



"An analysis of Judicial trends in interpreting human rights laws in India"

Author- Miss Bhaswati Talukdar.

Assistant professor university law college, Gauhati University

Dr. Bimal kumar Baishya

Retired professor, Mahapurush Srimanta sankardeva viswavidyalaya.

Abstract.

This study explores how Indian courts are currently interpreting and applying human rights laws. Human rights refer to fundamental and inherent freedoms such as the right to life, equality, and liberty that belong to every individual. In recent years, Indian judiciary has addressed a range of human rights issues, including discrimination, freedom of speech, and privacy.

The research examines landmark court cases to understand how judges are shaping the legal landscape surrounding these rights. It identifies key trends, particularly the judiciary's increasing commitment to safeguarding the rights of marginalized groups, such as women, children, and minority communities. The study also delves into how advancements in digital technology are influencing human rights, especially in the areas of privacy and freedom of expression.

By tracing these developments, the study aims to highlight how judicial decisions can both strengthen and, at times, weaken human rights protections in India. It underscores the central role of the Indian Constitution in guiding judicial reasoning. The findings suggest that although there have been meaningful strides in some areas, significant obstacles remain. The study concludes by stressing the need for continued vigilance and a rights-based approach in judicial interpretations to ensure that the fundamental rights of all citizens are protected and upheld.

Keywords: Judicial trends, interpretation, human right laws, India.

Introduction

"When we are no longer able to change a situation, we are challenged to change ourselves."

— Viktor E. Frankl

The judiciary in India has long served as a foundational pillar of the country's democratic system, particularly in interpreting and enforcing human rights laws. Over the decades, Indian courts have consistently demonstrated a strong commitment to upholding the fundamental rights guaranteed by the Constitution. As societal values and challenges continue to evolve, the judiciary has adapted its interpretations to meet the shifting realities faced by individuals and communities.

In recent years, notable judicial trends have emerged that highlight the evolving nature of human rights jurisprudence in India. These developments go beyond theoretical discourse, directly impacting the lives of citizens, shaping legal protections related to privacy, environmental sustainability, freedom of expression, and more. Often, the judiciary's proactive approach has responded to urgent social issues, including discrimination, violence against vulnerable groups, and the complex effects of urbanization and technological progress.

This study examines these emerging trends in the judicial interpretation of human rights laws, with a particular focus on landmark judgments that have significantly influenced human rights discourse in India. By analysing key rulings and their broader implications, the research aims to offer a comprehensive understanding of how the judiciary is addressing the multifaceted challenges of protecting rights in a diverse and rapidly transforming society. From expanding the ambit of fundamental rights to confronting socio-economic inequalities, the courts have increasingly reinforced principles of justice, equality, and human dignity. In exploring these legal developments, the study also considers their potential to shape future legal frameworks and societal norms across India.

Research Objectives:

1. To examine the adequacy and comprehensiveness of human rights laws in India.
2. To analyse the judicial trends in the interpretation and protection of human rights by Indian courts.

Research methodology adopted.

The researchers have employed a doctrinal research methodology for this article. Primary sources such as the Constitution of India, relevant statutes, and landmark case laws have been examined to gather data. Additionally, secondary sources, including scholarly articles, reports, and commentaries, have been consulted to support and enrich the analysis.

Significance of the study.

This research work is going to help the readers understand the trends and the inclinations of the Indian Judiciary in interpreting human right laws in the politico-legal scenario of India.

The Indian judiciary has taken a proactive stance in upholding and safeguarding fundamental human rights.

Human right laws in India.

India has a rich and deeply rooted tradition of protecting human rights, reflected throughout its civilizational history. In ancient India, the concept of dharma, a moral and cosmic code of duty, was central to societal conduct. Dharma emphasized the performance of moral and physical duties aligned with the well-being of all and the harmony of the universe. The rights of one individual were implicitly protected through the duties of others not to infringe upon their peace and dignity. When an individual violated their dharma, it became the king's obligation, under raja dharma, to ensure justice was delivered. This foundational philosophy of rights and duties is embedded in ancient Indian scriptures such as the Vedas, Upanishads, and various legal digests and commentaries¹.

