



# Constitutional Interpretation: Balancing Individual Rights and the Common Good

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## Abstract

The research has been done with the aim of exploring the constitutional interpretation methods in the democratic systems to evaluate their roles in balancing individual rights with social good. The literature review chapter of the research highlighted that constitutional interpretation surrounds maintaining a balance between individual rights and societal welfare. Thus, the study highlighted frameworks like originalism, living constitution and proportionality analysis and also gave examples of cases like *Kesavananda Bharati vs State of Kerala (1973)* and societal values to demonstrate different approaches which focus on the complexity of obtaining a balanced approach. The research has utilised a secondary research method, and the findings developed the values of the research maintaining a link with the literature review section. The conclusion of the research is projected with the summarised results that prove the importance of common goods and individual rights in the Indian constitution. The research has also stated judicial activism, which addressed the pressing social issues. The recommendation of the research was developed for the policymakers so that the proportionality analysis is done as per the necessity of social welfare.

## 1.0 Introduction

### 1.1 Research Background

The constitutional interpretation plays a major role in the balancing of individual rights with the common good. This replicates a tension in democratic societies as constitutions globally enshrine fundamental rights while empowering the government to promote societal welfare (Siur *et al.* 2024). For example, it was evidenced that the United States Constitution's Bill of Rights has performed to safeguard individual liberties, but its Preamble emphasis promoted the general welfare (Uscourts.gov, 2024). Similarly, Article 19 of India's Constitution guarantees freedom but allows reasonable restriction so that public order and morality are upheld (Indiankanoon, 2024). The judicial bodies worldwide like the US Supreme Court and the Indian Supreme Court, frequently mediate these tensions, as it was evidenced in landmark cases like *Kesavananda Bharati v. State of Kerala (1973)* and *Roe v. Wade (1973)* (Judgements.ecourts.gov, 2024). The understanding of constitutional interpretation is

crucial for the fostering of a legal system that respects individual freedoms with collective well-being in a polarised society.

## 1.2 Research Rationale

The issue of constitutional interpretation lies in the balancing of individual rights with the common good, which often leads to conflicts in diverse polarised societies (Deitelhoff and Schmelzle, 2023).

The tension became an issue when the courts of governments prioritised one over the other, potentially undermining societal cohesion or infringing on personal freedoms (Youvan, 2024).

In the present context, rising global challenges like the public health crisis and technological surveillance have intensified the debates about the limits of personal liberty against the collective welfare (Gostin *et al.* 2020). As was evidenced by the national health profile, India has only 0.9 beds per 1000 population, out of which only 30% are in rural areas (Drishtias, 2024).

The present research addresses the issue by the analysis of the existing frameworks, case studies and socio-legal factors that influence the constitutional interpretation. With the proposal of balanced and sensitive approaches, the study aims to guide the policymakers and judicial bodies in fostering efficient legal outcomes that respect societal and individual needs.

## 1.3 Aims

The research aims to explore the constitutional interpretation methods in the democratic systems to assess their roles in the balancing of rights and societal welfare for equitable legal frameworks.

## 1.4 Objectives

- To analyse the frameworks of constitutional interpretation balancing individual rights with societal interests efficiently
- To evaluate the judicial methods, ensure the equilibrium between individual liberties and societal needs.
- To explore the societal values that influence constitutional interpretations balancing personal rights and common goods.

## 1.5 Research Questions

1. What are the frameworks of constitutional interpretation that balance individual rights with societal interests efficiently?
2. How are judicial methods evaluated to ensure the equilibrium between individual liberties and societal needs?
3. What are the societal values that influence the constitutional interpretations balancing personal rights and common goods?

## 2.0 Chapter 2: Literature Review

### 2.1 Introduction

The literature review chapter explores the complex dynamics of constitutional interpretations, emphasising case scenarios and societal values balancing the rights of individuals with the welfare of society. Moreover, the chapter addresses the judicial methods in the evolving global scenario.

## 2.2 Individual Rights

Individual rights refer to the rights that are associated with democracy and are essential for living a fair and free life, which cannot be denied by the government (Reich, 2020). The individual rights that are preserved by the constitutional frameworks demonstrate the commitment of the society to protect rights to freedom such as speech, privacy, religion and others. Hence, these rights act as barriers to state overreach, protecting personal freedom under the principles of equality and justice.

