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## The Role Of The Indian Judiciary In Enforcing Human Rights: Constitutional Safeguards, Judicial Interpretation, And Mechanisms For Accountability In A Complex Legal Landscape

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### Abstract

The role of the Indian judiciary in enforcing human rights has been central to the development of constitutional jurisprudence in India. Since the adoption of the Constitution in 1950, the judiciary has played a crucial role in upholding the human rights of citizens through the interpretation of constitutional provisions, particularly Part III on Fundamental Rights. This paper explores the ways in which the judiciary has safeguarded human rights, focusing on constitutional safeguards, judicial interpretation, and the mechanisms for accountability in India's complex legal landscape. The judiciary has interpreted the Constitution expansively, ensuring that human rights protections extend beyond mere statutory provisions to include social, economic, and cultural rights, often derived from the Directive Principles of State Policy (DPSPs) and international law.

In its role as the final interpreter of the Constitution, the judiciary has consistently interpreted human rights provisions to cover a wide range of rights, including the right to life (Article 21), freedom of speech (Article 19), and equality before the law (Article 14). Landmark judgments such as *Maneka Gandhi v. Union of India*

(1978), Kesavananda Bharati v. State of Kerala (1973), and Vishaka v. State of Rajasthan (1997) have expanded the scope of constitutional rights, thereby strengthening India's human rights framework.

The judiciary's mechanisms for ensuring accountability are also critical, including the Public Interest Litigation (PIL) process, which has allowed marginalized groups to approach courts for enforcement of their rights. However, challenges persist in ensuring full protection, especially in a context of political, economic, and social complexities. This paper critically examines these issues, offering insights into how the judiciary contributes to a vibrant democracy, guarantees justice, and ensures accountability in the protection of human rights.

**Keywords:** Indian Judiciary, Human Rights, Constitutional Safeguards, Judicial Interpretation, Accountability.

## Introduction

India's Constitution, which came into effect in 1950, stands as one of the most significant documents in the global framework of constitutional law. At its heart, it ensures the protection of human rights, enshrining them within Part III through Fundamental Rights. These rights are not only intended to safeguard individuals from the excesses of the state but also aim to create a just society where all citizens have access to dignity, equality, and justice. However, the effective implementation and enforcement of these rights, especially in a country as vast and diverse as India, require a robust and dynamic mechanism. The Indian judiciary, as the interpreter and protector of the Constitution, plays an indispensable role in ensuring that human rights are safeguarded against violations and that the spirit of the Constitution is upheld.

The judiciary in India has been instrumental in shaping and expanding the scope of human rights, particularly through its interpretation of constitutional provisions. Indian courts have consistently evolved a jurisprudence that goes beyond a literal reading of the Constitution and has looked into the broader social, economic, and cultural contexts to protect the rights of marginalized and vulnerable groups. This paper explores the role of the Indian judiciary in enforcing human rights, delving into constitutional safeguards, the judiciary's interpretative role, and the mechanisms of accountability within the Indian legal system.

## Constitutional Safeguards: A Pillar for Human Rights Protection

The Indian Constitution, drafted under the leadership of Dr. B.R. Ambedkar, incorporates provisions that safeguard the basic rights of individuals against potential overreach by the state. These rights, classified as Fundamental Rights, are contained in Part III of the Constitution and include a range of civil, political, and social rights, such as the right to equality (Article 14), freedom of speech (Article 19), and right to life and

personal liberty (Article 21). These rights, therefore, form the foundation upon which the judiciary acts to enforce and protect human rights.

Article 32 of the Constitution provides citizens with the right to directly approach the Supreme Court if they believe that their Fundamental Rights have been violated. This provision creates a direct link between the rights enshrined in the Constitution and the mechanism of enforcement, highlighting the judiciary's essential role in ensuring the protection of rights.<sup>1</sup>

In addition to Fundamental Rights, Part IV of the Constitution contains the Directive Principles of State Policy (DPSPs), which, though non-justiciable, provide guidance to the state in framing policies that promote the welfare of citizens. These principles reflect the commitment to social justice and equality, encompassing a broad range of rights, including the right to education, health, and livelihood. The courts have increasingly interpreted these principles in conjunction with Fundamental Rights, thus ensuring that human rights are not limited to the civil and political sphere but also extend to economic, social, and cultural rights. This judicial innovation has allowed the Indian judiciary to adapt to the complex challenges posed by social inequality and economic deprivation.