During the medieval period (8th to 18th century), India experienced significant changes in law, governance, and society. Ruling powers such as the Delhi Sultanate (1206–1526) and the Mughal Empire (1526–1857) introduced new administrative and legal frameworks. While social inequalities persisted, principles of justice, equality, and human dignity found expression through Islamic jurisprudence, Hindu legal traditions, and the teachings of inclusive religious movements like Bhakti and Sufism².

Following India's independence in 1947, the framers of the Constitution, inspired by leaders such as Mahatma Gandhi, Jawaharlal Nehru, and Dr. B.R. Ambedkar, incorporated comprehensive provisions for the protection of fundamental human rights. Parts III and IV of the Constitution specifically enshrine Fundamental Rights and Directive Principles of State Policy, reflecting both civil-political and socio-economic dimensions of human rights³. In addition, numerous legislative enactments have further reinforced these protections, including the Protection of Human Rights Act (1993), the Protection of Women from Domestic Violence Act (2005), the Juvenile Justice (Care and Protection of Children) Act (2015), the Maintenance and Welfare of Parents and Senior Citizens Act (2007), and the Digital Personal Data Protection Act (2023), among others.

Therefore, the researchers observe that post-Independence India has no shortage of human rights laws. The critical question that now arises is how these laws are interpreted and applied by the judiciary to uphold and enforce these rights. Accordingly, this study seeks to examine the judicial trends in interpreting human rights laws in India, tracing developments from the inception of the Constitution to the present day.

¹ G.P Tripathi, *Indo-Western Jurisprudence* 109-165(Allahabad law agency, Haryana, Delhi, 2nd edition, 2018)

² S.R Myneni, *Indian history for pre-law first year*, 209-315,(Allahabad law agency, Haryana, 2nd edition, 2006)

³ Bipin Chandra and others, *India since Independence*, 24-38,(penguin books, Noida, 1st edition, 2000).

Judicial Activism and Public Interest Litigations (PILs)

The Indian judiciary has actively embraced judicial activism, particularly through the mechanism of Public Interest Litigations (PILs). PILs empower ordinary citizens to approach the courts on behalf of individuals or groups who may be unable to seek justice on their own. This judicial innovation has played a pivotal role in advancing the protection of human rights in India.

Many of the cases examined in this research are Public Interest Litigations, filed by socially conscious individuals seeking justice for the marginalized and disadvantaged sections of society.

A notable example of judicial intervention through Public Interest Litigation is the landmark case of *Bandhua Mukti Morcha v. Union of India* (1984). In this case, the Supreme Court acknowledged the inhumane conditions faced by bonded labourers, who were compelled to work without wages due to debt bondage. Recognizing this as a violation of fundamental rights, the Court directed the government to identify, release, and rehabilitate the affected workers. It also mandated the provision of appropriate support and compensation, reinforcing the judiciary's commitment to protecting the rights of the most vulnerable⁴. This ruling marked a significant step in protecting the rights of vulnerable workers in India.

Similarly, the Supreme Court has addressed issues related to child labour through PILs. In *M.C. Mehta v. State of Tamil Nadu* (1996), the Supreme Court strongly condemned the exploitation of children through labour and underscored their fundamental right to education. The Court directed the government to strictly enforce existing child labour laws, particularly the *Child Labour (Prohibition and Regulation) Act, 1986*, and to take proactive steps to ensure that all children are provided access to free and compulsory education. This judgment reinforced the principle that the welfare and development of children must be prioritized in accordance with constitutional and statutory mandates⁵. This decision reinforced the idea that every child has the right to a safe and nurturing environment.

The case of *Consumer Education and Research Centre v. Union of India* (1995) was a significant Public Interest Litigation filed by the Consumer Education and Research Centre, seeking stronger protections for workers in the asbestos industry. The petition highlighted the inadequacy of existing legal safeguards against occupational hazards, particularly the risk of asbestosis, a serious and often fatal disease caused by prolonged exposure to asbestos. The Supreme Court intervened by directing the implementation of comprehensive health and safety measures, mandating compensation mechanisms, and ensuring insurance coverage for affected workers. This landmark judgment reinforced the right to health and safe working conditions as integral components of the right to life under Article 21 of the Constitution.⁶

Environmental issues have also seen significant attention through PILs as we shall see later in this discussion.