## 2.3 Analysis of the frameworks of constitutional interpretation balancing individual rights with societal interests efficiently

Frameworks of constitutional interpretation aim to balance individual rights together with societal interests by using different analytical methods (Granger and Salát, 2020). One of the most important approaches to the relation between constitution and law is the *living constitution* which rejects formalism by insisting that the constitution changes but contains enough slack for adaptation to current problems (Solum, 2019). However, it may transgress the democratic process. On the other hand, *originalism* means that texts of the Constitution have an original meaning and should be followed by constitutional actors who aim at stability and the absence of judicial activism (Smith, 2022). *Proportionality analysis*, which is prominent in many democracies, measures individual freedom against the public good (Sahgal, 2024). It mainly looks after limits placed on rights that are reasonable, necessary and proportionate. Thus, it can be said that an efficient constitutional interpretation in its work combines frameworks with an aim of adaptability, fairness and democratic accountability to confirm justice in the evolving modern society.

## 2.4 Examination of the case study highlighting the conflicts between personal freedoms and collective welfare in constitutions

The scenario of Kesavananda Bharati vs. State of Kerala (1973) is an example of a landmark case that centred around the question if the Indian Parliament had unlimited power to amend the constitution, reducing individual rights over collective welfare (AIR 1973 SC 1461). In this case, Kesavananda Bharati represented a religious body that had challenged the Land Reform Laws of Kerala, complaining that they violated his fundamental rights under Article 19 (1) Property rights (MAKIREDDY, 2021).

However, the law was justified by the government under the grounds of fostering equitable distribution of land for the welfare of society. The Supreme Court supported the power of the Parliament to amend the constitution. It also introduced a Structure Doctrine stating that, in some cases, fundamental principles surrounding individual rights cannot be amended (MAKIREDDY, 2021). Hence, this case is an example of tension arising between individual rights protection and initiating social reforms with the aim of minimising inequality.

## 2.5 Evaluation of the judicial methods ensures the equilibrium between individual liberties and societal needs

Various methods are employed by courts in order to maintain a balance between individual liberties and the needs of society. For example, as stated by Tymoshenko *et al.* (2023), the *doctrine of necessity* enables the limitation of rights only at the time of absolute necessity in terms of attaining the objectives of society. Another example is the *Margin of appreciation*, which is used by the European Court (Chakim, 2020). This doctrine provides state discretion for maintaining equilibrium between interests and rights after having understood societal values.

Another example of the judicial method is *Judicial Activism and Public interest litigation*, where the Indian court had extended its roles with the help of judicial activism in cases where societal good can be compromised (Chaturvedi, 2021).

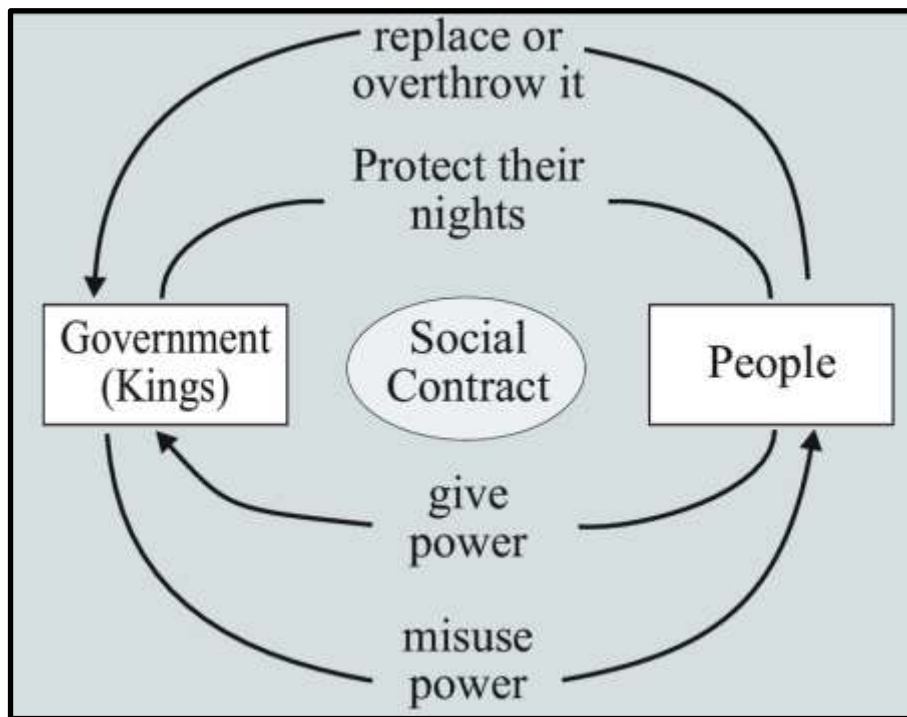
## 2.6 Exploration of the Societal values that influence Constitutional Interpretations Balancing Personal rights and common goods

