ratlam v Vardhichand* (1980) 4 SCC 162.

For this reason, the existence of a public purpose alone should not be enough to justify interference with private rights. The State must show that the measure has a lawful basis, serves a legitimate purpose and does not go beyond what is reasonably required to achieve that purpose<sup>7</sup>.

### **Constitutional Framework for Balancing Private Rights and Public Interests in India**

The Indian Constitution does not treat individual rights and public welfare as completely opposing ideas. Instead, it attempts to create a constitutional framework in which individual liberty is protected while the State is also given sufficient space to address the needs of society. This balance can be seen particularly through the Fundamental Rights, the Directive Principles of State Policy and the power of judicial review.

### **Fundamental Rights and Individual Liberty**

Fundamental Rights provide the primary constitutional protection for individual interests. Among them, Articles 14, 19 and 21 have particular importance when examining the relationship between individual rights and State interests. Article 14 guarantees equality before the law and equal protection of the laws, while also acting as an important safeguard against arbitrary State action.<sup>8</sup>

Article 19 protects several basic freedoms, including freedom of speech and expression, peaceful assembly, movement and occupation. However, these freedoms are not completely unrestricted. The Constitution itself permits reasonable restrictions on the exercise of these freedoms when they fall within the grounds specifically recognised under Article 19. The requirement of reasonableness is significant because it prevents the State from treating every restriction as justified merely by referring to public interest.

Article 21 provides protection against deprivation of life or personal liberty except according to procedure established by law. The interpretation of this provision has changed considerably over time. In *Maneka Gandhi v Union of India*, the Supreme Court gave Article 21 a wider constitutional meaning and held that the procedure affecting personal liberty must satisfy requirements of fairness and reasonableness.<sup>9</sup> This development strengthened the protection available to individuals against arbitrary State action.

The recognition of privacy as a constitutional right further demonstrates the importance given

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<sup>7</sup> *State of Madras v VG Row* AIR 1952 SC 196.

<sup>8</sup> Constitution of India 1950, art 14.

<sup>9</sup> *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

to individual autonomy. In *Justice KS Puttaswamy (Retd) v Union of India*, the Supreme Court recognised privacy as an intrinsic part of the rights protected by the Constitution. At the same time, the Court made it clear that privacy is not an absolute right and that restrictions may be permissible when they satisfy constitutional requirements.<sup>10</sup> This demonstrates the need to examine both the importance of the individual right and the justification offered by the State.

### **Directive Principles and Public Welfare**

The Constitution's concern is not limited to protecting individuals from State interference. It also places responsibilities upon the State to promote social and economic welfare. The Directive Principles of State Policy provide important guidance in this regard. Provisions relating to social justice, reduction of inequalities, public health, protection of weaker sections and environmental protection reflect the wider welfare objectives of the constitutional system.<sup>11</sup>

The relationship between Fundamental Rights and Directive Principles has developed significantly through constitutional interpretation. The two are not necessarily competing constitutional ideals. Rather, they can complement each other by combining individual freedom with the social conditions necessary for meaningful enjoyment of rights.

This becomes particularly relevant when legislation is introduced to address problems affecting the wider community. A law dealing with environmental protection, public health or social welfare may impose certain limitations on private activities. Such limitations may be justified when they pursue a genuine public objective, but they must still remain within constitutional boundaries.

### **Judicial Review and the Need for Balance**

Judicial review plays an important role in maintaining the balance between individual rights and public interests. Courts have the responsibility to examine whether legislative and executive measures remain within constitutional limits. This does not mean that courts replace the legislature in deciding matters of public policy. Rather, judicial review ensures that the pursuit of public objectives does not result in unjustified or arbitrary interference with constitutionally protected rights.

The Supreme Court has gradually developed a more structured approach towards restrictions on fundamental rights. The principle of proportionality has become particularly important in

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<sup>10</sup> *Justice KS Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1.

<sup>11</sup> Constitution of India 1950, arts 38, 39, 41, 43, 47 and 48A.

this context. In *Modern Dental College and Research Centre v State of Madhya Pradesh*, the Court recognised proportionality as an important principle for examining restrictions on fundamental rights.<sup>12</sup>

The principle becomes especially relevant where the State claims that a restriction is necessary for protecting a wider public interest. The Court must consider whether the objective is legitimate, whether the measure is connected to that objective, whether a less restrictive alternative is available and whether the burden placed on the individual is justified by the benefit sought to be achieved.