⁴ (1984) 3 SCC 161.

⁵ (1996) 6 SCC 756.

⁶(1995) 3 SCC 42

Through these examples, it is clear that judicial activism and PILs have since the very inception of the constitution of India empowered citizens to seek justice and drive meaningful changes in the society. The Indian judiciary's willingness to hear these cases has led to reforms and will continue to bring reforms that protect human rights and promote accountability for those in power

Recognition of Socio-Economic Rights

In recent years, it has been observed that the Indian judiciary has increasingly recognized socio-economic rights as fundamental to the right to life under Article 21 of the Constitution. This trend reflects an understanding that access to basic services and a dignified standard of living are essential for the realization of human rights. The judiciary's commitment to socio-economic justice signifies a broader interpretation of what constitutes a meaningful life in a democratic society.

One of the seminal cases in the realm of socio-economic rights is *Olga Tellis v. Bombay Municipal Corporation* (1985), where the Supreme Court held that the right to livelihood is an essential and inseparable component of the right to life under Article 21 of the Constitution. The Court emphasized that the State has a constitutional obligation to safeguard this right, especially for marginalized and vulnerable communities whose survival often depends on informal and precarious forms of employment. This judgment marked a significant step in expanding the scope of human rights jurisprudence in India.⁷ This ruling marked a pivotal moment in recognizing socio-economic rights as fundamental human rights, ensuring that the state cannot arbitrarily deprive individuals of their means of livelihood.

The recognition of socio-economic rights was further advanced in the landmark case of *Unni Krishnan v. State of Andhra Pradesh* (1993), where the Supreme Court declared the right to education as a fundamental right under Article 21 of the Constitution. The Court emphasized that access to education is vital for the effective exercise of other fundamental rights and is crucial for the full development of an individual's personality and potential. This judgment laid the groundwork for future legislative and constitutional developments, including the insertion of Article 21-A, which guarantees free and compulsory education for children.⁸ This judgment led to significant legislative reforms, including the enactment of the Right of Children to Free and Compulsory Education Act, 2009, ensuring that every child has the right to quality education.

In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* (1996), the Supreme Court affirmed that the right to health is an integral part of the right to life under Article 21 of the Constitution. The Court held that the State bears a constitutional obligation to provide adequate medical facilities and to ensure accessible and effective healthcare services for all citizens. This judgment significantly expanded the scope of the right to life, reinforcing the State's duty to uphold the health and well-being of its people⁹. This decision highlighted

⁷ (1985) 3 SCC 545

⁸ (1993) 1 SCC 645.

⁹ (1996) 4 SCC 37.

the necessity of public health infrastructure, especially for vulnerable populations, and mandated the government to take proactive measures to protect public health.

Recently, in *Balram Singh v. Union of India* (2024), a writ petition was filed in the Supreme Court challenging the constitutional validity of the insertion of the words “socialist” and “secular” into the Preamble by the Forty-second Amendment Act of 1976. The petitioners argued that this amendment was invalid because it was enacted during the Emergency period, without the genuine will of the people, as the normal tenure of the Lok Sabha had ended on March 18, 1976. They contended that the amendment was passed during the sixth extended year of the Lok Sabha, a period extended by the Forty-second Amendment itself, whereas the Forty-fourth Amendment later restored the normal five-year tenure.

The Supreme Court dismissed the petition, noting that the challenge was brought more than forty-four years after the amendment’s enactment and lacked merit. The Court held that the terms “socialist” and “secular” have been widely accepted and recognized by the people of India over time. Furthermore, the Court reaffirmed that the constitutional character of India as a secular and socialist state remains clear and unambiguous, supported by consistent judicial interpretations ¹⁰.