Societal values play a crucial role in moulding the interpretation of the Constitution. According to Barron *et al.* (2022), societies that focus on individuals look forward to prioritising personal rights. For example, in the case of *Jacobson v. Massachusetts (1905)*, the Supreme Court of the US upheld the authority of the state to make smallpox mandatory, focusing on the health of the public over the personal liberty of individuals (Webster, 2023). Thus, the case demonstrated a societal focus on collective welfare, stating that rights can be limited when required in order to protect the common good, making it important to align the legal decisions with the urgent needs of the community and ethical norms.

## 2.7 Theoretical Underpinning

The *Social Contract Theory*, rooted in the works of philosophers like John Locke, Jean-Jacques Rousseau, and Thomas Hobbes, syncs with the topic of maintaining equilibrium between individual rights and the societal good (Ramee, 2021). As per this theory, individuals consent to surrender certain freedoms in exchange for the benefits of collective governance and societal protection. It emphasises a dynamic interconnectedness between protecting individual liberties and ensuring the welfare of the broader community. Modern constitutional interpretation often displays this balance, as courts strive to mediate conflicts between personal freedoms and societal interests, ensuring neither is disproportionately prioritised.

Research Through Innovation



**Figure 1: Social Contract Theory**

(Source: Robert, 2021)

## 2.8 Literature Gap

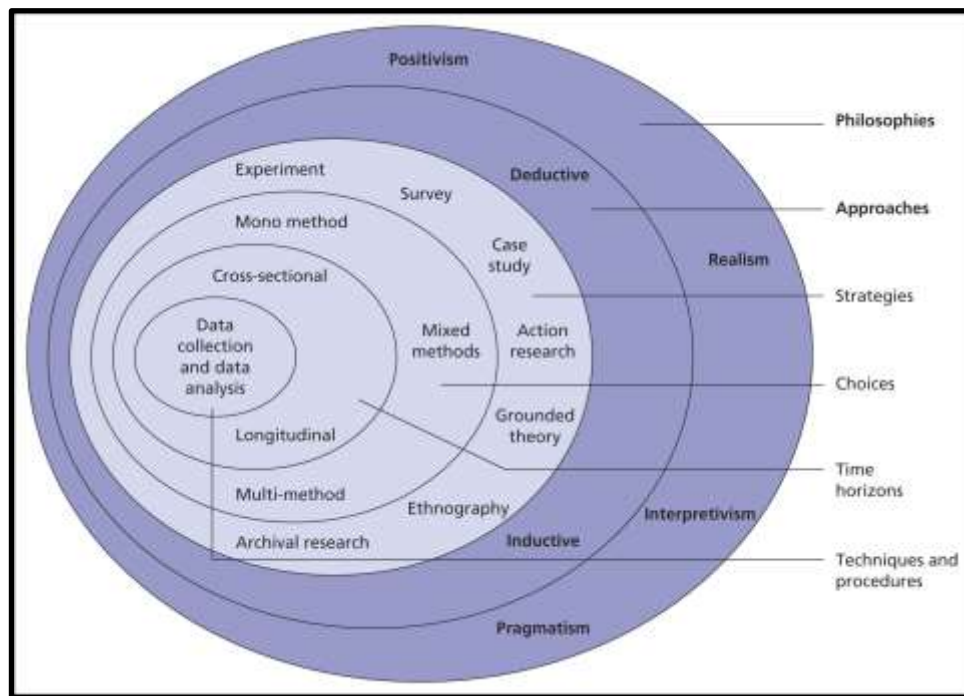
Despite the presence of extensive research on constitutional interpretation, there exists a gap about how these emerging global threats and opportunities, like climate change, new technology, and migration change, affect the balance between individual rights and the common good. Likewise, a more minimal comparative analysis of how different legal frameworks express similar conflicts in predefined matrices. Therefore, the current study addressed these gaps and provided invaluable insights into the ways of balancing individual rights and the common good.