### **Proportionality as a Constitutional Balancing Tool**

Proportionality provides a practical method for dealing with situations where individual rights and public interests pull in different directions. Instead of treating either interest as automatically superior, it requires the justification for State action to be examined carefully.

The basic approach can be understood through four questions:

**Legitimate aim** – Is the State pursuing a constitutionally legitimate objective?

**Suitability** – Is the measure capable of advancing that objective?

**Necessity** – Is there another effective method that would interfere less with the individual's right?

**Balancing** – Is the benefit achieved for society sufficient to justify the burden imposed on the individual?

### **Role of the Judiciary in Balancing Private Rights and Public Interests**

The judiciary plays an important role in maintaining the constitutional balance between individual rights and public interests. When a law or executive action affects a person's rights, courts are often required to examine whether the restriction is legally valid and constitutionally justified. The purpose of judicial review is not to replace the policy choices of the legislature with those of the courts, but to ensure that public power is exercised within the limits established by the Constitution.

### **Judicial Review as a Constitutional Safeguard**

Judicial review provides individuals with a means of challenging State action that violates their constitutional rights. Articles 32 and 226 of the Constitution give the Supreme Court and High Courts the power to issue appropriate writs for the protection of fundamental rights and, in the

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<sup>12</sup> *Modern Dental College and Research Centre v State of Madhya Pradesh* (2016) 7 SCC 353.

case of High Courts, for other legal rights as well.<sup>13</sup>

This power becomes particularly important when the State relies upon public interest to justify a restriction on individual liberty. A court may examine whether the restriction has a legal basis, whether the objective is legitimate and whether the measure is consistent with constitutional requirements.

The judiciary therefore acts as a constitutional check on both legislative and executive power. However, judicial review does not mean that every policy decision is open to substitution by judicial preference. Courts generally recognise the institutional role of the legislature in dealing with complex social and economic questions while ensuring that constitutional limitations are respected.

### **Reasonableness and Fairness**

The idea of reasonableness has played a significant role in the development of Indian constitutional law. In *Maneka Gandhi v Union of India*, the Supreme Court rejected a narrow understanding of personal liberty and held that a procedure affecting Article 21 must be fair, just and reasonable rather than arbitrary.<sup>14</sup>

This approach is important for balancing private rights and public interests because it requires the State to provide a proper justification for interference with individual liberty. A law may pursue a legitimate public objective, but the manner in which that objective is pursued must also satisfy constitutional standards.

Similarly, in *State of Madras v VG Row*, the Court explained that the reasonableness of a restriction depends upon factors such as the nature of the right, the purpose of the restriction, the extent of the interference and the urgency of the problem sought to be addressed.<sup>15</sup> This approach recognises that the same restriction may have different constitutional implications depending upon the circumstances in which it operates.

### **Proportionality and Judicial Balancing**

The principle of proportionality has become increasingly important in judicial review. It provides courts with a structured method of determining whether the State has imposed a burden on an individual that is excessive in relation to the public objective being pursued.

In *Modern Dental College and Research Centre v State of Madhya Pradesh*, the Supreme Court

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<sup>13</sup> Constitution of India 1950, arts 32 and 226.

<sup>14</sup> *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

<sup>15</sup> *State of Madras v VG Row* AIR 1952 SC 196.

recognised proportionality as an important constitutional principle.<sup>16</sup> The Court's approach requires attention to the purpose of the measure, its relationship with that purpose and the extent to which it interferes with the protected right.

The proportionality approach can be particularly useful where there is a genuine conflict between an individual's constitutional right and an important public objective. Instead of simply asking whether the State has acted for a public purpose, the court can examine whether the particular method chosen by the State is justified.

The right to privacy provides an important example. In *Justice KS Puttaswamy (Retd) v Union of India*, the Supreme Court recognised privacy as a constitutionally protected right while acknowledging that it may be subject to restrictions. Any such restriction must satisfy constitutional requirements, including legality, legitimate State purpose and proportionality.

### **Protecting Rights While Recognising Public Interest**

The judiciary therefore has to perform a delicate role. Excessive judicial intervention may interfere with legitimate legislative policy, while excessive deference may leave individuals without effective protection against arbitrary State action. The constitutional role of the judiciary lies in maintaining a workable balance between these concerns.

