



JUDICIAL ACTIVISM AND THE PROTECTION OF HUMAN RIGHTS IN INDIA

Dr. K.Eswara Reddy

Lecturer in Political Science, Government Degree College, Tadipatri
Ananthapuramu District. – 515411**ABSTRACT**

Judicial activism has played a transformative role in strengthening the protection of human rights in India by expanding the scope of constitutional guarantees and ensuring access to justice. This study examines the evolution, significance, and impact of judicial activism in safeguarding fundamental rights under the Constitution of India. It highlights the proactive role of the Supreme Court in interpreting Articles 14, 19, 21, 32, and 226 to protect human dignity, equality, liberty, and social justice. The study analyzes the contribution of landmark judgments, Public Interest Litigation (PIL), and the incorporation of international human rights norms in developing Indian human rights jurisprudence. It also evaluates the judiciary's role in protecting the rights of marginalized groups, women, prisoners, workers, and sexual minorities. While recognizing the achievements of judicial activism, the study critically examines concerns relating to judicial overreach and the separation of powers. It concludes that judicial activism remains an indispensable instrument for promoting constitutional governance, the rule of law, and the effective realization of human rights in a democratic society.

KEYWORDS : Judicial Activism, Human Rights, Indian Constitution, Public Interest Litigation (PIL), Fundamental Rights, Article 21, Supreme Court of India, Constitutional Governance, Judicial Review, Rule of Law.

INTRODUCTION

Human rights are the fundamental rights and freedoms that belong to every individual by virtue of being human. They are indispensable for ensuring dignity, equality, liberty, and justice. In India, the Constitution provides a strong legal framework for the protection of human rights through the Fundamental Rights enshrined in Part III and the Directive Principles of State Policy contained in Part IV. The judiciary acts as the guardian of the Constitution and plays a crucial role in safeguarding these rights against arbitrary actions of the State and other authorities.

Judicial activism has emerged as an important feature of the Indian judicial system, particularly after the late 1970s, when the Supreme Court adopted a more proactive approach to protect constitutional rights. Through innovative constitutional interpretation and the expansion of Public Interest Litigation (PIL), the judiciary has widened the scope of Article 21 by recognizing rights such as the right to livelihood, education, privacy, a clean environment, and a life with dignity. Judicial activism has significantly strengthened access to justice for marginalized and vulnerable sections of society while promoting transparency, accountability, and good governance.

However, judicial activism has also generated debate over judicial overreach and its impact on the doctrine of separation of powers. This study examines the role of judicial activism in protecting human rights in India, critically evaluating its contributions, limitations, and continuing relevance in strengthening constitutional democracy and the rule of law.

Here is the rewritten text. The original meaning has been completely preserved, but grammatical errors, typos (such as "Viennu" to "Vienna" and "incalculat" to "inculcate"), and duplicate sentences have been corrected for better readability and flow.

Judicial Interpretation of Human Rights

In recent decades, the Supreme Court of India has significantly advanced human rights jurisprudence through a series of landmark judgments, particularly in safeguarding the rights of prisoners against cruel, inhuman, and degrading treatment. The Court has consistently emphasized that the loss of personal liberty does not result in the loss of fundamental human rights. Highlighting this constitutional commitment, Justice V.R. Krishna Iyer, in the landmark *Sunil Batra v. Delhi Administration* case, observed that "human

rights jurisprudence in India has constitutional status." This observation reflects the judiciary's recognition of human dignity as a core constitutional value. India's commitment to international human rights standards was further strengthened when it acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1979. Article 10 of the ICCPR provides that all persons deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person. The Indian judiciary has frequently relied upon these constitutional and international principles to reinforce the protection of prisoners' rights and uphold human dignity within the criminal justice system.