The recognition of socio-economic rights by the Indian judiciary from time to time signifies a transformative approach to human rights, acknowledging that individual dignity and well-being are intrinsically linked to access to basic services. By interpreting the right to life to include rights to livelihood, education, health, and food, the courts are affirming the state's obligation to foster conditions that enable citizens to live with dignity. As these interpretations continue to evolve, they will play a crucial role in shaping a more equitable and a just society in India.

Emphasis on personal liberty and privacy.

The researchers will now devote attention to the critical importance of safeguarding the rights to personal liberty and privacy as essential components of human dignity.

In *A.K. Gopalan v. Union of India* (1950), the Supreme Court adopted a narrow interpretation of Article 21 of the Constitution. The Court held that the right to life and personal liberty could be restricted or curtailed by any law enacted by the legislature, without requiring the law to meet the standards of fairness or reasonableness. Furthermore, the Court clarified that the "procedure established by law" clause in Article 21 is distinct from the concept of "due process of law" as understood in the American Constitution¹¹.

However, in the landmark judgment of *Maneka Gandhi v. Union of India* (1978), the Supreme Court expanded the interpretation of Article 21, ruling that the right to life and personal liberty cannot be restricted except by a procedure that is established by law and is just, fair, and reasonable. The Court further held that

¹⁰(2024) INSC 893

¹¹ (1950) 1 AIR 27

the concepts of “due process of law” and “procedure established by law” are one and the same under the Indian Constitution, thereby significantly strengthening the protection of personal freedoms¹².

In *A.D.M. Jabalpur v. Shivkant Shukla*, the Supreme Court held that the right to life and personal liberty could be suspended during a state of emergency, and that no writ of habeas corpus could be filed against such deprivation. This judgment is widely regarded as a grave error in Indian judicial history. In response, the Forty-fourth Amendment to the Constitution was enacted, explicitly protecting Articles 20 and 21 from suspension even during emergencies¹³.

It is submitted that the decisions in *A.K. Gopalan* and *A.D.M. Jabalpur* remain among the most controversial and unpopular rulings of the Indian judiciary.

The researchers also note that the right to privacy has emerged as a critical area of judicial focus within the broader ambit of the right to life and personal liberty, especially as advances in technology and surveillance intensify. Recognizing privacy as a fundamental right is essential to safeguarding individual autonomy and dignity in an increasingly digital world.

A landmark judgment in this regard is *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017), commonly known as the Aadhaar case. The Supreme Court upheld the constitutional validity of the Aadhaar Act, 2016, but struck down Section 57 of the Act, which permitted private entities to use Aadhaar authentication for identity verification. The Court also invalidated the mandatory linking of Aadhaar numbers with bank accounts. Importantly, the Court unanimously affirmed that the right to privacy is an intrinsic part of the right to life and personal liberty under Article 21 of the Constitution. This ruling fundamentally reshaped India’s legal landscape concerning personal data protection and established clearer limits on government surveillance and interference in private matters. The Court emphasized that privacy is essential for the exercise of other fundamental rights, reinforcing its foundational status in Indian jurisprudence¹⁴.

Growing concerns around data protection and financial regulation led the Supreme Court of India to deliver a significant judgment in *Internet and Mobile Association of India v. Reserve Bank of India* (2020). In 2018, the Reserve Bank of India (RBI) issued a circular directing banks to cease providing banking services to entities dealing with virtual currencies, aiming to address risks related to financial stability, consumer protection, and potential misuse of such currencies. The Internet and Mobile Association of India (IAMAI), representing digital service providers, challenged this circular, arguing that it infringed upon their fundamental right under Article 19(1)(g) of the Constitution, which guarantees the freedom to carry on any occupation, trade, or business.

The Supreme Court ruled that the RBI’s circular constituted an unreasonable restriction under Article 19(6) and was therefore unenforceable and unlawful. The Court held that the circular failed the test of proportionality and ordered the RBI not to freeze the bank accounts of virtual currency exchanges and to refund any amounts

¹² (1978) SC 597.

¹³ (1976) AIR 1207

¹⁴ (2017) 10 SCC 1.

that had been frozen. The judgment emphasized that the RBI did not adequately demonstrate the extent of harm caused by virtual currency transactions and that less restrictive alternatives were available to address the risks¹⁵.

