

Human Rights and the Role of the Indian Judiciary

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Abstract—Human rights form the bedrock of a just and civilized society, safeguarding individual freedoms and dignity against tyranny and oppression. The judiciary emerges not just as an interpreter of laws, but as the protector of conscience and constitutional morality. From enforcing socio-economic rights to defending minority voices, the judiciary has become a vital force in bridging the gap between law and justice. In an era where rights are often under siege from political, social, and economic forces, the judiciary stands as the vigilant guardian of human dignity. This article delves into the evolving landscape of human rights, examining how constitutional courts across the world, especially in India, have expanded the meaning of justice beyond rigid legalese to embrace empathy, inclusiveness, and equity. By analysing landmark judgments, judicial activism, and the delicate balance between upholding constitutional values and respecting state sovereignty, this piece explores the judiciary's indispensable role in shaping a more just and humane society.

Index Terms—Human Rights, Constitution of India, Indian Judiciary, Fundamental Rights, Article 21

I. INTRODUCTION TO HUMAN RIGHTS

Human rights are certain inalienable entitlements that every individual possesses simply by being human. These rights are universal and apply to all individuals, irrespective of nationality, caste, race, gender, religion, or economic background. From birth, every person is naturally endowed with these rights, which are neither granted by the state nor subject to revocation. The idea of human rights is rooted in ancient ethical and religious teachings. A well-known early principle, “An act which you do not like others to do to you, do not do that to others,” reflects the foundational values of equality, dignity, and respect. The modern articulation of human rights was first internationally recognized in the Universal Declaration of Human Rights (UDHR), adopted by the United Nations in 1948. In India, these rights are safeguarded and enforced through the Constitution, particularly under the chapter on Fundamental Rights,

ensuring that human dignity and liberty are preserved in a democratic framework.

II. FUNDAMENTAL RIGHTS UNDER THE INDIAN CONSTITUTION

The Indian Constitution guarantees a comprehensive set of Fundamental Rights that are essential for the full development of individuals. These include the Right to Equality, Right to Freedom, right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and the Right to Constitutional Remedies. These rights not only protect individuals from the arbitrary actions of the state but also provide a legal foundation for social justice and human dignity.

III. STRUCTURE OF INDIAN ADMINISTRATION AND ROLE OF JUDICIARY

The Indian democratic system functions through three main organs: the Legislature, which makes laws; the Executive, which implements laws; and the Judiciary, which interprets and enforces laws. Among these, the judiciary holds a special position as the guardian of the Constitution. Its independence is fundamental to upholding the rule of law and ensuring justice.

The Indian judiciary is structured in a hierarchical manner. At the top is the Supreme Court of India, followed by the High Courts at the state level, and beneath them, the District and Subordinate Courts. This pyramidal structure ensures uniform interpretation and application of the law across the country and facilitates accessible justice.

IV. JUDICIAL EXPANSION OF HUMAN RIGHTS

The judiciary has played a transformative role in interpreting and expanding human rights in India. A pivotal moment came in the landmark case of *Maneka*

*Gandhi v. Union of India*¹, where the Supreme Court interpreted Article 21 of the Constitution to mean that the right to life includes the right to live with human dignity. This judgment laid the foundation for a broader understanding of human rights in India.

Subsequent cases such as *Francis Coralie v. Administrator, Union Territory of Delhi*² and *People's Union for Civil Liberties v. State of Maharashtra*³ reaffirmed that the right to life encompasses a range of rights essential for a dignified existence, including the right to adequate nutrition, shelter, and healthcare. These developments demonstrate how the judiciary has read unwritten rights into the Constitution, making it a dynamic and evolving document.

V. RELAXATION OF LOCUS STANDI AND PUBLIC INTEREST LITIGATION (PIL)

Traditionally, the legal principle of locus standi allowed only the aggrieved individual to file a case. Recognizing the barriers faced by marginalized groups in accessing justice, the Indian judiciary introduced Public Interest Litigation (PIL) to allow individuals or groups to approach the courts on behalf of those unable to do so.

In the landmark case of *S.P. Gupta v. Union of India*⁴, the Supreme Court held that any public-spirited individual could file a petition to uphold the rights of disadvantaged people. This expanded access to justice enabled the courts to address a wide range of issues such as bonded labor, environmental degradation, women's safety, and child exploitation.

VI. JUDICIAL PROTECTION OF CHILD RIGHTS

The judiciary has been especially vigilant in protecting the rights of children, who are among the most vulnerable members of society. In *Labourers Working on Salal Project v. State of Jammu and Kashmir*⁵, the Supreme Court ruled that employing children below the age of 14 in hazardous occupations violates their fundamental rights and issued strong directions to eliminate child labor.

