

Humanizing the Constitution: Judicial Reinterpretation of Fundamental Rights through a Human Rights Lens

Dr. Dhiraj Sharma

Assistant Professor, University School of Law Guru Kashi University, Talwandi Sabo, Bathinda, (Punjab)

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I. INTRODUCTION

The Constitution of India has been an epic success of the constitutional design that combines the ideal of liberty, equality, and justice with the moral principles of human dignity. As the result of colonial oppression aftermath, social fragmentation, and global awakening of human rights, it was supposed to be written as a transformative charter to create a new social order. The framers realised that rights can never exist as fixed; they must change as the society changes. Although the Constitution offered a comprehensive list of Fundamental Rights, it has been the court that has given rise to the actual meaning of these rights. The Supreme Court has in the course of the last 70 years left behind its inflexible, literal, and coded style of constitutional interpretation and adopted a dynamic, broad, and humanistic interpretation that is more expansive. This is known as the humanization of the Constitution; this process defines the ways in which the courts have put the moral reasoning, natural law, and universal human rights norms into meaning of the Constitution.¹

Constitutions across the world are often viewed not merely as legal documents but as living instruments that evolve with the collective conscience of society. In the Indian context, this evolution is particularly significant because of the nation's unique social, historical, and political circumstances. The Indian constitutional project was envisioned as a transformative endeavour—one that could dismantle centuries of inequality, authoritarianism, and social exclusion, while simultaneously building institutions grounded in democratic values. Within this vision, the

judiciary has played an indispensable role by breathing life into constitutional principles and ensuring that the rights enshrined in the text reflect the dynamic needs of a diverse population.

II. THEORETICAL FOUNDATION: HUMAN RIGHTS, NATURAL LAW AND CONSTITUTION HUMANISM

Human rights are universal moral assertions that are inherent in each human being. These international values are represented in the Indian Constitution which was written soon after the Universal Declaration of Human Rights (UDHR, 1948). The Preamble, Fundamental Rights (Part III) and Directive Principles (Part IV) show an adherence to human dignity in general. Traditions of natural law, with focus on natural rights based on human nature, have had a profound impact on the Indian constitutional thought. According to the judicial views, numerous times it has been stated that the constitutional rights are not just based on text but on the moral grounds of justice and fairness.

One of the philosophies that have taken the form of a guide of the Supreme Court is constitutional humanism which is an interpretive approach where human dignity and moral reasoning has become central. This is in tandem with the moral reading of the Constitution by Ronald Dworkin where the judges ought to apply rights basing them on principles as opposed to literal textual restrictions.² The theoretical foundation of human rights lies deeply in the enduring ideas of natural law and constitutional humanism, both of which together frame the moral, philosophical and

¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966).

² Ronald Dworkin, *Taking Rights Seriously* (Harvard University Press 1977).

normative architecture of modern constitutional democracies. Human rights, in their most essential sense, represent the inherent entitlements of every human being, not because they are granted by any authority, but because they flow from the intrinsic worth and dignity that every individual possesses by virtue of being human. This understanding is rooted in natural law theory, which for centuries argued that there exists a higher moral order—universal, inalienable and reason-based—that stands above the will of rulers or the text of positive law.

Thinkers from Cicero to Locke emphasised that human beings are governed not merely by enacted laws but by principles of justice that are eternal, unchangeable and accessible to human reason. These ideas profoundly shaped the evolution of modern constitutionalism, especially in societies emerging from experiences of exploitation, inequality and oppression. In India, the Constitution embodies these natural law ideals by placing dignity, equality and liberty at the heart of the constitutional arrangement. Yet it goes beyond traditional natural law by adopting a humanistic approach—one that situates the individual not in isolation but within a socially interdependent community, recognizing that true freedom and dignity require not only formal guarantees but also substantive opportunities.