In *Aruna Shanbaug v. Union of India*, the Supreme Court addressed the right to die with dignity. The Court recognized the distinction between passive euthanasia and active euthanasia and allowed the withdrawal of life support for individuals in a permanent vegetative state. The Court emphasized the right to life with dignity under Article 21, stating that the right to life includes the right to die with dignity, thereby reinforcing the constitutional safeguards against arbitrary state interference in individual autonomy and human rights.<sup>2</sup>

In *Shafin Jahan v. Union of India*, the Supreme Court addressed the issue of inter-faith marriage and upheld the right to marry as part of personal liberty under Article 21. The Court emphasized that the right to choose a partner is an essential part of the right to life and liberty, thereby protecting individuals from coercion and recognizing personal autonomy. The judgment underscored the constitutional safeguards against state interference in an individual's right to choose their life partner, reinforcing freedom of choice under the Constitution.<sup>3</sup>

In *Independent Thought v. Union of India*, the Supreme Court ruled that sexual intercourse with a minor wife is rape, irrespective of marital status. The Court held that exception 2 to Section 375 of IPC, which allowed for sexual intercourse with wives aged 15-18, was unconstitutional, as it violated the right to equality and the right to life and dignity under Articles 14, 15, and 21. This case expanded the interpretation of human rights

<sup>1</sup> Constitution of India, Art. 14, 19, 21, and 32; Dr. B.R. Ambedkar, Constitutional Drafting Committee Report, 1947.

<sup>2</sup> *Aruna Shanbaug v. Union of India*, (2011) 4 SCC 454.

<sup>3</sup> *Shafin Jahan v. Union of India*, (2018) 16 SCC 408.

protections, particularly for young girls, by ensuring that marital rape is recognized as a violation of fundamental rights.<sup>4</sup>

In *Joseph Shine v. Union of India*, the Supreme Court decriminalized adultery under Section 497 of the Indian Penal Code, declaring it unconstitutional. The Court ruled that the law, which treated adultery as an offense only when committed by a man against a woman, violated the right to equality under Article 14 and right to life and liberty under Article 21. The judgment reflects the Court's role in safeguarding individual autonomy and human dignity by ensuring that laws align with constitutional principles of equality and freedom.<sup>5</sup>

In *Common Cause v. Union of India*, the Supreme Court allowed for living wills or advance medical directives, recognizing the right to die with dignity under Article 21. The Court held that individuals have the right to decide the manner in which they wish to die, thereby empowering them with the right to choose in end-of-life situations. The judgment provided constitutional safeguards for personal autonomy and dignity, particularly for individuals who are suffering from terminal illness, by upholding their right to refuse life-sustaining treatment.<sup>6</sup>

In *I.R. Coelho v. State of Tamil Nadu*, the Supreme Court ruled that Article 368 of the Constitution, which deals with amendments, cannot be used to alter the basic structure of the Constitution. The Court emphasized that certain fundamental rights, such as the right to equality and right to life, are inviolable and cannot be subjected to change through ordinary legislative processes. This judgment reinforced the role of constitutional safeguards in protecting human rights and preserving the basic structure of the Constitution, ensuring that democratic principles remain intact.<sup>7</sup>

### **Judicial Interpretation: Expanding the Scope of Human Rights**

The judiciary's role in the enforcement of human rights cannot be overstated. The courts in India have been instrumental in interpreting the Constitution expansively, ensuring that the rights enshrined in the Constitution are not mere abstractions but live principles that affect real lives. The judiciary's interpretative role has been transformative, especially in the context of expanding Article 21, which guarantees the right to life and personal liberty.