This case highlighted consumers' privacy rights in terms of freedom of profession whenever the government is trying to regulate them as such.

Moreover, in *Anuj Garg v. Hotel Association of India* (2008), The Court acknowledged the right to privacy in matters involving personal decisions related to employment and social status. It affirmed that any adult aged 18 or older has the freedom to choose their place of work. This judgment strengthened the principle that privacy encompasses multiple areas of personal life, including professional choices, and upholds the individual's right to be free from unwarranted interference¹⁶.

The researchers have learnt from this discussion that the emphasis on different aspects of right to privacy and personal liberty by the Indian judiciary represents a significant shift towards acknowledging individual autonomy in the face of modern challenges. As the legal framework surrounding privacy continues to develop, the judiciary's proactive stance will be crucial in ensuring that citizens can exercise their rights without fear of unwarranted surveillance or intrusion, thereby safeguarding the very essence of democratic values in India.

Addressing Marginalized Communities

The researchers observe that Indian courts are increasingly emphasizing the protection of rights for marginalized communities, including Scheduled Castes (SC), Scheduled Tribes (ST), and the LGBTQ+ community—particularly transgender individuals. This development highlights the judiciary's strengthened commitment to promoting social justice and upholding equality for all citizens.

In cases concerning the rights of SCs and STs, the courts have delivered significant rulings that highlight the importance of equal access to education and employment. A notable example is *K. Krishna v. State of Haryana* (2019), in which the Supreme Court upheld the rights of these marginalized groups, affirming that proactive support is essential for promoting equitable development and inclusive growth¹⁷.

Transgender rights have also gained important recognition over time. In *National Legal Services Authority v. Union of India* (2014), the Supreme Court acknowledged transgender individuals as a third gender, affirming their rights to dignity, self-identification, and access to social welfare schemes¹⁸. This landmark ruling marked a significant step toward ensuring that transgender people are treated equally under the law.

A major milestone in LGBTQ+ rights was the decriminalization of consensual same-sex relationships in *Navtej Singh Johar v. Union of India* (2018). In this ruling, the Supreme Court declared that Section 377 of the Indian Penal Code, which criminalized consensual homosexual acts, was unconstitutional. This decision

¹⁵ (2020) 10 SCC1.

¹⁶ (2008) 3 SCC 1.

¹⁷ (2019) 6 SCC 1.

¹⁸ (2014) 5 SCC 438.

reinforced the principle that everyone should be treated equally under the law, regardless of sexual orientation¹⁹.

In *state of Punjab v Davinder singh*(2024) , the seven judge bench by a 6: 1 majority, held that it was permissible for states to sub classify SCs when providing reservations²⁰.

Overall, these judicial decisions reflect a broader effort to recognize and safeguard the rights of all citizens, particularly those who have historically been subjected to discrimination. By responding to the concerns of marginalized communities, the Indian judiciary is contributing to the creation of a more inclusive society where every individual can fully exercise their rights.

Protection of Rights of Women, Children, and Senior Citizens by the Indian Judiciary

The researchers have understood that the Indian judiciary also plays an important role in protecting the rights of women, children, and senior citizens through its interpretation of various law pertaining to them.

The Indian Constitution provides several protections for women, notably under Articles 14, 15, and 21. These articles ensure equality, prohibit discrimination, and guarantee the right to life and personal liberty. Additionally, The Protection of Women from Domestic Violence Act (2005) aims to safeguard women from domestic abuse. The judiciary has actively interpreted this law to provide immediate relief to victims, reinforcing the idea that every woman has the right to live free from violence and intimidation.

In *Vishaka v. State of Rajasthan* (1997) The Supreme Court established guidelines to prevent sexual harassment in the workplace, underscoring the importance of ensuring a safe and secure working environment for women.²¹ . This landmark judgment was crucial in addressing workplace harassment and highlighted the need for legal frameworks to protect women's rights. As a result of this judgement the sexual Harassment of women at workplace (prevention, prohibition and redressal) Act of 2013 was enacted.