In another important case, *People's Union for Civil Liberties v. Union of India*⁶, the Court rescued bonded child laborers and awarded them compensation. These decisions highlight the judiciary's proactive stance in protecting children from exploitation and abuse and in upholding their right to dignity, education, and development.

VII. POWERS OF THE COURTS UNDER ARTICLES 32 AND 226

Article 32 of the Constitution empowers the Supreme Court to issue writs for the enforcement of Fundamental Rights, while Article 226 gives similar powers to High Courts. However, Article 226 has a broader scope as it allows High Courts to also address violations of legal rights, not just fundamental rights.

In *Bandhua Mukti Morcha v. Union of India*⁷, the Court observed that Article 226 grants High Courts the authority to issue orders, directions, and writs for legal and constitutional remedies. This wider jurisdiction strengthens the ability of courts to intervene in cases of injustice and ensure legal accountability.

The scope and grounds for issuing writs were clarified in *Veerappa Pillai v. Raman and Raman Limited*⁸, where the Supreme Court noted that writs could be issued in cases of jurisdictional overreach, failure to exercise jurisdiction, violation of natural justice, or decisions causing injustice.

VIII. DIFFERENT TYPES OF WRITS AND THEIR ROLE

The Indian Constitution provides for five kinds of writs—legal instruments that courts use to enforce rights and check misuse of power.

The writ of habeas corpus, meaning “produce the body,” is issued when a person is unlawfully detained. In *Rudul Sah v. State of Bihar*⁹, a man wrongfully detained for 14 years after completing his sentence was released and compensated. Similarly, in *Sunil*

¹ 1978 AIR 597

² 1981 AIR 746

³ 2014 AIR SCW 5940

⁴ [1982] 2 S.C.R. 365

⁵ (1984)3SCC 538

⁶ AIR1997SC 568

⁷ 1984 AIR 802

⁸ 1952 AIR 192

⁹ 1983 AIR 1086

*Batra v. Delhi Administration*¹⁰, the Court ruled that habeas corpus could also be invoked for inhumane treatment in prison, thereby ensuring humane conditions of detention.

The writ of mandamus, meaning “we command,” compels a public official to perform their legal duty. However, in *S.P. Gupta v. Union of India*¹¹, the Court clarified that such a writ cannot be issued against the President or Governors, reflecting certain constitutional limitations.

The writ of prohibition prevents lower courts from proceeding with cases beyond their jurisdiction. This was affirmed in *East India Commercial Ltd. v. Collector of Customs*¹², where the Court emphasized that this writ ensures judicial bodies do not exceed their legal powers.

The writ of quo warranto is issued when a person is found to be unlawfully occupying a public office. In *Puranlal v. P.C. Ghosh*¹³, the Court held that quo warranto can only be issued if the individual has assumed the office in question.

The writ of certiorari is used to quash orders of lower courts that are illegal or unjust. In *A.K. Kraipak v. Union of India*¹⁴, the Court nullified the decisions of a selection committee that violated natural justice, thereby emphasizing the need for fairness in administrative actions.

IX. JUDICIAL ADVANCEMENTS IN OTHER HUMAN RIGHTS AREAS

The judiciary has also recognized and upheld various other human rights through its rulings. These include the right to a clean and pollution-free environment, the right to health and medical care, the right to privacy, and fair wages for workers. It has issued guidelines for the protection of women at workplaces, provided compensation to rape victims, and intervened in cases of custodial violence. These developments showcase how the judiciary has gone beyond the text of the Constitution to protect human dignity and social justice in a meaningful way.

X. CONCLUSION

Human rights are fundamental to the dignity, equality, and development of every human being. In India, while these rights are enshrined in the Constitution, it is the judiciary that has breathed life into them through its interpretations and interventions. By expanding the meaning of the right to life under Article 21 and allowing public interest litigation, the courts have made justice accessible to the poor and the voiceless. The use of writ jurisdiction has empowered citizens to hold authorities accountable and ensured that their rights are not trampled.

Through landmark judgments and progressive interpretations, the Indian judiciary has played a pivotal role in shaping a rights-based jurisprudence. It has acted as a protector of constitutional values and has been instrumental in promoting social justice. Without the judiciary’s vigilance and dedication, the promise of human rights would remain unfulfilled. As Martin Luther King Jr. aptly said, “Injustice anywhere is a threat to justice everywhere.” The Indian judiciary continues to serve as the guardian of justice and the protector of human rights in our democratic society.

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¹⁰ 1980 AIR 1579

¹¹ [1982] 2 S.C.R. 365

¹² [1982] 2 S.C.R. 365

¹³ AIR1970CAL118

¹⁴ AIR 1970 SUPREME COURT 150

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