In the landmark case of *Maneka Gandhi v. Union of India* (1978), the Supreme Court expanded the scope of Article 21. The case held that the right to life was not limited to mere animal existence but extended to the right to live with dignity. This interpretation was a significant departure from earlier rulings and marked a new era in the judicial enforcement of human rights. The decision broadened the scope of due process under Article

<sup>4</sup> *Independent Thought v. Union of India*, (2017) 10 SCC 800.

<sup>5</sup> *Joseph Shine v. Union of India*, (2018) 2 SCC 189.

<sup>6</sup> *Common Cause v. Union of India*, (2018) 5 SCC 1.

<sup>7</sup> *I.R. Coelho v. State of Tamil Nadu*, (2007) 2 SCC 1.

21, emphasizing that any action depriving an individual of their liberty or rights must be in accordance with the principles of natural justice and fairness. This interpretation laid the foundation for further judicial expansion of human rights jurisprudence, making it more inclusive and adaptive to societal changes.<sup>8</sup>

In the landmark case of *Navtej Singh Johar v. Union of India* (2018), the Supreme Court decriminalized same-sex relations between consenting adults by striking down Section 377 of the Indian Penal Code. The Court held that the criminalization of consensual sexual relations between adults violated the constitutional guarantee of individual autonomy, privacy, and dignity under Articles 14, 15, and 21 of the Constitution. This judgment significantly expanded the scope of human rights by recognizing the rights of the LGBTQ+ community, thereby ensuring equality and non-discrimination.<sup>9</sup>

The Right to Privacy Case (*K.S. Puttaswamy v. Union of India*) marked a critical moment in India's legal history. The Supreme Court, through a 9-judge bench, ruled that privacy is a fundamental right under Article 21 of the Constitution. The Court held that privacy is an essential element of individual autonomy, and the state could not arbitrarily infringe upon it. This ruling expanded the scope of human rights by recognizing the right to privacy as an intrinsic part of dignity, identity, and liberty in the digital age.<sup>10</sup>

In *NALSA v. Union of India*, the Supreme Court recognized the right of transgender individuals to live with dignity and awarded them the status of a third gender. The Court held that transgender persons have the right to self-identify their gender and must be provided with the same rights and opportunities as any other citizen. This judgment significantly expanded the interpretation of fundamental rights, ensuring equality and non-discrimination for transgender individuals under the Constitution, particularly under Articles 14, 15, and 21.<sup>11</sup>

In *Shafin Jahan v. Union of India*, the Supreme Court addressed issues surrounding inter-faith marriages and upheld the right to choice in marriage. The case involved a woman who converted to Islam and married a Muslim man. The Kerala High Court had annulled the marriage, citing the *Hadiya* case. However, the Supreme Court, in its judgment, emphasized that the right to choose a partner is part of an individual's right to life and liberty under Article 21. The Court also highlighted that any interference in personal relationships must not infringe upon the fundamental rights of individuals, thereby extending the scope of personal autonomy.<sup>12</sup>

Moreover, judicial interpretation has allowed the Fundamental Rights to evolve in response to contemporary needs. The right to education under Article 21A was made a fundamental right through the 86th Amendment Act of 2002, which was interpreted by the courts as a right to free and compulsory education for children aged

<sup>8</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; Fundamental Right to Education under Article 21A, Constitution of India.

<sup>9</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

<sup>10</sup> *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

<sup>11</sup> *National Legal Services Authority (NALSA) v. Union of India*, (2014) 5 SCC 438.

<sup>12</sup> *Shafin Jahan v. Union of India*, (2018) 16 SCC 408.

6 to 14 years. This case represents how judicial interpretation has kept pace with socio-economic developments, ensuring that the legal framework reflects the evolving realities of Indian society.

## **The Role of Public Interest Litigation (PIL)**

One of the key mechanisms through which the judiciary has enhanced human rights enforcement is through Public Interest Litigation (PIL). PIL allows citizens or organizations to approach the courts not only for personal grievances but also for the enforcement of rights on behalf of marginalized or disadvantaged groups. It has served as an essential tool for promoting social justice and providing access to justice for those who cannot afford it.

