

ROLE OF THE SUPREME COURT IN PROTECTING FUNDAMENTAL RIGHTS IN INDIA

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Abstract

The Constitution of India guarantees Fundamental Rights as essential conditions for the development of human personality, democratic governance, and the rule of law. These rights, enshrined in Part III of the Constitution, protect individuals against arbitrary actions of the State and ensure justice, liberty, equality, and dignity. However, the mere inclusion of rights in a constitutional document is insufficient unless effective mechanisms exist for their enforcement. The Supreme Court of India, as the guardian of the Constitution and the protector of Fundamental Rights, plays a pivotal role in ensuring that constitutional guarantees remain meaningful and enforceable.

*Since its establishment in 1950, the Supreme Court has significantly contributed to the protection and expansion of Fundamental Rights through constitutional interpretation, judicial review, Public Interest Litigation (PIL), and innovative judicial doctrines. Landmark decisions such as **A.K. Gopalan v. State of Madras**, **Kesavananda Bharati v. State of Kerala**, **Maneka Gandhi v. Union of India**, **Minerva Mills v. Union of India**, **Justice K.S. Puttaswamy v. Union of India**, and **Navtej Singh Johar v. Union of India** have transformed the scope and content of Fundamental Rights. Through these judgments, the Court has expanded the meaning of liberty, equality, dignity, privacy, environmental protection, education, and access to justice.*

This paper critically examines the constitutional position of the Supreme Court in protecting Fundamental Rights, its jurisdiction under Articles 32, 136, 141, and 142, the evolution of judicial activism, landmark judgments, challenges faced by the Court, and its future role in safeguarding constitutional democracy. The study concludes that the Supreme Court remains the most significant institution for protecting Fundamental Rights in India, although continuous reforms are necessary to enhance accessibility, efficiency, and constitutional accountability.

Keywords: Supreme Court, Fundamental Rights, Judicial Review, Article 32, Public Interest Litigation, Constitutional Remedies, Judicial Activism, Constitution of India, Human Rights, Rule of Law.

1. Introduction

The Constitution of India is one of the most comprehensive constitutional documents in the world. The framers of the Constitution recognized that democracy cannot survive without protecting the rights and freedoms of individuals. Consequently, Part III of the Constitution guarantees Fundamental Rights to all citizens and, in some cases, to all persons.

Fundamental Rights are often described as the "Magna Carat of India" because they safeguard individual liberty against arbitrary governmental action. However, rights are meaningful only when effective remedies exist for their enforcement. Rd. B. R. Ambedkar described Article 32 as

the “heart and soul” of the Constitution because it empowers citizens to directly approach the Supreme Court for the enforcement of Fundamental Rights.

The Supreme Court occupies a unique position in the constitutional framework. As the highest judicial authority in the country, it acts as the guardian of the Constitution, protector of Fundamental Rights, and interpreter of constitutional provisions. Through judicial review, constitutional interpretation, and innovative remedies, the Court has ensured that Fundamental Rights remain dynamic and responsive to changing societal needs.

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The evolution of Indian constitutional jurisprudence demonstrates how the Supreme Court has transformed Fundamental Rights from narrow legal protections into broad guarantees of human dignity, equality, and social justice. The Court has played a critical role in protecting vulnerable groups, expanding access to justice, and strengthening constitutional governance.

2. Concept of Fundamental Rights

Fundamental Rights are basic rights guaranteed by the Constitution to ensure the all-round development of individuals and the preservation of democratic values

The Fundamental Rights provided under Part III of the Constitution include:

1. Right to Equality (Articles 14–18) Guarantees equality before law and equal protection of laws.
2. Right to Freedom (Articles 19–22) Includes freedom of speech and expression, movement, association, residence, profession, and protection of life and personal liberty.
3. Right Against Exploitation (Articles 23–24) Prohibits human trafficking, forced labour, and child labour.
4. Right to Freedom of Religion (Articles 25–28) Ensures religious freedom and secular governance.
5. Cultural and Educational Rights (Articles 29–30) Protects minority interests.
6. Right to Constitutional Remedies (Article 32) Provides judicial remedies for enforcement of Fundamental Rights.

Fundamental Rights form the foundation of constitutional democracy and serve as limitations on governmental power.

3. Constitutional Position of the Supreme Court

The Supreme Court was established on 26 January 1950 under Part V, Chapter IV of the Constitution.

Important constitutional provisions include: Article 124

Establishes the Supreme Court. Article- 131

Original jurisdiction. Article 132–136

Appellate jurisdiction. Article 137

Review jurisdiction.

Article 141, Law declared by the Supreme Court is binding on all courts.

Article 142, Power to do complete justice.

Article 32, Power to enforce Fundamental Rights.

These provisions collectively empower the Supreme Court to function as the ultimate protector of constitutional rights.