## 2.9 Summary

Based on this chapter, it can be said that constitutional interpretation involves the balancing of the liberties of individuals and societal welfare. Under frameworks of originalism, living constitution, and proportionality analysis, case studies like *Kesavananda Bharati vs State of Kerala (1973)* and societal values show a variety of approaches which emphasise the complexity of obtaining a balanced approach.

## 3.0 Research Methodology

The research was incorporated by the implication of the research onion framework of Saunders that ensured different layers for the projection of the research. The research onion framework implicated efficient information through its different layers that made the research more meaningful (Saunders *et al.* 2019). The *secondary qualitative method* was used in the research so that the data are efficiently collected from the existing research for the accurate excavation of the results. The *qualitative research strategy* with the secondary method was used as the secondary implication that is beneficial for the longitudinal knowledge.



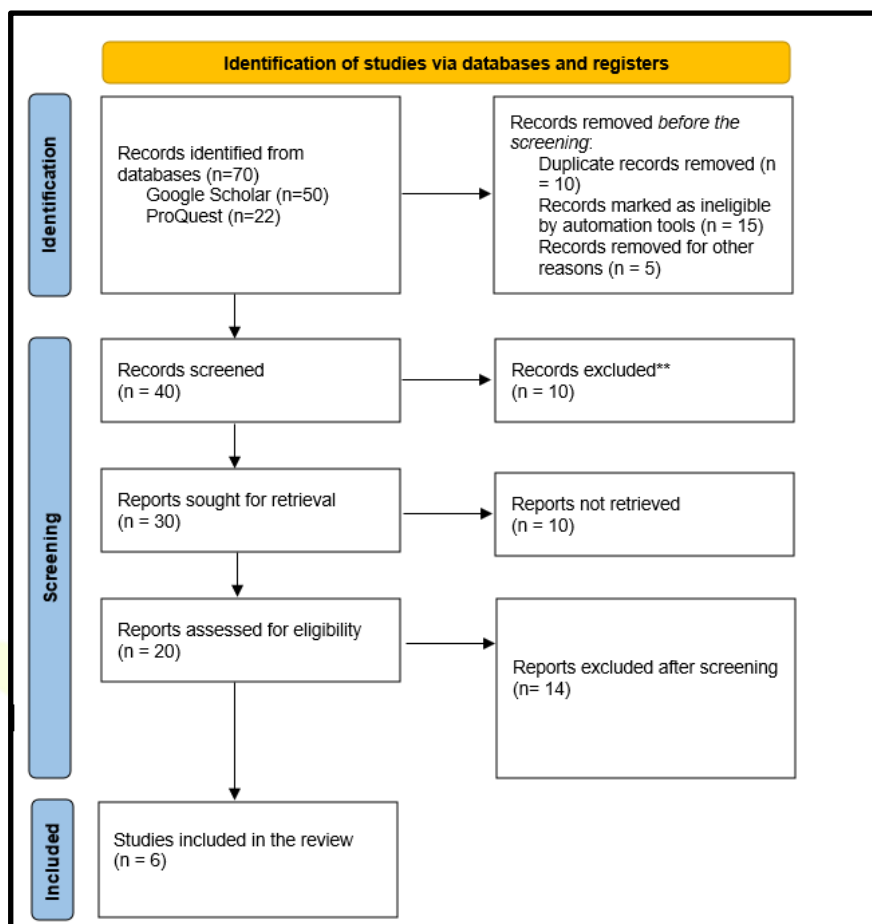
**Figure 2: Research onion**

(Source: Saunders *et al.* 2019)

As per the research onion framework in **Figure 2**, tools like research philosophy, approach, design and data analysis are implicated in effectively delivering the result that has produced an enhanced understanding of the research. The research philosophy is the first layer of the onion, and it has different types like interpretivism, positivism, pragmatism and realism (Haydam and Steenkamp, 2021). The **interpretivism research philosophy** was efficient for the present study as interpretivism supports the subjective data that are based on efficient observations (Junjie and Yingxin, 2022). In contrast, positivism is for the objective and numerical data, which implicates measurable values that are ineffective for the present research due to the requirement of extensive past knowledge about the constitutions (Nittler, 2024). Pragmatism and realism were also not used against interpretivism as the philosophies are complex and need extensive settings for the implications. Apart from these, interpretivism was used in the research for extensive qualitative information that has evidential knowledge.

