FUNDAMENTAL RIGHTS: A GLOBAL PERSPECTIVE

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Introduction

The Institute of Legal Studies, Chaudhary Charan Singh University, Meerut, takes immense pride in announcing the distinguished invitation extended to Dr. Vivek Kumar Tyagi as the Chief Opening Speaker at the Fluminense Federal University (UFF), the preeminent federal university of Brazil. This prestigious recognition was accorded during the Third International Colloquium commemorating the promulgation of the 1988 Constitution of the Federative Republic of Brazil, convened under the thematic banner "Fundamental Rights: A Global Perspective." The event constituted an eminent juridical and academic congregation devoted to the critical exegesis of the evolution, consolidation, and transnationalization of fundamental rights within the contemporary constitutional order, underscoring their enduring significance in the architecture of global constitutionalism and comparative jurisprudence.

Development

Fluminense Federal University, a premier academic institution rooted in Brazil's pre-constitutional military era, hosted this vital dialogue under the leadership of prominent scholars including Prof. Anna Elis de Carli, Prof. Marco Aurélio L. Casemirocos, and Prof. Marcus Wagner de Cax. Dr. Tyagi's keynote address emphasized how Brazil's 1988 Constitution remains a cornerstone for democracy and human dignity, inspiring constitutional frameworks worldwide. Central to his discourse was the recognition that the protection of fundamental rights transcends national boundaries and is shaped by dynamic global judicial exchanges. Citing the International Court of Justice's advisory opinion on the Construction of a Wall in the Occupied Palestinian Territory (2004), Dr. Tyagi highlighted international law's role in establishing state duties to uphold human rights universally. He further drew insights from the European Court of Human Rights' Handyside v. United Kingdom (1976) case, underscoring the proportionality principle essential for balancing rights such as freedom of expression with justified state limitations. Within the Inter

American human rights system, the González et al. ("Cotton Field") v. Mexico judgment (2009) was presented as a milestone enforcing state responsibility towards gender-based violence prevention. Complementing this regional perspective, Dr. Tyagi examined Brazil's Supreme Federal Court decisions that have progressively expanded constitutional protections—affirming health rights (ADI 1946), enforcing anti-corruption mechanisms (AP 470), and recognizing digital privacy in the modern era (ADI 5581).The keynote drew compelling parallels with Indian constitutional law developments. Cases such as Kesavananda Bharati (basic structure doctrine), Maneka Gandhi (liberty expansion), Justice K.S. Puttaswamy (privacy as a fundamental right), and Vishaka (gender equality protections) illustrated how constitutional adjudication adapts to societal changes while protecting core rights. Globally, he referenced pivotal rulings like the US Supreme Court's Brown v. Board of Education (racial equality) and South Africa's Grootboom decision (socio-economic rights), reflecting the universal struggle to uphold dignity and equality.

Dr. Tyagi also addressed the complexities constitutional courts face today, including balancing individual freedoms with collective security, evidenced in cases such as A and Others v. United Kingdom and the emerging jurisprudence on climate justice, notably Juliana v. United States. He praised Brazil's constitutional "cláusulas pétreas," immutable provisions protecting foundational rights against digital misinformation and social inequality, as models for constitutional resilience.

Conclusion

In closing, Dr. Tyagi affirmed that fundamental rights represent a shared global heritage, continually shaped and renewed through international judicial dialogue. The Brazilian 1988 Constitution exemplifies a progressive vision that, when engaged through comparative constitutionalism, offers critical lessons for strengthening democratic institutions worldwide. He called for sustained cross-jurisdictional engagement to safeguard the universality and vitality of fundamental rights amid evolving global challenges. The colloquium's wide-ranging academic participation underscored the collective responsibility to protect these rights as pillars of human dignity and democratic governance.

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