

Balancing Liberty and Legality: The Expanding Horizon of the Doctrine of Proportionality in Indian Administrative Law after *Puttaswamy*

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Abstract

The doctrine of proportionality, once a peripheral concept in Indian administrative law, has become a cornerstone of constitutional adjudication following the landmark Justice K.S. Puttaswamy (Retd.) v. Union of India decision (2017). Rooted in principles of fairness, necessity, and balance, proportionality now serves as a crucial standard for assessing the legitimacy of State action affecting individual rights. This article explores the evolution of the doctrine in India, its philosophical underpinnings, and its transformation from a limited tool for administrative review to a constitutional safeguard of fundamental rights. It analyzes judicial trends post-*Puttaswamy*—including decisions on data privacy, national security, and public health—highlighting how proportionality has become the axis around which the balance between individual liberty and governmental authority revolves. The article concludes by identifying future challenges in operationalizing proportionality within India's pluralistic and rights-oriented jurisprudence.

Keywords: Doctrine of Proportionality, Puttaswamy, Administrative Law, Fundamental Rights, Judicial Review, Privacy, Reasonableness, Constitutionalism, Indian Judiciary, Rule of Law

1. Introduction

Every modern democracy faces a delicate question: **how far can the State go in regulating lives without suffocating liberty?** In India, this question takes on special significance because of the sheer diversity of its people and the breadth of its constitutional commitments. The State is constantly called upon to act—whether to ensure national security, maintain public order, regulate the economy, or manage health crises. But every act of governance carries within it the potential to trespass upon individual freedom. The role of law, therefore, is to ensure that power remains restrained by principle.

In Indian administrative law, this balance between authority and liberty has evolved through judicial innovation. For decades, the courts employed the *Wednesbury* principle of reasonableness, borrowed from English administrative law, which permitted judges to intervene only when a decision was so outrageous that “no reasonable person” could have made it. This was a cautious approach—one that respected administrative discretion but often left citizens with little protection against **excessive or unjust** State action. The *Wednesbury* test asked *how extreme* a decision was, but not *whether it was fair* in its impact on rights.

Enter the **Doctrine of Proportionality**—a more nuanced and empathetic tool of judicial review. Instead of merely asking if the government acted within its power, proportionality asks *how that power was used* and *whether the burden imposed on citizens is justified by the goal pursued*. It recognizes that **not all government actions are equally fair**, and that the intensity of interference with personal liberty must always be matched by the necessity and importance of the public interest being served.

In essence, proportionality breathes **reasonableness with humanity** into administrative decision-making. It insists that even when the State has good intentions, it must exercise restraint, precision, and respect for individual dignity.

India's tryst with proportionality has been gradual. The Supreme Court first hinted at it in *Om Kumar v. Union of India* (2001), but the idea remained largely theoretical. It was the **Puttaswamy judgment of 2017**—the case that elevated the *Right to Privacy* to the status of a fundamental right—that transformed proportionality from a dry administrative concept into a **living constitutional doctrine**. The nine-judge bench in *Puttaswamy* didn't just defend privacy; it crafted a powerful method for testing all State actions that limit fundamental rights. The Court laid down a structured test of legality, legitimacy, necessity, and proportionality—essentially demanding that every law or executive action that limits a right must not only be authorized by law but must also be *the least intrusive way* to achieve a legitimate purpose.

Post-*Puttaswamy*, proportionality has emerged as the **moral compass of governance**. Whether it's an internet shutdown in Kashmir, restrictions during the pandemic, or the regulation of digital data, Indian courts increasingly use proportionality to measure the fairness of State action. This marks a historic shift—from a jurisprudence of deference to one of **justification**. The State must now explain *why* it acts, *how much* it restricts, and *whether it could have done less*.

In that sense, the doctrine of proportionality represents a deeper democratic ideal: that **power must always listen to reason**, and that justice lies not merely in the legitimacy of ends but in the fairness of means.