Constitutional humanism, therefore, emerges as a bridge between moral philosophy and legal enforceability. It acknowledges that rights must be interpreted expansively, progressively and compassionately, in ways that uplift the human condition rather than merely validate legal procedures. This humanistic spirit is reflected in the Preamble's solemn commitment to justice—social, economic and political—and in the recognition that the state has an affirmative obligation to remove structural barriers that impede the full development of human personality. The judiciary, through its interpretative role, has often revitalised this humanistic foundation by reading the Constitution as a living document, capable of responding to new realities and expanding the reach of rights to protect the voiceless, marginalised and vulnerable. The interconnectedness of natural law and human rights, therefore, finds its

most concrete expression within constitutional humanism, which transforms lofty moral ideals into actionable constitutional norms. It ensures that the Constitution does not remain a static legal instrument but becomes a dynamic, ethical and compassionate charter that continuously strives to humanise power, restrain authority and empower the individual. In this sense, the theoretical foundation of human rights within natural law and constitutional humanism is not merely an academic framework but a transformative vision—one that seeks to create a social order where every person can live with dignity, freedom and self-respect, and where law becomes a vehicle for human flourishing rather than an instrument of control.

III.METAMORPHOSIS OF JUDICIAL INTERPRETATION

Conservatism characterized the initial years of the Indian constitutional jurisprudence. Cases like *A.K. Gopalan v. State of Madras*³ was a reflection of a close interpretation of rights, which considered Articles 14, 19 and 21 as individual provisions. This method relegated personal freedom to legal due process. But the judgment in the *Maneka Gandhi v. Union of India* (1978) brought about a jurisprudential revolution. The Supreme Court ruled that any law should be just, fair and reasonable that would touch on life and liberty. Articles 14, 19 and 21 were combined into this doctrine, and substantive due process became a constitutional requirement. Since this historic point, the Court started to employ interpretative creativity in order to extend Fundamental Rights and to make them consistent with the principles of human rights.⁴

The metamorphosis of judicial interpretation represents one of the most profound developments in constitutional democracies, especially in jurisdictions where courts function not only as interpreters of law but also as guardians of human dignity and arbiters of social transformation. Judicial interpretation has never been a static or mechanical exercise; rather, it has evolved through changing political contexts, expanding social aspirations, and deepening constitutional values. In its earliest form, judicial interpretation tended to be formalistic, confined to the

³ AIR 1950 SC 27.

⁴ Upendra Baxi, *Human Rights in a Posthuman World* (OUP 2007).

literal meaning of statutory text and shaped by a cautious reluctance to expand judicial power. However, as societies grew more complex and citizens increasingly demanded justice that was substantive rather than merely procedural, the judiciary began to abandon rigid textualism and adopt a more purposive, dynamic and human-responsive approach. This transformation reflects the realisation that constitutions, especially those grounded in ideals of liberty and equality, are not fossilised documents but living charters meant to guide evolving societies. As a result, courts gradually recognised that interpretation must align with the overarching goals of justice, fairness and human rights, rather than remain chained to narrow linguistic formulations.

Over time, this metamorphosis ushered in a jurisprudence characterised by creativity, compassion and constitutional morality. Courts began to interpret rights expansively, read unwritten principles into constitutional provisions, and breathe new life into dormant clauses so that the law could respond to emerging social needs. Concepts like dignity, privacy, environmental rights, gender justice and procedural fairness were infused into legal reasoning through this broadened interpretative approach. In doing so, the judiciary not only filled gaps left by legislation but also played a pivotal role in shaping public policy and reaffirming the transformative nature of the Constitution. The shift was also accompanied by greater sensitivity to marginalised groups, acknowledging that the judiciary had a responsibility to secure justice for those who had historically been excluded from power structures. The metamorphosis of judicial interpretation, therefore, signifies more than doctrinal change—it represents an evolving judicial conscience that embraces flexibility, contextual reasoning and a forward-looking vision of justice.

Ultimately, the transformation reflects the belief that interpretation is an ethical act, one that requires judges to balance tradition with progress, restraint with activism, and text with purpose. It recognises that a constitution must adapt to new realities—technological advancements, social movements, global human rights standards, and shifting notions of

autonomy and equality. Through this continuous evolution, judicial interpretation becomes a powerful vehicle for social change, ensuring that the law remains relevant, humane and responsive to the lived experiences of people. This metamorphosis, far from being a departure from constitutional norms, is in fact their fulfilment, as it preserves the enduring spirit of justice while enabling the legal system to grow alongside society. If courts had remained confined to narrow textualism, many of the rights and protections enjoyed today would not exist. Thus, the metamorphosis of judicial interpretation stands as a testament to the judiciary's role in breathing life into constitutional promises and transforming the Constitution into an instrument capable of shaping a more equitable and humane future.