4. Article 32: The Heart and Soul of the Constitution

Article 32 guarantees the right to move the Supreme Court for enforcement of Fundamental Rights.

Dr. B. R. Ambedkar observed:

➤ **“Article 32 is the very soul of the Constitution and the very heart of it.”**

The significance of Article 32 lies in:

- * Direct access to the Supreme Court.
- * Constitutional guarantee of remedies.
- * Judicial protection against state excesses.
- * Strengthening constitutional supremacy.

The Court may issue constitutional writs for enforcement of rights.

5. Writ Jurisdiction of the Supreme Court

The Supreme Court can issue five constitutional writs:

1. Habeas Corpus

Meaning: “Produce the body.” Protects individuals against illegal detention.

Example: ADM Jabalpur v. Shivkant Shukla (1976) Later judicial developments strengthened personal liberty and limited arbitrary detention.

2. Mandamus Meaning: “We command.” Directs public authorities to perform legal duties.
3. Prohibition Issued to prevent lower courts from exceeding jurisdiction.
4. Certiorari Issued to quash illegal judicial or quasi-judicial decisions.
5. Quo Warranto Questions the legality of a person's claim to public office.

These writs make Fundamental Rights enforceable and meaningful.

6. Judicial Review and Protection of Fundamental Rights

Judicial review refers to the power of courts to examine the constitutionality of legislative and executive actions.

The Supreme Court may:

- * Strike down unconstitutional laws.
- * Invalidate arbitrary executive actions.
- * Protect Fundamental Rights.
- * Preserve constitutional supremacy.

Judicial review is considered part of the Basic Structure of the Constitution.

7. Landmark Judgments Protecting Fundamental Rights

❖ A.K. Gopalan v. State of Madras (1950)

This case dealt with preventive detention. The Court initially adopted a narrow interpretation of personal liberty. Though later criticized, it laid the foundation for constitutional rights jurisprudence.

❖ State of Madras v. Champakam Dorairajan (1951)

The Court emphasized the supremacy of Fundamental Rights over Directive Principles. This decision led to the First Constitutional Amendment.

❖ Golaknath v. State of Punjab (1967)

The Supreme Court held that Parliament could not amend Fundamental Rights. This strengthened constitutional protection against legislative encroachment.

❖ Kesavananda Bharati v. State of Kerala (1973)

One of the most important constitutional decisions. The Court evolved the Basic Structure Doctrine.

It held:

- * Parliament can amend the Constitution.
- * Basic Structure cannot be destroyed.
 - * Fundamental Rights became part of constitutional identity.
 - * Indira Nehru Gandhi v. Raj Narain (1975)
 - * The Court reaffirmed constitutional supremacy and democratic principles.
- ❖ **Maneka Gandhi v. Union of India (1978) : A revolutionary judgment.**

The Court expanded Article 21 and held that:

- * Procedure must be fair.
- * Procedure must be just.
- * Procedure must be reasonable.

This case transformed Indian constitutional law.

❖ Minerva Mills v. Union of India (1980)

The Court emphasized harmony between:

- * Fundamental Rights
- * Directive Principles

The decision strengthened constitutional balance.

❖ **Vishaka v. State of Rajasthan (1997)**

- * The Court framed guidelines against sexual harassment at workplaces.
- * This judgment expanded gender justice and dignity rights.

❖ **Justice K.S. Puttaswamy v. Union of India (2017)**

The Court unanimously recognized:

Right to Privacy

As a Fundamental Right under Article 21. This judgment significantly expanded personal liberty. *Navtej Singh Johar v. Union of India (2018)* The Court decriminalized consensual same-sex relations. The judgment promoted dignity, equality, and individual autonomy.

8. Expansion of Article 21

Article 21 states: *"No person shall be deprived of his life or personal liberty except according to procedure established by law."* Initially interpreted narrowly, Article 21 now includes numerous rights:

- Right to Live with Dignity
- Recognized in multiple decisions.
- Right to Privacy
- Recognized in Puttaswamy case.
- Right to Education
- Recognized before enactment of Article 21A.
- Right to Clean Environment
- Protected through environmental jurisprudence.
- Right to Health
- Recognized as part of life and dignity.
- Right to Shelter
- Included within human dignity.
- Right to Legal Aid
- Ensures equal access to justice.

The Supreme Court's interpretation transformed Article 21 into a repository of human rights

9. Public Interest Litigation (PIL)

One of the most significant contributions of the Supreme Court has been the development of Public Interest Litigation.

PIL enables:

- * Poor persons
- * Marginalized communities
- * Social activists to seek judicial protection of rights.