2. The Concept and Theoretical Foundations of Proportionality

At its heart, the **Doctrine of Proportionality** is a simple moral idea dressed in legal language: **power must not be used in excess of what is necessary**. When the State acts, it must strike a balance between achieving its legitimate goals and preserving the rights and dignity of the individual. The doctrine demands that the State's response to a problem be **measured, reasonable, and justified**—never arbitrary or oppressive.

2.1. The Moral Logic Behind Proportionality

Every democratic government has the dual duty of maintaining public order and protecting personal freedom. These two imperatives are often in tension. For example, ensuring national security may require surveillance, but surveillance threatens privacy; regulating online speech may prevent harm, but it can also chill free expression. Proportionality is the intellectual bridge that helps judges and lawmakers navigate this tension.

It embodies a form of **constitutional ethics**—an insistence that even when the government pursues noble ends, it cannot employ excessive means. The doctrine tells the State: *Do only what is needed, and no more*. In this sense, proportionality humanizes governance. It recognizes that citizens are not mere instruments of policy but **bearers of rights** whose autonomy and dignity deserve constant respect.

2.2. Origins and Global Influence

The roots of proportionality lie in **continental European jurisprudence**, especially in German administrative law, where it evolved as the *Verhältnismäßigkeitsprinzip* (Principle of Proportionality). German courts in the post-war era developed this principle to ensure that public power remained consistent with constitutional values of liberty and dignity. It soon became a hallmark of European human rights law, influencing the **European Court of Human Rights** and the **Court of Justice of the European Union**, both of which routinely employ the proportionality test to weigh competing interests.

Across the world, constitutional courts have embraced proportionality as a rational and transparent method of judicial review. It provides structure to judicial reasoning and replaces vague notions of “reasonableness” with a disciplined framework. In that framework, each limb of the test performs a distinct function—making State accountability methodical rather than ad hoc.

2.3. The Four Elements of Proportionality

Over time, the doctrine crystallized into a four-stage inquiry, which the Indian Supreme Court also adopted in *Puttaswamy*:

1. **Legality:** The action or restriction must have a clear basis in law. The State cannot act on mere executive whim; its power must be authorized by statute or legitimate rule.
2. **Legitimate Aim:** The objective pursued must be valid and grounded in public interest—such as protecting security, health, or public order.
3. **Suitability (or Rational Connection):** The measure chosen must logically advance the stated purpose. There should be a real and demonstrable connection between the means and the ends.
4. **Necessity (Least Restrictive Means):** If several options exist to achieve the goal, the State must choose the one that least interferes with individual rights.

Some courts add a **fifth element—Balancing or Proportionality stricto sensu**, which requires weighing the social benefit of the measure against the harm it causes to rights. This is the stage where constitutional conscience speaks loudest, demanding that *even good goals cannot justify excessive harm*.

2.4. Proportionality in the Indian Context

In India, proportionality finds resonance in the **spirit of Articles 14, 19, and 21** of the Constitution. Article 14’s guarantee of equality embodies fairness and non-arbitrariness; Article 19 recognizes that reasonable restrictions on freedoms must serve legitimate State interests; and Article 21 protects life and personal liberty except by a fair, just, and reasonable procedure. When read together, these provisions create a constitutional culture that naturally aligns with the proportionality principle.

However, what distinguishes the Indian version of proportionality is its **fusion of legality with morality**. Indian courts often invoke it not merely as a procedural check but as a **substantive moral compass**—a way of ensuring that the State’s pursuit of collective welfare does not trample upon the individual’s dignity. Thus, proportionality is both a **technical doctrine** and a **philosophical statement** about how power should relate to freedom in a constitutional democracy.

2.5. From Abstraction to Application

While proportionality sounds abstract, its real power lies in how it operates in concrete cases. When a government imposes restrictions—be it a curfew, a data retention mandate, or a censorship order—courts apply this doctrine to test whether those restrictions are justified. This transforms constitutional

adjudication from a mere *yes-or-no* assessment into a **dialogue between power and principle**. It forces the State to reason out its actions and to justify each degree of intrusion upon individual liberty.