IV.HUMAN RIGHTS ON THE INTERNATIONAL LEVEL AND NATIONAL CONSTITUTIONALISM

The Constitution in Article 51(c) appeals to the international law. Even though the international treaties do not become enforceable automatically without the enactment of the relevant legislation, the Supreme Court has on several occasions affirmed that the international conventions can inform interpretation where the domestic law remains silent. UDHR, ICCPR, ICESCR and CEDAW have been broadly applied by the Court to broaden the interpretation of Fundamental Rights. *Vishaka v. State of Rajasthan* (1997) is the best example wherein the Court employed CEDAW to establish the binding guidelines on sexual harassment, in the absence of the legislation.⁵

Human rights at the international level and national constitutionalism share a deep and evolving relationship, one that reflects the global recognition of human dignity alongside the sovereign responsibility of states to protect and promote fundamental freedoms. The international human rights framework, built on instruments such as the Universal Declaration of Human Rights, the International Covenants, regional conventions, and the jurisprudence of global

⁵ CEDAW (UN, 1979).

bodies, establishes a universal moral code that transcends borders, cultures and political systems.

These norms affirm that certain rights are inherent, inalienable and owed to every human being—regardless of nationality, identity or status. However, the realisation of these rights ultimately depends on national constitutional structures, which transform international obligations into enforceable legal guarantees. National constitutions, especially in democratic societies, serve as the primary vehicles for internalising international human rights standards by embedding principles of equality, liberty, dignity and justice into enforceable constitutional rights. This interaction creates a dynamic interplay: international law shapes constitutional values, and constitutionalism gives concrete meaning and legitimacy to those global norms through domestic courts, institutions and governance systems.

Over time, this relationship has deepened as courts around the world increasingly look to international human rights norms as interpretative guides, moral anchors and sources of persuasive authority. In India, for instance, the Constitution's human rights orientation allows international instruments to influence judicial interpretation, particularly where domestic law is silent or ambiguous. This practice strengthens the transformative potential of constitutionalism by aligning it with the evolving global consciousness on human rights. International norms have helped expand understandings of dignity, privacy, environmental protection, gender equality, minority rights, and fair trial guarantees, thereby enriching domestic constitutional jurisprudence. At the same time, national constitutionalism contributes to the international human rights discourse by providing local innovations, judicial creativity and contextual, culturally sensitive interpretations that enrich global understanding. This reciprocal flow demonstrates that human rights are not static legal proclamations but dynamic ideals shaped by continuous dialogue between global standards and national experiences.

The synthesis of international human rights and constitutionalism also highlights the moral responsibility of states to harmonise national laws with international commitments. While constitutions embody the democratic will of a nation, international human rights norms reflect humanity's collective ethical conscience. When these two forces converge, they create a robust framework that protects individuals from abuses of power, strengthens democratic institutions, and ensures that justice is not limited by geographical boundaries. Yet, tensions remain—states often assert sovereignty to resist global scrutiny, and cultural relativism is sometimes invoked to justify departures from universal human rights standards.

Nevertheless, the long-term trajectory shows a steady movement toward greater convergence, as globalisation, transnational activism, judicial dialogue and international monitoring mechanisms encourage states to raise their human rights protections to global standards. Ultimately, the relationship between international human rights and national constitutionalism symbolises an ongoing project: constructing a world where the inherent dignity of every person is respected not only in aspirational declarations but in lived constitutional reality. It is through this synergy that human rights evolve from abstract ideals into practical guarantees, shaping societies that value justice, equality and the sanctity of human life.

V.ARTICLE 21 AS THE FOUNTAIN OF HUMAN RIGHTS

Article 21 that ensures that no one shall be robbed of life or liberty without procedure conferred by law has transformed itself to the widest contributor of human rights in India. Article 21 now includes through the interpretation of the courts:

- The right to live with dignity (Francis Coralie Mullin)⁶
- Right to livelihood (Olga Tellis)⁷
- Right to privacy (Puttaswamy)⁸

⁶ Francis Coralie Mullin v. Union Territory of Delhi, AIR 1981 SC 746.