Further, in the year 2023 in *Aureliano Fernandes v state of Goa* (2023) In this case, it was brought to the attention of the Supreme Court that out of 30 national sports federations in the country, 16 had not established an Internal Complaints Committee, as mandated under the POSH Act. The Court emphasized that all state functionaries, public authorities, private institutions, and organizations are legally obligated to implement the POSH Act in its true letter and spirit. The bench further stressed the importance of educating victims about the purpose and functioning of the Act to ensure its effective enforcement.²².

The case of *Shayara Bano v. Union of India* (2018) stands as a landmark judgment by the Supreme Court of India in advancing the protection of women's rights. At the heart of the case was the practice of *triple talaq*—an instant form of divorce permitted in certain Muslim communities—which Shayara Bano challenged

¹⁹ (2018) 10 SCC 1.

²⁰ (2024) INSC 562.

²¹ (1997) 6 SCC 241.

²² Supreme court, miscellaneous application dairy no.22553/2023

after being unilaterally divorced by her husband. She contended that the practice violated her fundamental rights under the Constitution.

The Supreme Court examined whether *triple talaq* was protected under the right to freedom of religion and whether it amounted to gender-based discrimination. On August 22, 2017, a five-judge bench ruled the practice unconstitutional, asserting that it infringed upon women's rights and did not constitute an essential practice of Islam. This historic verdict was widely hailed as a major victory for gender justice and brought national attention to the need for reform in personal laws.

In the aftermath of the ruling, the Indian government enacted the Muslim Women (Protection of Rights on Marriage) Act, 2019, which criminalized the practice of *triple talaq*. The case is significant not only for its direct impact on Muslim women but also for its broader implications on the interplay between personal laws and constitutional rights. It marked a pivotal moment in the ongoing pursuit of gender equality within India's legal system²³.

Children's rights are also well-protected under the Indian Constitution. The Indian judiciary has also played an important role in protecting their rights from time to time. Article 21A mandates free and compulsory education for children aged 6 to 14 years. Eventually the government of India enacted the right to free and compulsory education Act 2009 to materialise free education for children within the above age limit.

In re exploitation of children in the orphanages of Tamil nadu v union of India and others (2017). The supreme court had directed the states to close down the shelter homes for children and arrange for alternative community based arrangements as according to the court the shelter homes have rather turned into homes of exploitation than of care²⁴. However, to utter dismay these directions are yet to see the light of the day.

Senior citizens in India are legally protected under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which obligates children to provide for the maintenance of their parents. The Supreme Court, in cases such as *K.H. Nazar v. Mathew K. Jacob* (2020), *Sudesh Chhikara v. Ramti Devi* (2022), and *Urmila Dixit v. Sunil Sharan Dixit* (2025), emphasized the interpretation of Section 23 of the Act. The Court held that if a person receives property from a senior citizen and subsequently neglects to provide care and maintenance, the transfer of property can be revoked, treating it as though it was acquired through fraud^{25, 26, 27}. Hence in all these case the transfer deed was cancelled keeping Intune with the objective of the Act as the transferor failed to take care of the giver.

²³ AIR 2018 SC 1169,

²⁴(2017)1 SC 2546

²⁵ (2020) 14 SCC 126.

²⁶ (2022) 17 SCR 876

²⁷ 2025 INSC 20.

Thus it is rightly observed that the Indian judiciary has been instrumental in protecting the rights of women, children, and senior citizens through its beneficial and protective interpretations of the law towards these weaker section of the population. However, it is felt that Continuous executive efforts are indeed needed to strengthen these protections and ensure that these vulnerable groups can live with dignity and security.

Environmental Rights as Human Rights

The researchers have keenly observed that the Indian judiciary has sincerely been recognizing that everyone has a right to a clean and healthy environment, and that this right is closely linked to the right to life. This understanding highlights the importance of protecting the environment as part of human rights.