In doing so, proportionality nurtures a culture of **constitutional justification**, where the government must continually earn its legitimacy through rational, evidence-based decision-making. This shift—from power as entitlement to power as responsibility—is what makes proportionality one of the most transformative ideas in Indian public law today.

3. From *Wednesbury* to *Puttaswamy*: The Journey So Far

The evolution of the **Doctrine of Proportionality** in India is, in many ways, a story of the judiciary's growing confidence in confronting the State — a journey from **judicial restraint** to **rights-based engagement**. To understand where we are today, it helps to revisit where we began.

3.1. The *Wednesbury* Legacy — The Age of Deference

For much of the twentieth century, Indian administrative law was shaped by the English principle of **Wednesbury reasonableness**, drawn from the case *Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation* (1948). According to this doctrine, a court could interfere with an administrative decision only if it was “so unreasonable that no reasonable person acting reasonably could have made it.” This test gave courts a very narrow window to intervene. Judges were not to question the wisdom of a decision, only its *extreme irrationality*. It was, in effect, a shield for administrative discretion, rooted in the belief that bureaucrats and policymakers—not judges—were best equipped to make complex decisions about governance.

While this approach promoted judicial modesty, it also meant that many administrative injustices escaped meaningful scrutiny. So long as an action wasn't *shockingly absurd*, it stood valid, even if it caused deep unfairness or violated individual rights in subtle but significant ways.

The result was a **structural imbalance** — where governmental power often outweighed the individual's capacity to challenge it. Citizens could question the *manner* of decision-making but not the *substance* of the decision itself.

3.2. Early Indian Shifts — The Seeds of Proportionality

Indian courts, though influenced by British legal traditions, began to sense the limitations of this deferential model as the Constitution's rights-based ethos took root. In the decades following independence, the judiciary developed doctrines like **arbitrariness** under Article 14 and **reasonableness** under Article 19, which hinted at a more substantive standard of review.

The turning point came with *Om Kumar v. Union of India* (2001), where the Supreme Court explicitly discussed the difference between *Wednesbury reasonableness* and *proportionality*. Justice S. Saghir Ahmad observed that when fundamental rights are at stake, the proportionality test—rather than *Wednesbury*—should apply. The Court recognized that administrative discretion cannot be immune from deeper scrutiny when it touches constitutional values.

However, *Om Kumar* also drew a line: in **ordinary administrative cases** (those not involving fundamental rights), the Court would still use *Wednesbury*; in **rights-based cases**, it would apply proportionality. This cautious compromise reflected the Court's transitional mindset — still respectful of administrative autonomy but increasingly aware of the need for **constitutional sensitivity**.

3.3. The Emergence of Proportionality in Rights Jurisprudence

Over the next decade, proportionality began to appear more frequently in cases where individual freedoms were directly implicated. In *Teri Oat Estates Pvt. Ltd. v. U.T. Chandigarh* (2004) and *State of Madras v. V.G. Row* (1952), though predating formal recognition of the term, the Court applied reasoning that mirrored proportionality — weighing the necessity of restrictions against the gravity of rights affected. By the time *Modern Dental College v. State of Madhya Pradesh* (2016) reached the Supreme Court, the doctrine had matured. The Court upheld certain regulatory controls in private education but articulated a clear proportionality framework: restrictions on rights must serve a legitimate goal, be rationally connected to it, and go no further than necessary. This decision paved the way for proportionality's constitutional ascendancy.

3.4. *Puttaswamy* (2017) — The Constitutional Breakthrough

The true constitutional homecoming of proportionality occurred in **Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)**, India's historic judgment recognizing the *Right to Privacy* as a fundamental right under Article 21.