This balance can also be seen in cases involving freedom of speech and public order. In *Shreya Singhal v Union of India*, the Supreme Court examined restrictions on freedom of speech and expression and struck down section 66A of the Information Technology Act 2000.<sup>17</sup> The decision illustrates that a law enacted with the objective of addressing harmful online communication cannot impose restrictions on constitutionally protected speech in an overly broad manner.

Similarly, in *Anuradha Bhasin v Union of India*, the Supreme Court considered restrictions on communication and movement in the context of public order and security. The Court emphasised that restrictions on fundamental rights must satisfy constitutional requirements and cannot continue without appropriate justification and review.<sup>18</sup>

### **The Need for Judicial Restraint and Constitutional Vigilance**

Balancing rights and public interests does not require courts to treat every restriction as unconstitutional. Public authorities may sometimes need to take strong measures to address

<sup>16</sup> *Modern Dental College and Research Centre v State of Madhya Pradesh* (2016) 7 SCC 353.

<sup>17</sup> *Shreya Singhal v Union of India* (2015) 5 SCC 1.

<sup>18</sup> *Anuradha Bhasin v Union of India* (2020) 3 SCC 637.

serious social problems. The judicial task is to determine whether the measure falls within constitutional limits.

At the same time, courts must remain alert when broad claims of public interest are used to justify significant interference with individual rights. The phrase “public interest” should not become a substitute for constitutional reasoning. A restriction should be supported by law, connected to a legitimate objective and proportionate to the problem it seeks to address.

The judiciary therefore serves as an important constitutional safeguard in the balancing process. Through judicial review, reasonableness and proportionality, courts can ensure that the pursuit of collective welfare does not unnecessarily undermine individual liberty. At the same time, respect for legislative competence allows public institutions to perform their respective constitutional roles without unnecessary institutional conflict.

### **Proportionality as a Tool for Balancing Private Rights and Public Interests**

When individual rights come into conflict with a wider public interest, simply choosing one side over the other may not always provide a satisfactory constitutional solution. The real question is whether the restriction placed on an individual's right is justified by the public objective that the State is trying to achieve. The principle of proportionality helps courts and policymakers examine this question in a more practical and structured manner.

Proportionality essentially means that the response of the State should not be greater than what is reasonably required to deal with the problem. A genuine public purpose may justify some interference with individual rights, but it does not automatically justify every form or degree of restriction.<sup>19</sup>

### **Legitimate Objective**

The first step is to identify why the State is interfering with an individual right. Objectives such as protecting public health, maintaining public order, protecting national security, preventing environmental damage and safeguarding vulnerable groups may provide legitimate reasons for State action.

### **Contemporary Areas of Conflict Between Private Rights and Public Interests**

The question of balancing private rights and public interests is not limited to constitutional theory. It arises in many areas of everyday life where the exercise of an individual right may

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<sup>19</sup> *State of Madras v VG Row* AIR 1952 SC 196.

have consequences for the wider community. Rapid technological development, environmental concerns, public health emergencies and increasing demands for national security have made this balance even more complicated. In such situations, the State is often required to protect a collective interest without unnecessarily interfering with individual freedom.

➤ **Right to Privacy and State Interests**

The development of digital technology has made privacy one of the most important areas in which individual rights and public interests intersect. Individuals increasingly share personal information through mobile applications, social media, online banking and digital public services. At the same time, government authorities may require access to certain information for purposes such as preventing crime, protecting national security or investigating unlawful activities.

The challenge is to determine how far such access should extend. Excessive collection or use of personal information may interfere with individual privacy, while completely restricting legitimate State access may create difficulties in protecting public interests. The recognition of privacy as a constitutional right in *Justice KS Puttaswamy (Retd) v Union of India* has made this balance particularly important.<sup>20</sup>

A rights-sensitive approach therefore requires clear legal authority, a legitimate purpose, appropriate safeguards and proportionality whenever State action involves significant interference with personal information.

➤ **Freedom of Speech and Public Order**

Freedom of speech and expression is another area where private rights may come into tension with wider societal concerns. Speech allows individuals to express opinions, criticise public authorities and participate in democratic discussion. At the same time, certain forms of speech may create concerns relating to public order, security, reputation or incitement to unlawful conduct.

The difficulty lies in distinguishing legitimate regulation from excessive restriction. In *Shreya Singhal v Union of India*, the Supreme Court struck down section 66A of the Information Technology Act 2000 because of the broad and constitutionally problematic restrictions it placed on online speech.<sup>21</sup> The case demonstrates that the objective of controlling harmful or objectionable communication cannot justify restrictions that unnecessarily interfere with constitutionally protected expression.