A key example of this trend was first seen in the case of *M.C. Mehta v. Union of India* (1986). In this landmark ruling, the Supreme Court stressed that the government has a responsibility to protect the environment for the benefit of all citizens. The Court ruled that environmental degradation can directly affect people's health and quality of life, making it essential for the state to take action to prevent pollution and protect natural resources. The principle of absolute liability was evolved in this case by the supreme court of India.

This decision established a legal framework for environmental rights, indicating that individuals can seek justice if their right to a clean environment is threatened. The environment protection Act 1986 was enacted as a consequence of this ruling. The Court recognized that a healthy environment is necessary for people to live with dignity and to enjoy other fundamental rights²⁸.

Since this ruling, the judiciary has continued to expand the concept of environmental rights. For instance, in *Vellore Citizens Welfare Forum v. Union of India* (1996), the Supreme Court reiterated that environmental protection is a critical duty of the state, highlighting that economic development should not come at the expense of environmental health²⁹.

In *M.C Mehta v union of India*(2020) and others which was related to increase in vehicular pollution in the national capital region and the need for an effective public transport system, the court has disposed of the case with various directions to the govt authorities to ensure combating air pollution in Delhi³⁰.

By linking environmental rights to fundamental rights, the judiciary is helping to ensure that both current and future generations can enjoy a safe and healthy environment. This approach emphasizes that protecting the environment is not just an ecological issue but a fundamental aspect of safeguarding human dignity and quality of life.

²⁸ 1986 (2) SCC 176

²⁹ (1996) 5 SCC 647

³⁰ AIRONLINE 2020 SC 830

Protection of Rights of Prisoners and Under trials by Indian Judiciary

The Indian judiciary plays a crucial role in safeguarding the rights of prisoners and under trials, ensuring that they are treated with fairness, dignity, and humanity. Article 21 of the Constitution of India, which guarantees the right to life and personal liberty, extends to all individuals, including those in custody. This right encompasses the entitlement to humane treatment and protection from arbitrary or degrading practices.

In the landmark case of *Sunil Batra v. Delhi Administration* (1978), the Supreme Court affirmed that incarceration does not strip prisoners of their fundamental rights. The Court held that any form of cruel, inhuman, or degrading treatment is unconstitutional, thereby reinforcing the principle that even those deprived of physical liberty retain their essential human rights.³¹

Furthermore, in *Khatri v. State of Bihar* (1981), the Supreme Court held that under trials are entitled to a fair trial and must not be denied the right to legal representation. The Court emphasized that legal aid is an essential component of a fair trial under Article 21 of the Constitution. This landmark judgment underscored the importance of ensuring timely and just proceedings for individuals awaiting trial, reinforcing the principle that the rights of the accused must be protected at every stage of the judicial process.³² The judiciary's proactive stance has helped to ensure that prisoners and under trials are not subjected to inhumane conditions and that their legal rights are protected throughout the judicial process.

Another stark example of custodial violence has come to light in a significant ruling in *Sukanya Shantha v Union of India* on caste-based discrimination within Indian prisons, the Supreme Court of India, in a petition filed under Article 32 by journalist Sukanya Shantha, struck down several provisions in the State Prison Manuals that institutionalised caste hierarchy and untouchability. The petitioner had highlighted, through her investigative article titled “*From Segregation to Labour, Manu’s Caste Law Governs the Indian Prison System*” (published on 10 December 2020), the deeply entrenched discriminatory practices in prisons governed by colonial-era norms and Brahmanical caste codes. Provisions under challenge included discriminatory assignments of prison labour based on caste, including stipulations that degrading tasks such as sweeping should be allotted only to castes such as Methar, Hari, or Chandal; food should be cooked by prisoners of “suitable caste”; and that certain communities, such as wandering tribes, were inherently more likely to escape and thus ineligible for certain posts like night guard.