Similarly, Article 5 of the Universal Declaration of Human Rights (UDHR) of 1948 asserts that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." This fundamental principle is further reinforced by the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Vienna Declaration and Programme of Action (VDPA) of 1993 recognized the need to adapt the United Nations' machinery to meet current and future needs for the promotion and protection of human rights. This led to a recommendation to establish a High Commissioner for Human Rights. This goal was realized on December 20, 1993, when the United Nations General Assembly (UNGA) unanimously adopted Resolution 48/141, officially creating the post. On April 5, 1994, the newly appointed High Commissioner assumed his duties. Appointed for a four-year term with the possibility of one renewal, the High Commissioner operates within the framework of the UN Charter, the UDHR, and other relevant instruments to promote universal respect for and observance of all human rights. The role is guided by the recognition that all civil, cultural, economic, political, and social rights are universal, indivisible, interdependent, and interrelated, and that their promotion and protection is a legitimate concern of the international community.

In *Prem Shankar v. Delhi Administration*, Justice Krishna Iyer emphasized that when interpreting constitutional and statutory provisions, courts must not forget the core principles found in Article 5 of the UDHR. Declaring his "homage to human rights," his Lordship called for comprehensive reforms concerning prisons, prison staff, and the prisoners themselves.

This evolving jurisprudence is a welcome trend. It will

undoubtedly help inculcate a sense of accountability among public authorities who discharge duties toward the people, particularly the weaker sections of society. This modern approach to interpreting the provisions of Part III of the Constitution will go a long way in protecting the fundamental rights of citizens—both inside and outside of prison walls—and in securing a social order where individuals are free from inhuman and barbarous treatment.

Human Rights Jurisprudence

Human rights jurisprudence in India has undergone remarkable development through the proactive role of the judiciary in interpreting the Constitution in the light of changing social realities. The Supreme Court has consistently held that the Constitution is a living document, and its provisions must be interpreted to promote justice, equality, and human dignity. By adopting a liberal and purposive approach, the Court has expanded the scope of fundamental rights and strengthened the constitutional framework for the protection of human rights.

A significant milestone in the evolution of human rights jurisprudence was the decision in *Maneka Gandhi v. Union of India* (1978), where the Supreme Court broadened the interpretation of Article 21 by holding that the "procedure established by law" must be fair, just, and reasonable. This judgment transformed Article 21 into a source of numerous implied rights, including the right to live with dignity, access to justice, and protection against arbitrary State action. The decision also established a close relationship between Articles 14, 19, and 21, thereby reinforcing the constitutional guarantee of human rights.

The judiciary has further strengthened human rights through the development of Public Interest Litigation (PIL), making justice accessible to disadvantaged and marginalized sections of society. In *People's Union for Democratic Rights v. Union of India* (1982), popularly known as the ASIAD Workers Case, the Supreme Court held that non-payment of minimum wages and exploitation of labourers violated the constitutional guarantee of human dignity. This judgment reaffirmed that economic exploitation is also a violation of fundamental human rights.

Human rights jurisprudence has also evolved through the recognition of environmental rights. In *Subhash Kumar v. State of Bihar* (1991), the Supreme Court declared that the right to enjoy pollution-free water and air forms an integral part of the right to life under Article 21. Subsequently, in *M.C. Mehta v. Union of India*, the Court evolved principles such as absolute liability and the polluter-pays principle, emphasizing that environmental protection is essential for safeguarding human rights and ensuring sustainable development.

The protection of women's rights has been another significant contribution of judicial activism. In *Vishaka v. State of Rajasthan* (1997), the Supreme Court framed comprehensive guidelines to prevent sexual harassment at the workplace in the absence of statutory legislation. Relying upon constitutional guarantees and international conventions, the Court recognized a safe working environment as an essential component of the rights to equality, dignity, and life. These guidelines later formed the basis of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The judiciary has also recognized privacy as a fundamental human right. In *Justice K.S. Puttaswamy v. Union of India* (2017), a nine-judge Constitution Bench unanimously held that the right to privacy is an intrinsic part of the right to life and personal liberty guaranteed under Article 21. The judgment

affirmed that privacy protects individual autonomy, dignity, and personal choice, thereby significantly expanding the scope of human rights in the digital age.