In a sweeping and philosophically rich verdict, the nine-judge bench not only affirmed privacy as an intrinsic part of dignity and liberty but also **enshrined proportionality** as the governing standard for any limitation on fundamental rights. Justice Chandrachud's opinion laid out a four-part test:

1. **Legality** — The existence of a law backing the action;
2. **Legitimate Aim** — A purpose consistent with constitutional values;
3. **Proportional Means** — A rational connection between the means adopted and the end pursued;
4. **Necessity** — The requirement that the State adopt the least intrusive measure possible.

This framework marked a **paradigm shift**. The judiciary no longer viewed rights as conditional privileges granted by the State, but as **inherent freedoms** that the State must justify any interference with. *Puttaswamy* thus elevated proportionality from an administrative concept to a **constitutional doctrine**—the gold standard for testing the legitimacy of State power in a democracy.

3.5. Why *Puttaswamy* Matters Beyond Privacy

The brilliance of *Puttaswamy* lies not only in its affirmation of privacy but in its **methodology**. By embedding proportionality into the very fabric of constitutional review, the Court provided a blueprint for evaluating any kind of rights restriction—be it free speech, religious liberty, or digital surveillance. It changed the judicial conversation: the burden now rests on the **State** to justify its actions, rather than on the **citizen** to prove their illegality. In other words, *Puttaswamy* transformed proportionality into a **culture of justification**, where every exercise of power must answer the fundamental question—*Is this truly necessary and fair?*

3.6. The Legacy So Far

The *Puttaswamy* judgment set in motion a new era of constitutional reasoning. Subsequent decisions—ranging from *Anuradha Bhasin* (2020) on internet shutdowns to *Internet and Mobile Association of India v. RBI* (2020) on financial regulation—reflect how deeply the doctrine has permeated Indian public law. What began as an administrative check against arbitrariness has now evolved into a **constitutional promise**: that in a democratic India, no citizen's liberty will be sacrificed without proportionate cause, and no law will be justified without reason.

4. Post-*Puttaswamy* Developments: Expanding Judicial Horizons

The *Puttaswamy* judgment did not just recognize the right to privacy—it opened a new chapter in India’s constitutional story. It gave the judiciary a structured moral lens to evaluate State action in a rights-conscious way. In the years that followed, the **Doctrine of Proportionality** has gradually moved from the theoretical to the practical, from the courtroom to the very heart of governance.

Proportionality now acts as the **constitutional language of balance**—a principle courts use to ask not only whether the State has the power to act, but whether it has used that power wisely, humanely, and fairly.

4.1. *Anuradha Bhasin v. Union of India* (2020) — Proportionality and the Digital Age

One of the first major tests of *Puttaswamy*’s proportionality framework came in *Anuradha Bhasin v. Union of India* (2020), in the aftermath of the government’s decision to impose an internet shutdown in Jammu and Kashmir following the abrogation of Article 370.

The issue went far beyond technical legality—it touched upon **the intersection of liberty, security, and technology**. Internet access had become essential for free speech, business, education, and healthcare. Yet, the State argued that the restrictions were necessary to prevent violence and misinformation.

The Supreme Court responded not by dismissing the security concerns, but by asking a deeper question: *Were the restrictions proportionate?*

Applying the *Puttaswamy* test, the Court held that while national security is a legitimate aim, the **indefinite and blanket nature** of the shutdown violated the principle of proportionality. Restrictions on fundamental rights, it declared, must be **temporary, reviewable, and the least restrictive means** available.

This case marked a milestone—the first time the Supreme Court directly used proportionality to regulate the State’s control over the **digital public sphere**. It demonstrated how the doctrine could adapt to modern challenges, ensuring that technological control does not become constitutional tyranny.

4.2. *Internet and Mobile Association of India v. RBI* (2020) — Economic Regulation and Proportionality

In the same year, the Supreme Court revisited proportionality in the economic domain in *Internet and Mobile Association of India v. Reserve Bank of India*. The RBI had issued a circular effectively banning banks from facilitating cryptocurrency transactions. The central question was not whether RBI had the power to act—but whether it had done so **proportionately**.