The research approach is the next layer of the onion, which represents different theoretical explorations with different types like inductive, deductive and abductive (Mendis *et al.* 2023). The **inductive approach** has benefits as it examines the observations at the initial stage and, based on that, develops new theories (Vila-Henninger *et al.* 2024). This is the main reason for which the inductive approach is selected for the excavation of the research. The deductive approach is for the examination of past theories, and based on that, the observations are justified (Rott, 2021). However, in the present research, there is a need to develop new theories from observation, and thus, the deductive approach is not used in the study. The abductive is the combination of two different approaches, and it is a complex process and can develop bias, due to which the approach is also not selected for the present research (Kistruck and Slade Shantz, 2022). The research design has different types, such as explanatory, descriptive and exploratory (Toyon, 2021). The research design that is selected for the present research is **explanatory research design** as it helped in understanding the ways by which something occurs when

there is limited information on the topic (Oliveira *et al.* 2021). However, designs other than explanatory do not suit the present research as the exploratory is for extensive research that has no prior research, and the descriptive is for the quantitative views, which are non-relevant to the study (Martínez-Pernía *et al.* 2024).



**Figure 3: PRISMA Table**

(Source: Author)

The research is incorporated with the *secondary data collection method* that has focused on extensive journals, organisational websites and articles for the evaluation of the data. The databases like Google Scholar and ProQuest are used for the extensive search of the data. Figure 3 reflected that the population size of 70 papers was selected at the initiated stage, and based on the accurate screening process; the sample size of 6 papers was selected for the excavation of the results. The data collection is followed by the qualitative data analysis, which is done by the *thematic analysis* method to ensure the results' accuracy and authenticity. The research is developed by approving ethical considerations that have developed evidential values in the study.

## 4.0 Analysis and discussion

### 4.1 Introduction

The section is developed for the analysis of the findings and discussion of the results so that appropriate knowledge is developed based on the Indian constitutions. The section has highlighted different statements of authors to prove that the research questions in the study are resolved efficiently.

## 4.2 Analysis

### *Theme 1: Frameworks of constitutional interpretation that balance individual rights with societal interests efficiently*

Authors	Methodology	Findings
Raza (2021)	Secondary method	It was evidenced from the findings that the theory of IP provides a reasonable and convincing application that makes a strong case for a fair, equitable regime of IP in general and in the two copyrights.
Tripura <i>et al.</i> (2023)	Secondary method	As per the findings, in the Indian context, social justice is mainly for mitigating historical inequalities and ensuring the well-being of marginalised groups like Dalits, women and regional minorities. The government has implicated initiatives to achieve social justice and reduce socio-economic disparities.

**Table 1: Sources for Theme One**

(Source: Author)

### *Theme 2: Judicial methods that ensure the equilibrium between individual liberties and societal needs*

Authors	Methodology	Findings
Ranjan (2024)	Qualitative	This research paper underscored that the doctrine of proportionality efficiently maintains equilibrium between individual privacy rights with the interests in India. The doctrine applied by the Supreme Court helped in making sure that safeguarding societal needs like national security privacy infringements is necessary and proportionate.
METI (2024)	Qualitative	This paper highlighted that maintaining a balance between free speech and hate speech and defamation in India needs specific legislation and independent regulation. The judiciary takes a crucial role in protecting individual liberties while addressing societal harm.

**Table 2: Sources of Theme Two**

(Source: Author)

**Theme 3: Societal values that influence the constitutional interpretations balancing personal rights and common goods**

Authors	Methodology	Findings
Choudhary (2021)	Triangulation method	From the findings, it was evidenced that the constitution advances a model of social cohesion by balancing freedom of religion and the rights of religious minorities.
Macpherson <i>et al.</i> (2021)	Secondary method	The three countries have riverine rights that are based on constitutional experiments like small-scale ad hoc and incomplete attempts at the regulatory frameworks for rivers.