Another landmark contribution to human rights jurisprudence is found in *Navtej Singh Johar v. Union of India* (2018), where the Supreme Court decriminalized consensual same-sex relations by reading down Section 377 of the Indian Penal Code. The Court held that constitutional morality, equality, dignity, and privacy require equal protection for all individuals irrespective of their sexual orientation. This judgment reaffirmed the constitutional commitment to inclusiveness, non-discrimination, and human dignity.

Thus, Indian human rights jurisprudence has evolved through dynamic constitutional interpretation and judicial innovation. By expanding the meaning of fundamental rights and harmonizing domestic law with international human rights principles, the Supreme Court has transformed the Constitution into an effective instrument for protecting individual freedoms and promoting social justice. Despite occasional concerns regarding judicial overreach, the judiciary continues to play a vital role in advancing human rights, constitutional governance, and the rule of law in India.

CONCLUSION

Judicial activism has emerged as one of the most significant constitutional developments in post-independence India, playing a transformative role in the protection and promotion of human rights. Through dynamic interpretation of the Constitution, particularly Articles 14, 19, 21, 32, and 226, the Supreme Court and High Courts have expanded the scope of fundamental rights far beyond their textual limitations. Landmark judgments such as *Maneka Gandhi v. Union of India*, *Vishaka v. State of Rajasthan*, *Justice K.S. Puttaswamy v. Union of India*, and *Navtej Singh Johar v. Union of India* demonstrate the judiciary's commitment to safeguarding human dignity, equality, liberty, and social justice.

The evolution of Public Interest Litigation (PIL) has further strengthened access to justice by enabling disadvantaged and marginalized groups to seek judicial remedies without procedural barriers. Judicial activism has also facilitated the incorporation of international human rights principles into domestic constitutional jurisprudence, thereby aligning India's legal system with globally recognized human rights standards. In doing so, the judiciary has acted not merely as an interpreter of law but as a protector of constitutional values and the rights of vulnerable sections of society.

Nevertheless, judicial activism must function within the constitutional framework and maintain a careful balance with the doctrine of separation of powers. While judicial intervention is indispensable in cases of executive inaction or legislative inadequacy, excessive judicial interference in policy matters may give rise to concerns regarding judicial overreach. Therefore, judicial activism should remain principled, restrained, and guided by constitutional morality, democratic accountability, and the rule of law.

In conclusion, judicial activism has significantly enriched India's human rights jurisprudence and strengthened constitutional governance. It has transformed the Constitution into a living instrument capable of responding to contemporary social challenges and protecting the rights of all citizens. As India continues to evolve as a constitutional democracy, a balanced and responsible judiciary will remain indispensable in ensuring that the ideals of justice, liberty, equality, and human dignity are translated into meaningful realities for every individual.

REFERENCES:

1. Austin, G. (1999). *Working a Democratic Constitution: The Indian Experience*.

- Oxford University Press.
2. Basu, D. D. (2022). *Introduction to the Constitution of India* (26th ed.). LexisNexis.
3. Jain, M. P. (2022). *Indian Constitutional Law* (9th ed.). LexisNexis.
4. Seervai, H. M. (2015). *Constitutional Law of India* (4th ed.). Universal Law Publishing.
5. Sathe, S. P. (2002). *Judicial Activism in India: Transgressing Borders and Enforcing Limits*. Oxford University Press.
6. The Constitution of India (as amended).
7. Universal Declaration of Human Rights, 1948.
8. International Covenant on Civil and Political Rights (ICCPR), 1966.
9. Vienna Declaration and Programme of Action, 1993.
10. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
11. *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494.
12. *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.
13. *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.
14. *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.
15. *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235.