The Court scrutinized the measure using the *Puttaswamy* framework:

- Was there a **legitimate aim**? Yes—the RBI sought to protect the financial system.
- Were the measures **rationaly connected** to that aim? Perhaps.
- But were they **necessary and least restrictive**? No.

The Court found that the RBI had not demonstrated actual harm to the banking system, and that less intrusive measures—such as regulation rather than prohibition—could have achieved the same goal. The circular was struck down as **disproportionate**.

This decision was revolutionary in its own quiet way. It extended proportionality beyond human rights into **economic governance**, reaffirming that even regulatory bodies must act with **measured restraint**. In other words, the rule of law demands not only legality, but *proportionate reasonableness* in every exercise of power.

4.3. The Pandemic and the Politics of Necessity

The COVID-19 pandemic presented perhaps the most complex test of proportionality in modern times. Governments across India imposed lockdowns, restricted movement, and limited economic activity in the name of public health. While courts generally deferred to the executive during the crisis, proportionality subtly shaped the legal discourse.

When citizens challenged the **migrant workers' crisis**, **oxygen shortages**, and **vaccine mandates**, the judiciary invoked proportionality to remind the State that emergency powers must remain **anchored in compassion and necessity**. Even in times of crisis, rights are not suspended; they are **contextualized**.

This period reaffirmed the moral dimension of proportionality: that the legitimacy of State power is not measured solely by its effectiveness, but by its **fairness and humanity**.

4.4. Central Vista Project and Environmental Governance

In the *Central Vista Project* case (2021), concerning the redevelopment of India's administrative hub, the Supreme Court's use of proportionality was more restrained. While the project was ultimately upheld, one of the judges in a separate opinion emphasized that **development and environmental rights must be balanced through proportional reasoning**.

This indicates that proportionality is gradually becoming the judiciary's **constitutional reflex**—even in areas like urban planning, ecology, and infrastructure, where courts once hesitated to tread. It signals a future in which every governmental decision with public impact may have to **justify its proportional balance**.

4.5. *Kaushal Kishor v. State of Uttar Pradesh* (2023) — Consolidating the Constitutional Test

The Supreme Court's judgment in *Kaushal Kishor v. State of Uttar Pradesh* (2023) further consolidated proportionality as a **universal standard** for reviewing restrictions on fundamental rights. The case involved the question of whether restrictions on free speech could extend to non-State actors and political figures.

While the Court delivered a complex verdict, one thing was clear: any restriction on fundamental rights—whether imposed by the State or justified in its name—must pass the *Puttaswamy*-style proportionality test. This reaffirmed the doctrine as a **constitutional constant**, cutting across domains and doctrines.

4.6. The Broader Trend — From Power to Justification

If we step back, a pattern emerges from these cases. The Indian judiciary, once hesitant to second-guess the executive, is now asking harder questions. Instead of merely asking “*Is the action legal?*”, courts are now asking, “*Is it justified, necessary, and fair?*”

This shift represents a profound evolution in the philosophy of governance. Proportionality has become a **constitutional culture**—a way of thinking that demands transparency, reasoning, and empathy from those who wield power.

It ensures that **liberty and governance coexist**, not as adversaries but as partners in a shared democratic project. Every law, every regulation, every policy must now be capable of moral as well as legal defense.

4.7. A Living Doctrine for a Changing Nation

As India navigates the digital revolution, artificial intelligence, data surveillance, and climate governance, proportionality will only grow in importance. It equips courts to handle **complex, modern questions** with

nance: how much surveillance is too much? How do we balance privacy with national security? How do we regulate technology without strangling innovation?

In each of these, the doctrine of proportionality offers not rigid answers, but a **structured conscience**—a reminder that justice lies in moderation, and that **the strength of a democracy is measured not by how much power it gives to the State, but by how carefully that power is used.**

5. Challenges and Future Prospects

The doctrine of proportionality has undoubtedly become one of the most powerful instruments in the Indian judiciary's toolkit. It allows courts to weigh State action against individual rights with precision and principle. Yet, as the doctrine's influence grows, so do the **challenges of its application.**

While proportionality provides a framework for fairness, its effectiveness depends on how judges interpret and implement it within India's complex administrative and social realities. The road ahead is full of promise—but also of delicate tensions.