The Supreme Court, comprising a three-judge bench led by Chief Justice D.Y. Chandrachud, unanimously held these provisions to be unconstitutional, declaring them in violation of the fundamental rights enshrined under Article 14 (right to equality), Article 15 (prohibition of discrimination on grounds of caste), Article 17 (abolition of untouchability), Article 21 (protection of life and personal liberty), and Article 23 (prohibition of forced labour). The Court held that the Indian prison system cannot perpetuate caste-based division of labour under the garb of administrative convenience or historical practice. In a strong affirmation of dignity and equality, the Court directed the States of Jharkhand, Uttar Pradesh, West Bengal, Maharashtra, Orissa,

³¹ (1978) 4 SCC 494

³² (1981) 1 SCC 627

Karnataka, Andhra Pradesh, and Tamil Nadu, who had appeared in the matter, to amend their prison manuals and remove all caste-based discriminatory provisions within a period of three months. Furthermore, the Court sought a compliance report from all these states, reinforcing the constitutional mandate of a casteless and dignified custody system³³

However, it must also be mentioned that in spite of these efforts by the judiciary the treatment of under trials and prisoners is still starkly inhuman throughout India³⁴.

Hence this represents the lacunas inherent in the judicial system which is leading to gross violation of human rights of people. Cases such as this requires the immediate attention of the judiciary at all levels in the ultimate interest of the judiciary.

Key Findings

The researchers have observed that India possesses a comprehensive body of laws aimed at protecting the fundamental rights of people across nearly all strata of society. The judiciary has consistently demonstrated a strong inclination towards safeguarding these fundamental human rights. However, there have been notable exceptions where the judiciary adopted a narrow interpretation of the right to life and personal liberty, particularly in *A.K. Gopalan v. Union of India* and *A.D.M. Jabalpur v. Shivkant Shukla*. These erroneous rulings were later corrected through subsequent judgments and constitutional amendments. Since *Maneka Gandhi v. Union of India*, the judiciary has progressively expanded the scope of Articles 21, 14, and 19, leading to a broader and more inclusive understanding of the right to life and personal liberty.

Currently, the judiciary is interpreting human rights laws against the backdrop of challenges brought about by digitalization, striving to uphold and enhance human dignity. However, the complexities introduced by digital technology present numerous challenges that the judiciary will need to address in the future.

It has also been noted that judicial delays in delivering judgments adversely affect the protection of human dignity, as the adage “justice delayed is justice denied” holds true.

The researchers conclude that the hypothesis of this study that “*The Indian judiciary has taken a proactive stance in upholding and safeguarding fundamental human rights*”, is substantiated, despite a few controversial judgments and ongoing challenges stemming from systemic limitations within the legal system.

Suggestions

To make the realization of human rights more meaningful, the researchers suggest that the judiciary develop mechanisms to address gaps in the legal system and ensure timely delivery of judgments. Additionally, effective cooperation from the executive branch in implementing judicial orders and directives is crucial to uphold justice in both letter and spirit.

³³ (2024) INSC 753.

³⁴ .

Furthermore, the researchers emphasize the need for the judiciary to enhance its understanding of the digital landscape to provide informed and timely judgments in the years ahead.

Conclusion

The researchers conclude that judicial trends in interpreting human rights laws in India reveal a dynamic and evolving landscape that responds to the changing needs of society. The Indian judiciary has adopted a proactive stance in expanding rights and protecting marginalized communities, reflecting a deep commitment to justice and equality.

Through landmark judgments, the courts have underscored the importance of socio-economic and environmental rights, recognizing these as vital for the overall well-being of citizens. This approach not only addresses immediate concerns but also sets important precedents for future cases, reinforcing the judiciary's role as the guardian of fundamental rights in a diverse and complex society.

As these trends continue, they will significantly shape the future of human rights protection in India. The judiciary's ongoing engagement with pressing issues such as privacy, socio-economic inequality, and environmental challenges will influence both legal frameworks and societal norms, leading to substantial improvements. By addressing these contemporary issues, the judiciary fosters a culture of respect for rights and dignity.

Ultimately, the Indian judiciary's commitment to upholding justice and equality is paving the way for a more inclusive and equitable society, ensuring that every individual has the opportunity to enjoy their rights and live with dignity. This evolution embodies a broader aspiration for a just society where all voices are heard and valued.

It must also be emphasized that the willingness and cooperation of the executive in implementing judicial directives remain essential to ensure the timely realization of fundamental rights for all citizens.