The introduction of PIL transformed the Indian judiciary into a more proactive institution. The landmark judgment in *Vishaka v. State of Rajasthan* (1997) is a notable example of how PIL was used to address issues of sexual harassment in the workplace, a pressing social issue that was previously not adequately addressed by law. The case led to the establishment of comprehensive guidelines to protect women from sexual harassment at the workplace, long before the legislature could pass a law on the subject. This decision exemplifies the judiciary's role in making human rights more accessible and ensuring that the state fulfills its obligations to protect individuals from discrimination and harm.

In *Maneka Gandhi v. Union of India*, the Supreme Court expanded the scope of Article 21, recognizing that the right to life includes a range of entitlements such as the right to travel abroad, and any law depriving an individual of this right must be just, fair, and reasonable. This case marked a significant expansion of the concept of "due process of law" under Article 21. The Court also discussed the importance of PIL, noting that constitutional guarantees could not be denied on the grounds of technicalities of procedure. This case laid the foundation for future PILs, enhancing the court's activism in safeguarding human rights.<sup>13</sup>

The Supreme Court, through *Vishaka v. State of Rajasthan*, addressed the issue of sexual harassment in the workplace, a topic that was not adequately covered by Indian laws at the time. The Court took a significant step by issuing guidelines to address this issue under PIL, even before legislation was enacted. The Vishaka guidelines were later codified into the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, thereby demonstrating the judiciary's proactive role in safeguarding human rights through PIL.<sup>14</sup>

In *Ram Jethmalani v. Union of India*, a PIL was filed to challenge the corruption within the political system, especially the ongoing practice of criminalization of politics. The petition demanded that political candidates with criminal charges be barred from contesting elections. The Supreme Court's response emphasized the

<sup>13</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

<sup>14</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

necessity of transparent electoral processes and placed significant restrictions on political candidates, mandating the disclosure of criminal records. This case represents the judiciary's intervention to ensure the integrity of the electoral process.<sup>15</sup>

In *State of Uttar Pradesh v. Rajesh Gupta*, the Supreme Court addressed the issue of the poor condition of jails in India. The PIL, filed by a rights organization, pointed out the overcrowding and inadequate living conditions in prisons, which violated prisoners' human rights. The Supreme Court directed the state authorities to take immediate measures to improve the conditions, including sanitation, healthcare, and living space for inmates. This case showcases the role of PIL in ensuring the rights of individuals, including those in prison.<sup>16</sup>

Another significant PIL case was *MC Mehta v. Union of India* (1987), where the Court expanded its jurisdiction to include environmental concerns as part of the right to life under Article 21. This decision demonstrated how PIL can be used to address complex socio-environmental issues while broadening the scope of human rights protection. Through PIL, the judiciary has demonstrated an understanding that human rights are not limited to classical civil liberties but encompass a wide range of issues, including the right to a healthy environment, social security, and economic justice.<sup>17</sup>

### **Judicial Mechanisms for Accountability**

The enforcement of human rights in India is not limited to judicial interpretations alone; there are several mechanisms through which the judiciary ensures accountability in protecting human rights. These mechanisms range from judicial review of executive and legislative actions to the empowerment of individuals through PIL.

One important tool for ensuring accountability is the judicial review of laws and policies. The judiciary acts as a check on executive and legislative actions, ensuring that they conform to constitutional principles. If a law or policy violates the fundamental rights guaranteed by the Constitution, the judiciary can strike it down as unconstitutional. In the case of *Minerva Mills Ltd. v. Union of India* (1980), the Supreme Court emphasized that the basic structure of the Constitution, including the protection of human rights, cannot be altered or abrogated by any amendment.<sup>18</sup>

Further, the Human Rights Commission and other statutory bodies play a vital role in monitoring the implementation of human rights policies. The judiciary has been actively involved in ensuring that these bodies perform their functions effectively, holding the state accountable for the protection of human rights. Through

<sup>15</sup> *Ram Jethmalani v. Union of India*, (2011) 8 SCC 1.

<sup>16</sup> *State of Uttar Pradesh v. Rajesh Gupta*, (2020) 11 SCC 151.