5.1. The Problem of Judicial Subjectivity

At its core, proportionality is a **balancing exercise**—an inquiry into whether the State's restriction on rights is justified by the importance of its goal. But how much restriction is “too much”? How important must the goal be to justify curtailing liberty? These are not purely legal questions; they are deeply **value-laden judgments.**

This makes proportionality both its strength and its vulnerability. It gives judges flexibility, but it also risks **subjectivity.** Two equally reasonable judges could reach different conclusions on the same issue: one might see a measure as necessary for security; another might view it as an overreach.

In societies as diverse as India's—where religion, region, caste, and class shape perceptions of harm and necessity—judicial subjectivity becomes even more pronounced. The challenge, therefore, is to ensure **consistency without rigidity**, to turn proportionality from an art into a disciplined craft of constitutional reasoning.

5.2. Administrative Deference and the Limits of Judicial Review

Another tension lies in the relationship between **the judiciary and the executive.** Courts are guardians of rights, but they are not policymakers. When decisions involve economic regulation, national security, or complex scientific issues, courts often defer to administrative expertise.

While such deference is sensible, excessive restraint risks turning proportionality into a **symbolic gesture**—invoked but not truly enforced. The *Central Vista* case and several pandemic-related orders revealed this hesitation.

The challenge ahead is for courts to develop **graduated standards of scrutiny:** applying stricter proportionality in cases involving fundamental rights and individual liberty, and lighter scrutiny in technical or policy-heavy matters. This flexible calibration would preserve institutional balance while still upholding the constitutional promise of reasoned governance.

5.3. The Need for Evidence-Based Adjudication

Proportionality thrives on facts. To decide whether a measure is “necessary” or “least restrictive,” courts must rely on **empirical evidence**, not just abstract reasoning. Yet, in India, access to data—especially from the State—is often limited or opaque.

For instance, in the *Internet and Mobile Association of India* case, the Court struck down the RBI's cryptocurrency ban partly because the regulator could not provide concrete evidence of harm. Such cases underscore that **the burden of proof lies with the State**—it must demonstrate, with evidence, that its actions are justified.

In the future, proportionality will require courts to cultivate a culture of **data-driven constitutionalism**, where claims of necessity are backed by proof, not presumption. This will also demand greater transparency and cooperation from the executive branch.

5.4. Doctrinal Consistency and Lower Court Application

While the Supreme Court has adopted proportionality as a constitutional standard, its **translation to lower courts** remains uneven. High Courts and tribunals often invoke the doctrine without applying its full structure, sometimes conflating it with arbitrariness or fairness under Article 14.

This inconsistency weakens the doctrine's analytical clarity. The challenge, therefore, is educational as much as legal: judges, lawyers, and administrators must develop a **shared vocabulary of proportionality**—understanding its steps, limits, and implications.

Judicial academies and legal education programs can play a vital role here, transforming proportionality from an elite constitutional idea into a **practical tool of governance and justice**.

5.5. Cultural and Philosophical Challenges

Beyond technical issues, there lies a deeper philosophical question: *Can proportionality—born from European liberalism—fully capture the moral complexities of India's constitutional democracy?*

Indian constitutionalism is not only about individual autonomy but also about **collective welfare, social justice, and moral community**. Balancing liberty with social responsibility is more intricate in a country where rights and duties coexist within a plural moral landscape.

Courts must therefore evolve a distinctly **Indian model of proportionality**—one that respects both individual dignity and the communitarian ethos of the Constitution. This requires sensitivity to context: a proportionality analysis in matters of digital privacy may differ fundamentally from one involving affirmative action or religious freedom.

The future lies in indigenizing the doctrine—rooting it not merely in European rationality but in **Indian constitutional morality**, which values liberty, equality, and fraternity as an integrated triad.