➤ **Environmental Protection and Private Interests**

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<sup>20</sup> *Justice KS Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1.

<sup>21</sup> *Shreya Singhal v Union of India* (2015) 5 SCC 1.

Environmental protection presents another clear example of competing interests. Individuals and businesses may have legitimate interests in using land, developing property and carrying on economic activities. At the same time, environmental degradation can affect public health, natural resources and the interests of future generations.

Environmental regulation may therefore impose restrictions on private activities in order to protect a wider public interest. The challenge is to ensure that development and economic activity are regulated in a manner that does not cause unnecessary environmental harm while also taking legitimate private interests into account.

The Supreme Court has repeatedly recognised the importance of environmental protection within the constitutional framework. In *Vellore Citizens' Welfare Forum v Union of India*, the Court recognised principles such as sustainable development, the precautionary principle and the polluter pays principle as important components of Indian environmental law.<sup>22</sup>

The idea of sustainable development itself reflects the need for balance. Development cannot simply be stopped in every situation because it affects the environment, nor can environmental concerns be ignored in the pursuit of economic growth.

➤ **Public Health and Individual Liberty**

Public health measures can also create difficult questions concerning individual autonomy. Measures introduced to control the spread of disease or protect public health may affect movement, occupation, privacy and personal choices.

The experience of public health emergencies has shown that restrictions may sometimes be necessary to prevent harm to the wider community. However, such measures should remain connected to a genuine public health objective and should not continue for longer or operate more broadly than necessary.

The constitutional challenge is therefore to protect the community while respecting individual dignity and liberty. Proportionality becomes particularly relevant in this context because the seriousness of the public health concern must be considered alongside the nature and extent of the restriction imposed.

➤ **National Security and Individual Liberty**

National security represents one of the most difficult areas of constitutional balancing. The State has a legitimate responsibility to protect the country from threats to its security and integrity. Certain measures relating to surveillance, communication, preventive action or restrictions on movement may therefore be considered necessary in particular circumstances.

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<sup>22</sup> *Vellore Citizens' Welfare Forum v Union of India* (1996) 5 SCC 647.

At the same time, national security cannot automatically remove the constitutional protection available to individuals. Where State action substantially interferes with liberty, there must be adequate legal safeguards and mechanisms for accountability.

In *Anuradha Bhasin v Union of India*, the Supreme Court examined restrictions on communication and movement imposed in the context of security and public order. The Court emphasised the need for restrictions on fundamental rights to satisfy constitutional requirements and to remain subject to appropriate review.<sup>23</sup>

### ➤ **Emerging Challenge of Digital Regulation**

The growth of artificial intelligence, social media platforms, digital surveillance and online services has created new forms of conflict between individual and public interests. Governments may seek to regulate digital platforms to address misinformation, cybercrime, privacy concerns and national security threats. At the same time, excessive regulation can affect freedom of expression, privacy, access to information and technological innovation.

These developments show that the traditional understanding of the relationship between private rights and public interest is constantly evolving. New technologies create situations that may not fit easily within older legal categories. Legislators and courts therefore need to apply established constitutional principles to new forms of State and private power.

Across these different areas, one common principle emerges: a public objective may justify interference with a private right only when the interference is legally authorised, genuinely connected to the objective and proportionate to the problem being addressed. The challenge is not to eliminate the conflict between private rights and public interests, because such conflicts are an unavoidable part of a complex society. The real challenge is to manage those conflicts in a manner that respects constitutional values and preserves individual dignity while addressing legitimate needs of the community.

### **Critical Analysis of Balancing Private Rights and Public Interests**

The discussion so far shows that balancing private rights with public interests is not a simple process. In a democratic society, both individual freedom and collective welfare are important. The difficulty arises when protecting one appears to require restricting the other. In such situations, neither individual rights nor public interest should automatically be treated as more important. The circumstances, nature of the right, purpose of the restriction and consequences of State action must all be considered.

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<sup>23</sup> *Anuradha Bhasin v Union of India* (2020) 3 SCC 637.

One of the major concerns is the broad use of the expression “public interest”. The term is useful because governments often have to act for the benefit of society as a whole. However, its broad meaning can also create the possibility of misuse. If every restriction is justified simply by stating that it is in the public interest, constitutional rights may gradually lose their practical value. Public interest must therefore be supported by a genuine and identifiable social objective rather than being used as a general justification for State interference.