⁷ Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180.

⁸ Justice K.S. Puttaswamy v. Union of India, AIR 2017 SC 4161.

- Right to health, medical care, and emergency treatment (Paschim Banga)⁹
- Right to clean environment (Subhash Kumar; Vellore)¹⁰
- Right to education (Unni Krishnan; later Article 21A)¹¹
- Right to shelter (Chameli Singh)¹²
- Right to clean water, sanitation and a safe environment

This broad construction shows the way the judiciary has made Article 21 human so that the non-entrenched rights critical to dignity come alive.

VI. HISTORIC RULINGS ON HUMANIZING THE CONSTITUTION

The journey of humanizing the Constitution has been profoundly shaped by a series of historic judicial rulings that transformed constitutional guarantees into lived realities for individuals, especially those at the margins of society. In the early years, the judiciary adopted a narrow, literalist approach, but as India's social landscape evolved and citizens demanded deeper justice, the courts began reinterpreting constitutional provisions through a compassionate, human-centred lens. This shift symbolised a fundamental recognition that the Constitution is not merely a legal framework, but a moral charter designed to protect and uplift human dignity. The Supreme Court, through pathbreaking judgments, gradually expanded the meaning of fundamental rights, reading into them values such as fairness, equality, privacy, livelihood, access to justice, and environmental protection. These rulings breathed life into the transformative spirit of the Constitution, ensuring that the grand principles embodied in the Preamble—justice, liberty, equality and dignity—were not confined to text but extended into everyday lived experiences. Landmark judgments such as the reinterpretation of Article 21 to include the right to live with dignity, the recognition of prisoners' rights, the protection of undertrial detainees, and the insistence

on humane treatment by state authorities demonstrated that the judiciary saw itself as a guardian of constitutional morality.

The evolution of public interest litigation further accelerated this humanisation, allowing courts to respond directly to the distress of disadvantaged groups and intervene whenever fundamental rights were threatened by administrative apathy or systemic injustice. By acknowledging socio-economic rights within the ambit of fundamental rights, the Supreme Court affirmed that true constitutional justice requires the protection of both civil and material freedoms. Over time, rulings on gender equality, LGBTQ+ rights, environmental sustainability, disability rights, and digital privacy reaffirmed that constitutional interpretation must evolve alongside social realities and technological advancements. These judgments collectively underscore that the Constitution must be interpreted not as a rigid or conservative document but as a dynamic instrument committed to human welfare. Ultimately, the historic rulings that humanized the Constitution illustrate the judiciary's pivotal role in transforming constitutional promises into concrete safeguards for human dignity. They reflect a deeper judicial understanding that constitutional rights must expand, not contract, when confronted with injustice; that law must serve humanity, not merely regulate it; and that the Constitution's true meaning emerges only when it responds to the needs, struggles and aspirations of the people. Through these judgments, the judiciary has affirmed that the Constitution is a living document—one that grows, adapts and becomes more humane as society evolves. This ongoing judicial contribution ensures that constitutional governance in India remains anchored in empathy, justice and respect for human life, reinforcing the belief that the highest duty of the law is to protect the most vulnerable and uphold the inherent dignity of every individual.

Kesavananda Bharati v. State of Kerala (1973) – Basic Structure Doctrine preserving human dignity¹³
Maneka Gandhi – expanded personal liberty

⁹ Paschim Banga Khet Mazdoor Samity v. State of West Bengal, AIR 1996 SC 2426.

¹⁰ Subhash Kumar v. State of Bihar, AIR 1991 SC 420

¹¹ Unni Krishnan v. State of Andhra Pradesh, AIR 1993 SC 2178.

¹² Chameli Singh v. State of Uttar Pradesh, AIR 1996 SC 1051.

¹³ Gautam Bhatia, *The Transformative Constitution* (HarperCollins 2019).