5.6. The Promise Ahead — A Culture of Constitutional Justification

Despite its challenges, proportionality represents the **moral maturity** of Indian constitutionalism. It signals that power must justify itself, that every restriction must be reasoned, and that governance is not above accountability.

As India enters an era dominated by artificial intelligence, digital surveillance, environmental crises, and social media regulation, proportionality will serve as a **constitutional compass**—guiding the State toward balance and fairness.

The doctrine's future strength will depend on the judiciary's willingness to apply it boldly yet responsibly—to ensure that no measure of governance escapes **reasoned scrutiny**, and that no right is curtailed without **just cause**.

Ultimately, the greatest promise of proportionality is that it transforms **constitutional review into a dialogue**—between the State and the citizen, between power and principle, between progress and justice. It reaffirms that democracy is not the rule of majorities, but the **rule of reason**.

6. Conclusion

The story of the **Doctrine of Proportionality** in India is, in essence, the story of the Constitution's growing moral confidence. From its modest beginnings as a tool of administrative fairness to its present status as a cornerstone of constitutional rights adjudication, proportionality has evolved into far more than a legal test—it has become the **grammar of justice** in modern Indian public law.

For decades, the Indian judiciary relied on *Wednesbury* reasonableness—a doctrine of restraint that asked whether a decision was outrageously irrational, not whether it was just. But in a democracy built on rights, restraint alone was never enough. *Puttaswamy* marked the decisive shift: it told the State that **power is not its own justification**. Every restriction, every intrusion, every law must be explained, defended, and measured against the touchstone of necessity and fairness.

Proportionality thus embodies the **ethical heartbeat of constitutionalism**. It insists that the State, even when acting for the public good, must govern with humility. Lawful power is not limitless power; it is a trust held for the people, and that trust is sustained only through reasoned justification.

In the years following *Puttaswamy*, proportionality has illuminated every corner of governance—from internet shutdowns and economic regulation to environmental management and pandemic response. Each case has reaffirmed a central truth: **that the Constitution does not fear power, but demands that power be answerable**.

Yet, the journey is far from complete. The application of proportionality in India still faces the challenges of judicial subjectivity, institutional capacity, and doctrinal inconsistency. Courts must continue to refine the standard—not by diluting it, but by deepening it. They must ensure that proportionality becomes a **living discipline**, not a rhetorical flourish.

At its best, proportionality transforms judicial review into a **dialogue of justification**—a conversation in which the State explains its choices, citizens assert their rights, and the courts mediate the balance between collective good and personal freedom. This is what makes the doctrine so deeply democratic: it does not silence the State, but teaches it to speak the language of reason.

In a rapidly changing India—where technology can monitor every click, where policy decisions can affect millions overnight, and where the line between public and private spheres is increasingly blurred—the need for proportionality is greater than ever. It serves as the Constitution's quiet reminder that progress without restraint is peril, and liberty without order is fragility.

Ultimately, the **Doctrine of Proportionality** is more than a judicial standard—it is a philosophy of governance that ensures that power remains tethered to principle. It is the bridge between law and morality, between authority and accountability, between governance and grace.

As India's constitutional jurisprudence continues to evolve, proportionality will remain its moral compass—steadying the ship of State through the turbulent waters of modern governance, and ensuring that justice in India is not only done, but **done proportionately, humanely, and with reason**.



References

1. *Om Kumar v. Union of India*, (2001) 2 SCC 386.
2. *Modern Dental College v. State of Madhya Pradesh*, (2016) 7 SCC 353.
3. *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
4. *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.
5. *Internet and Mobile Association of India v. RBI*, (2020) 10 SCC 274.
6. *Kaushal Kishor v. State of Uttar Pradesh*, (2023) 4 SCC 1.
7. Madhav Khosla, *The Indian Constitution: A Short Introduction* (Oxford University Press, 2020).
8. Tarunabh Khaitan, *Proportionality in India: A Bridge Too Far?* (ICON, 2019).