Another important concern is that the impact of a restriction may not be the same for everyone. A law may appear reasonable when considered generally but may place a much greater burden on certain individuals or vulnerable groups. Therefore, legislative and judicial analysis should consider not only the purpose of a measure but also its actual effect on people. This is particularly important in areas such as social welfare, digital regulation, environmental protection and economic legislation.

There is also a need to recognise the importance of legislative judgment. Legislatures are responsible for responding to changing social and economic conditions and are generally better placed to understand the practical consequences of policy decisions. Courts should therefore be cautious about replacing legislative choices merely because another policy option appears preferable. At the same time, legislative discretion cannot mean unlimited power. When a law seriously affects a constitutional right, judicial review remains necessary to ensure that the restriction is legally valid and constitutionally justified.

The principle of proportionality provides a useful middle path in this regard. It does not prevent the State from pursuing legitimate public objectives. Instead, it requires the State to justify the manner in which those objectives are pursued. A restriction should have a proper purpose, should be capable of achieving that purpose and should not impose a greater burden on individual rights than is reasonably necessary.<sup>24</sup>

Another issue is the changing nature of private rights themselves. Traditional discussions often focused on rights relating to property, physical liberty and freedom of expression. Today, questions relating to privacy, personal data, digital identity, artificial intelligence and online expression have become equally important. This means that the constitutional balancing process must remain flexible enough to respond to new forms of individual autonomy and new forms of State power.

The balance can also be affected by unequal access to legal remedies. Individuals with limited financial or social resources may find it difficult to challenge State action even when their

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<sup>24</sup> *Modern Dental College and Research Centre v State of Madhya Pradesh* (2016) 7 SCC 353.

rights are affected. Public interest litigation and constitutional remedies have therefore played an important role in giving courts an opportunity to address issues affecting wider sections of society. At the same time, such mechanisms must be used carefully so that judicial processes are not converted into tools for deciding matters that are primarily within the domain of elected institutions.

Ultimately, the real challenge is not to decide whether private rights or public interests should always prevail. Both are essential to a constitutional democracy. Public welfare without respect for individual rights can lead to excessive State power, while unrestricted individual freedom without regard for the interests of others can undermine social welfare. The better approach is to examine each situation carefully and ensure that any restriction on individual rights is lawful, reasonable, necessary and proportionate.

Therefore, balancing should be understood as a continuing constitutional process rather than a one-time decision. As society changes, new conflicts between individual interests and collective needs will continue to emerge. The responsibility of the legislature is to design laws with adequate safeguards, while the judiciary must ensure that constitutional boundaries are respected. A meaningful balance is achieved when public objectives are pursued without treating individual rights as obstacles to be ignored.

#### ➤ **Suggestions and Recommendations**

The conflict between private rights and public interests cannot always be avoided. In a changing society, there will always be situations where protecting the interests of the larger community may require some limitation on individual rights. The important question is how such limitations can be imposed without unnecessarily affecting individual freedom. The following measures can help in achieving a better balance.

##### ➤ **Clear and Precise Laws**

When a law affects individual rights, it should clearly explain why the restriction is necessary and how it will operate. Vague or broadly worded provisions can give authorities too much discretion and may lead to arbitrary decisions. Laws should therefore clearly identify the public objective, the circumstances in which restrictions can be imposed and the safeguards available to affected persons.

##### ➤ **Proportionality at the Legislative Stage**

Proportionality should not be considered only after a law is challenged before a court. It should also be considered when the law is being prepared. Before imposing a restriction, lawmakers should ask whether the same public objective could be achieved through a less restrictive measure. This can help prevent unnecessary

interference with individual rights from the beginning.

➤ **Adequate Safeguards for Individuals**

Sometimes a restriction may genuinely be necessary in the public interest. Even in such situations, individuals should not be left without protection. Laws should provide safeguards such as giving reasons for decisions, opportunities for review or appeal, reasonable time limits and protection against misuse of power. These safeguards can make the exercise of State power more accountable.

➤ **Greater Transparency and Public Participation**

People are more likely to accept restrictions when they understand why those restrictions are being introduced. Legislative policies affecting important rights should therefore be supported by clear reasons and, where appropriate, public consultation and expert opinion. Understanding the possible impact of a proposed law on different sections of society can also help lawmakers make better decisions.