Vishaka – incorporated international human rights norms

Puttaswamy – declared privacy as an inalienable natural right

Bandhua Mukti Morcha – bonded labour rights

M.C. Mehta cases – environmental human rights

Sheela Barse – safeguards against custodial violence

Naz Foundation and Navtej Johar – LGBTQ+ equality and dignity¹⁴

VII. TRANSFORMATIVE CONSTITUTIONALISM AND PIL

Transformative constitutionalism represents a vision of the Constitution as a powerful instrument for social change—one that not only limits state power but also actively dismantles structures of inequality, discrimination and injustice. In India, this transformative promise found one of its most effective vehicles in Public Interest Litigation (PIL), a jurisprudential innovation that expanded the doors of justice to those who had historically been excluded from formal legal processes. PIL democratized access to justice by allowing concerned individuals, social activists and civil society groups to approach the courts on behalf of marginalized communities who lacked the resources, education or social standing to assert their own rights. Through this expanded locus standi, the judiciary could respond to systemic injustices rather than merely adjudicate disputes between private parties. PIL thus became a constitutional tool that brought the lived experiences of the marginalized—undertrial prisoners, bonded laborers, children, tribal communities, women and environmental victims—directly into the courtroom, allowing the judiciary to humanize legal interpretation and advance substantive equality.

The transformative impact of PIL is visible across multiple spheres of human rights and social justice. In the field of prison reforms, PIL led courts to scrutinize inhuman conditions, custodial violence and the neglect of undertrial prisoners, reinforcing that every person, even behind bars, retains their fundamental right to dignity. In addressing child labor, PIL compelled the state to enforce protective legislation, rehabilitate

affected children and acknowledge child labour as a violation of both dignity and development. In the realm of environmental protection, PIL produced some of the most progressive environmental jurisprudence in the world, introducing the right to a clean and healthy environment as part of the right to life and compelling industries and governments to adopt sustainable practices. PIL also played a vital role in advancing gender justice, influencing landmark rulings on sexual harassment, reproductive rights, workplace safety, and equal treatment of women, thereby strengthening constitutional commitments to equality and autonomy. Additionally, PIL has served as a protective shield for the rights of tribal and indigenous communities, ensuring their access to forests, preventing displacement without due process, and safeguarding their cultural and ecological heritage against exploitative development projects.

Through these interventions, PIL has emerged as a cornerstone of transformative constitutionalism, demonstrating how judicial creativity, empathy and moral responsibility can reshape constitutional rights into tangible instruments of empowerment. It has allowed the judiciary to act as a sentinel of social justice, responding to structural injustices that legislative or executive action often overlooks. While concerns about misuse and judicial overreach exist, the transformative contribution of PIL remains undeniable—it has strengthened democratic accountability, broadened human rights protections and ensured that the Constitution serves not just the privileged few but every individual, especially those silenced by poverty, discrimination or marginalization. In this sense, PIL stands as a testament to the Constitution's transformative spirit: a reminder that justice must not only be available but accessible, not only declared but delivered, and not only legal but deeply humane.

PIL has democratized access to justice because it allows a court to deal with systemic injustice against the marginalized. Some PIL cases have improved human rights in such spheres as: Prison reforms, Child labor, Environmental protection, Gender justice, Rights of tribal communities.

¹⁴ Navtej Singh Johar v. Union of India, AIR 2018 SC 4321.

The judiciary has been very important through PIL in bringing constitutional change and instilling constitutional morality in governance.¹⁵

VIII. CHALLENGES TO HUMANIZATION

Despite revolutionary accomplishments, challenges remain:

Judiciary criticized for overreach

Unequal implementation of socio-economic rights

Legislative inertia

Resource limitations

Divergent judicial philosophies

Tensions between rights, national security and development

Such problems need measured judicial involvement and robust democratic dialogue.¹⁶

IX. CONCLUSION

In India, the most important contribution to the world constitutionalism is the humanization of the Constitution. Interpretive creativity of the Supreme Court, which has been informed by the natural law, instruments of human rights, and constitutional morality, has turned the Constitution into a humanitarian protector of human dignity. This is the path of transformation represented by Article 21 which has been expanded over decades by the jurisprudence. However, in order to maintain this humanized constitutional vision, courts, legislature and the civil society have to work together. The judiciary cannot ignore human rights in its human rights approach. As India faces emerging challenges in technology, environment, privacy and social justice, it is still necessary to maintain the Constitution as a moral and legal protector of human dignity.¹⁷

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