**Table 3: Sources for Theme Three**

(Source: Author)

### 4.3 Discussions

#### Theme 1

The framework of the constitutional interpretation that balances individual rights and societal interests is excavated by different statements of the authors in the present theme. According to Raza (2021), it was found that theoretical underpins based on the Indian constitution were constructed by the Supreme Court of India in the last 70 years, which is comprised of two definite copyrights that are The Copyright Act, 1957 and The Designs Act, 2000. In the research, it was also evidenced that the Supreme Court revealed some of the factors for ensuring efficient framework implication into the constitutions (Raza, 2021). However, this was contradicted in the literature, and Smith (2022) stated that Proportionality analysis is prominent in many democracies that measure the constitutional actors aimed for the stability and absence of judicial activism.

On the other hand, Tripura *et al.* (2023) stated about the constitutional; rights and justice in India, which is the cornerstone of the country's legal framework. It was ensured from the research that through the analysis of pertinent case laws and literature, the interplay between constitutional rights and social justice is underscored, which is necessary for reforms, inclusivity and heightened awareness of social justice in India. This stated that the importance of the constitutional framework is high in the Indian constitution that supports individual rights and society.

#### Theme 2

The judicial method utilised by courts for maintaining a balance between individual liberties and societal needs is crucial to maintaining harmony across democratic societies. According to Ranjan (2024), the Indian constitution's doctrine of proportionality helps ensure that any infringement on individual rights is acceptable in order to achieve a wider societal goal. This aligns with the literature review section where Chakim (2020) said that certain doctrine like the Margin of Appreciation is used by the European Court to help states balance rights with social interests. Moreover, Tymoshenko *et al.* (2023) said that other judicial methods, like the doctrine of

necessity, enable the limitation of rights only during absolute necessity. In this context, Chaturvedi (2021) also underscored that Judicial Activism and Public interest expand the role of the judiciary in protecting individual freedom while checking about the societal good. Therefore, these different methods help in ensuring that individual liberties are required to coexist with societal needs in a harmonious way.

### Theme 3

Societal values are efficiently influenced by the constitutional interpretation that balances personal rights and the common good. According to Choudhary (2021), it was ensured that the constitution in India ensures a model of social cohesion by the balancing of the freedom of religion and the right of religious minorities. In the research, it was also stated that the freedom of religion is the fundamental right guaranteed under the Indian constitution. Choudhary (2021), reflected that with the distinct model of secularism and special provisions for religious minorities, India's social cohesion arrangements need special attention. On the other hand, Barron *et al.* (2022) focused on the literature that individuals look forward to prioritising their personal rights. That was not stated in the theme and is irrelevant to the Indian constitution.

On the other hand, Macpherson *et al.* (2021) argued that riverine rights and constitutionalism have extensive benefits over ordinary laws, which often fall short of the implications. The authors have highlighted three countries, and among them India is also there where riverine rights and constitutionalism are evident. Macpherson *et al.* (2021) highlighted the situation of the laws when the ordinary legal mechanisms fell short, and rights became the most important part of the implications. On the other hand, Webster (2023) highlighted that balancing the freedom for the minorities and other lower groups of the country is more necessary, and this would develop beneficial rights for the Indian constitution and liberty for individuals. Therefore, from the implication of these two studies, it was justified that

### 4.5 Summary

It was summarised from the findings that the balancing of individual rights and common goods is very important for the Indian constitution, and the statements of different authors prove this. The section has highlighted the company of the information from the literature and findings that evidentially developed the values for the research.

## 5.0 Conclusion and Recommendations

### 5.1 Conclusion

This research critically examined the relationship between constitutional interpretation, individual rights and societal welfare. The research analysed different frameworks under originalism, living constitution, and analysis, judicial methods like the doctrine of necessity and margin of appreciation and the rest of societal values. The research has integrated a secondary qualitative research method with an interpretivism research philosophy and an inductive research approach. The findings and analysis chapter highlighted the different constitutional interpretations and models related to social cohesion help in balancing freedom related to religion and the rights of people. The research objective was attained with a comprehensive analysis of the way that judicial methods

like proportionality analysis enable the protection of both individual rights and social good. However, the inclusion of data surrounding Indians has limited the incorporation of information related to other democracies.

## 5.2 Recommendations

It can be recommended that judicial bodies and policymakers continue to look forward to refining proportionality analysis and other similar methods as per the necessity of social welfare and improving the balance between individual rights and social good (Ranjan, 2024). Additionally, judicial activism can be utilised sensibly for addressing pressing societal issues, especially when individual rights are at stake due to national emergencies (Chaturvedi, 2021).

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