Objectives of PIL

- * Social justice
- * Access to justice
- * Protection of disadvantaged groups
- * Enforcement of constitutional rights

10. Landmark PIL Cases

Hussainara Khatun v. State of Bihar

Recognized: Right to Speedy Trial as a Fundamental Right.

M.C. Mehta Cases

- Expanded environmental rights jurisprudence. Recognized:
- Pollution control
- Environmental protection
- Sustainable development

People's Union for Democratic Rights Case

- Strengthened labor rights.
- Olga Tellis v. Bombay Municipal Corporation

Recognized:

- Right to Livelihood under Article 21.
- PIL transformed the Supreme Court into a people's court.

11. Supreme Court and Social Justice

The Court has consistently protected vulnerable groups:

Women

- * Vishaka case
- * Triple Talaq judgment

Children

- * Child labor cases
- * Education rights

Scheduled Castes and Tribes

*** Equality and anti-discrimination cases**

Prisoners

- * Prison reforms

- * Human dignity protections
- LGBTQ+ Community
- * Navtej Singh Johar
- * Recognition of constitutional morality

The Court's social justice jurisprudence has expanded constitutional protection beyond formal equality.

12. Supreme Court During Constitutional Crises

The Court has played important roles during:

Emergency (1975–77)

Judicial failures and lessons emerged.

Post-Emergency Era

The Court adopted a more rights-oriented approach.

Constitutional Amendments

The Court protected constitutional identity through Basic Structure Doctrine.

13. Judicial Activism and Fundamental Rights

Judicial activism refers to active judicial intervention to protect constitutional values.

Advantages:

- * Protection of rights.
- * Accountability of government.
- * Advancement of social justice.

Criticisms:

- * Judicial overreach.
- * Encroachment on legislative functions.
- * Democratic concerns.

Despite criticism, judicial activism has significantly strengthened Fundamental Rights protection.

14. Challenges Faced by the Supreme Court

Several challenges affect effective rights protection:

- *Judicial Delays
- *Large backlog of cases.
- *Limited Access
- *High litigation costs.
- *Procedural Complexity
- *Citizens often face procedural difficulties.
- *Increasing Constitutional Litigation
- *Growing number of complex constitutional disputes.
- *Balancing Security and Liberty

The Court frequently faces difficult choices involving national security and individual freedoms

15. Contemporary Issues in Fundamental Rights Protection

- *Digital Privacy

- *Protection against surveillance.
- *Artificial Intelligence
- *Algorithmic accountability.
- *Freedom of Speech
- *Regulation of online content.
- *Data Protection
- *Protection of personal information.
- *Environmental Rights
- *Climate justice and sustainability.

The Supreme Court continues to adapt constitutional principles to emerging challenges

16. Comparative Perspective

Supreme Courts worldwide play important roles in rights protection.

- *United States Supreme Court
- *Judicial review established through *Marbury v. Madison*.
- *South African Constitutional Court
- *Strong human rights jurisprudence.
- *Canadian Supreme Court
- *Charter-based rights protection.

India's Supreme Court is unique because of:

- * PIL jurisdiction.
- * Broad interpretation of rights.
- * Expansive Article 21 jurisprudence.

17. Recommendations

To strengthen the protection of Fundamental Rights:

1. Reduce judicial delays.
2. Increase accessibility of constitutional remedies.
3. Strengthen legal aid services.
4. Expand digital court infrastructure.
5. Enhance constitutional awareness among citizens.
6. Improve judicial appointments and capacity.
7. Strengthen enforcement of court orders.
8. Protect judicial independence.
9. Encourage constitutional literacy.
10. Continue rights-oriented constitutional interpretation.

Conclusion

The Supreme Court of India occupies a central position in the constitutional framework as the guardian of the Constitution and protector of Fundamental Rights. Through Article 32, judicial review, constitutional interpretation, and Public Interest Litigation, the Court has ensured that constitutional guarantees remain effective and meaningful. Landmark judgments such as *Kesavananda Bharati*, *Maneka Gandhi*, *Vishaka*, *Puttaswamy*, and *Navtej Singh

Johar* have transformed Indian constitutional law and expanded the scope of individual liberty, equality, dignity, and justice.

The Court has consistently acted as a defender of constitutional morality and democratic values. It has protected marginalized communities, expanded human rights jurisprudence, and preserved constitutional supremacy through the Basic Structure Doctrine. While challenges such as judicial delays, accessibility issues, and emerging technological concerns continue to exist, the Supreme Court remains the most important institution for safeguarding Fundamental Rights in India.

In a democratic society governed by the rule of law, the protection of Fundamental Rights is essential for preserving human dignity and constitutional governance. The Supreme Court's role in this regard is not merely judicial but also constitutional and democratic. Its continued commitment to justice, liberty, equality, and constitutionalism will remain indispensable for the protection of citizens' rights and the strengthening of Indian democracy.

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