➤ **Special Attention to Vulnerable Groups**

The effect of a law may not be the same for everyone. A restriction that appears reasonable for one group may create serious difficulties for another. Therefore, the interests of children, women, persons with disabilities, economically weaker sections and other vulnerable groups should receive particular attention while framing and implementing laws.

➤ **Regular Review of Restrictions**

A restriction introduced to deal with a particular problem should not necessarily continue forever. Social conditions can change, and a measure that was necessary at one point may become unnecessary or excessive later. Periodic review can help determine whether a restriction is still required and whether it continues to remain proportionate to the public objective.

➤ **Balanced Judicial Review**

Courts have an important responsibility to protect constitutional rights, but they must also recognise the legitimate role of the legislature in making policy decisions. Judicial review should therefore focus on whether State action is lawful, reasonable and proportionate rather than simply replacing legislative choices with judicial preferences. At the same time, courts must be prepared to intervene when a restriction becomes arbitrary or excessively interferes with constitutional rights.

➤ **Recognising Social Responsibility**

Individual rights cannot be viewed completely separately from the rights and

interests of others. The exercise of freedom may sometimes have consequences for the wider community. A democratic society therefore requires individuals to enjoy their rights while also respecting the legitimate rights and welfare of others. This does not mean sacrificing individual liberty, but recognising that rights exist within a social framework.

Ultimately, the goal should not be to create a system where either private rights or public interests always win. Both are necessary for a healthy constitutional democracy. Public welfare loses its legitimacy when it is achieved by unnecessarily suppressing individual freedom, just as individual freedom becomes difficult to sustain when the legitimate interests of society are completely ignored. A better approach is to ensure that public objectives are pursued through laws that are clear, reasonable, proportionate and supported by adequate safeguards.

In this way, balancing private rights and public interests becomes more than a legal exercise. It becomes a continuing effort to ensure that the power of the State is used for the welfare of society without losing sight of the dignity, liberty and rights of the individual.

### **Conclusion**

The relationship between private rights and public interests is one of the continuing challenges of a constitutional democracy. Individuals need protection for their liberty, dignity, privacy, property and personal choices, while the State has a responsibility to protect public welfare, maintain order and respond to the changing needs of society. These interests may sometimes come into conflict, but they should not be treated as completely opposite goals.

The Indian constitutional framework provides important principles for dealing with such conflicts. Fundamental Rights place limits on State power, while the Directive Principles remind the State of its responsibility towards social and economic welfare. The legislature has the difficult task of framing laws that respond to genuine public needs, while the judiciary ensures that such laws remain within constitutional boundaries.

The principle of proportionality has become particularly important in this process. A public objective by itself cannot justify every restriction on individual rights. The State must be able to show that the objective is legitimate, that the measure has a meaningful connection with that objective and that the restriction does not impose a greater burden than is reasonably necessary. This approach helps prevent the broad idea of “public interest” from becoming an unrestricted justification for State interference.

At the same time, protecting individual rights does not mean that every restriction is unconstitutional. Society sometimes requires reasonable limitations to protect public health, national security, the environment, public order and the rights of others. The real constitutional question is therefore not whether restrictions should exist, but whether they are justified, reasonable and proportionate in the circumstances.

The role of the legislature and judiciary must also be understood in this context. Legislatures should consider the effect of proposed laws on individual rights and include appropriate safeguards. Courts, while respecting the policy-making role of elected institutions, must remain willing to intervene when State action becomes arbitrary, excessive or disproportionate.

In the modern context, this balance has become even more important. Issues such as digital privacy, artificial intelligence, online speech, environmental protection, public health and national security continue to create new situations in which individual freedom and collective welfare may come into tension. The law must therefore remain capable of responding to these developments without losing sight of constitutional values.

Ultimately, the aim should not be to make private rights or public interests the permanent winner. A meaningful constitutional balance is achieved when the State is able to pursue legitimate public objectives while respecting individual dignity and liberty. Public interest should protect society, not become an excuse to unnecessarily restrict the individual. Similarly, individual rights should be protected while recognising that every person is also part of a wider community.

Thus, the true measure of a democratic legal system is not simply how strongly it protects individual rights or how effectively it pursues public welfare, but how fairly it manages the tension between the two. A balance based on legality, reasonableness, proportionality, transparency and judicial review can help ensure that constitutional rights remain meaningful while legitimate public interests are effectively protected.