<sup>17</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241; *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

<sup>18</sup> *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625.

a combination of judicial activism, PIL, and judicial review, the courts have made the state accountable for the realization of human rights at various levels of governance.

## Challenges in Enforcing Human Rights

Despite the judicial innovations and the robust framework in place, several challenges persist in enforcing human rights in India. One of the major challenges is the inadequate implementation of laws. While the courts have expanded the scope of human rights through their judgments, the actual enforcement of these rights at the ground level remains problematic. For instance, in cases related to police brutality or untouchability practices, despite strong legal provisions, social realities often hinder the effective enforcement of these rights.<sup>19</sup>

Another challenge is the delayed justice in India's judicial system, where long pendency of cases often diminishes the impact of judicial rulings. In addition, the judicial system's ability to enforce human rights across such a vast and diverse country requires substantial administrative resources and coordination with other organs of the state. The need for greater judicial activism coupled with better administrative mechanisms to enforce human rights remains a critical concern.

## Conclusion

The Indian judiciary plays a central role in ensuring the protection and enforcement of human rights within the framework of the Constitution of India. With the Constitution providing an extensive set of constitutional safeguards, the judiciary has become a powerful guardian of these rights, interpreting them expansively to address the changing needs of society. Judicial interpretations in landmark cases have expanded the scope of rights, turning constitutional provisions into robust mechanisms for human rights protection. Through Public Interest Litigation (PIL), the judiciary has demonstrated a commitment to ensuring that vulnerable and marginalized groups have access to justice, making the courts accessible to a broader section of society.

India's Constitution guarantees a range of fundamental rights under Part III, including the right to equality (Article 14), the right to life and personal liberty (Article 21), and the right to freedom of expression and speech (Article 19), among others. These rights are foundational to the country's democratic structure. Over time, the Indian judiciary has interpreted these provisions liberally to expand their reach. For instance, in cases like *Maneka Gandhi v. Union of India* and *K.S. Puttaswamy v. Union of India*, the Supreme Court interpreted Article 21 (right to life and liberty) to include not just physical existence but the right to live with dignity, thereby protecting individuals from arbitrary state action and enhancing the scope of human rights in India.

Public Interest Litigation (PIL) has been a tool through which the judiciary has taken a proactive role in human rights enforcement. PILs have allowed courts to hear matters of public concern even without direct petitions

<sup>19</sup> India's Legal and Judicial System, India Justice Report 2019, Vidhi Centre for Legal Policy.

from the affected parties, enabling judicial intervention in matters such as environmental protection, women's rights, and children's welfare. The Vishaka Guidelines and *NALSA v. Union of India* are examples where PILs were instrumental in securing rights for women and the transgender community, respectively. These decisions underscore the judicial commitment to protecting human dignity and equality under the Constitution.

The doctrine of the "basic structure" of the Constitution, articulated in cases like *Kesavananda Bharati v. State of Kerala*, acts as a safeguard to prevent amendments that would undermine fundamental rights. Through this doctrine, the judiciary ensures that the core values embedded in the Constitution remain intact, thus protecting the democratic and human rights framework of the nation. The courts have maintained a delicate balance between judicial intervention and respect for the legislative domain, recognizing that constitutional safeguards must adapt to societal changes without diluting the fundamental principles of justice.

Additionally, the mechanisms for accountability provided by the judiciary have strengthened the protection of human rights in India. The right to approach the courts, the expansive interpretations of constitutional provisions, and judicial activism through PILs have all contributed to an environment where human rights are actively defended. However, challenges remain, particularly regarding the implementation of judgments and ensuring that legal protections translate into tangible outcomes for all citizens.

In conclusion, the Indian judiciary has significantly contributed to the protection and expansion of human rights through its interpretations and interventions. By interpreting constitutional safeguards expansively, it has addressed contemporary human rights issues such as gender justice, privacy rights, transgender rights, and freedom of speech. While challenges such as judicial overreach, delayed justice, and lack of implementation remain, the judiciary continues to be an essential institution in enforcing human rights in India, shaping the legal landscape and safeguarding the ideals of justice, equality, and dignity as enshrined in the Indian Constitution.