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K.T.S.P.M's Law College Khopoli

Essay Competition on

The Role of The Judiciary in Protecting
Human Rights in India.

By,
Yogesh Darade

Introduction :-

Human rights day, celebrated annually on December 10, commemorates the adoption of the universal Declaration of Human rights (UDHR) by the united nations general Assembly in 1948. This day serves as a reminder of the global commitment to uphold human dignity, equality and freedom. In India, the judiciary plays a pivotal role in protecting and promoting human rights, often acting as the guardian of constitutional values.

The Indian constitution, the cornerstone of the country's democratic framework, enshines a robust set of fundamental rights that align with the principles of the UDHR. Article 14 to 32, often referred to as the fundamental rights, safeguard the civil liberties of citizens, ensuring equality, freedom of speech, religion, and right to life and personal liberty. The judiciary, as the interpreter and enforcer of these rights, stands as a bulwark against any infringement by the state or private entities.

The Judiciary: Guardian of Fundamental Rights

The supreme court and High courts in India are vested with extraordinary powers under article 32 and 226 of the constitution, respectively to issue writs for the enforcement of fundamental rights. These provisions make the judiciary accessible to all individuals seeking redress for violations of their rights. Judicial activism, particularly in the form of public Interest Litigation (PIL), has been

Instrumental in expanding the scope of human rights protection in India.

Through landmark judgments, the judiciary has broadened the interpretation of the right to life under Article 21 to include the right to livelihood, health, clean environment, education, and dignity.

For instance:

1. Right to Livelihood :-

In *Olga Tellis Vs Bombay Municipal Corporation* (1985), the supreme court held that the right to livelihood is an integral part of the right to life, thereby safeguarding the rights of the urban homeless.

2. Environmental Protection :-

In *Mc Mehta Vs Union of India*, a series of judgments expanded the right to a healthy environment as part of Article 21, emphasizing sustainable development and environmental justice.

Judiciary's Role in Addressing Social Inequalities -

India's diverse social fabric is often marred by issues such as caste discrimination, gender inequality, and economic disparities. The judiciary has been proactive in addressing these challenges, ensuring justice for marginalized and vulnerable groups.

1. Abolition of Untouchability :- In *State of Karnataka Vs Appa Balu Ingle* (1993), the supreme court reinforced the constitutional mandate under Article 17 to abolish untouchability, ensuring dignity and equality for Dalits.

2. Gender Justice :- Landmark judgment such as Vishaka Vs State Of Rajasthan (1997) laid down guidelines to address sexual harassment at workplaces, highlighting the judiciary's role in creating a safer environment for women.

Judiciary and the Protection of civil Liberties

Civil liberties, including the right to free speech, peaceful assembly, and freedom of religion, are cornerstones of a democratic society. The judiciary has often balanced these rights against the interests of public order and national security.

1. Freedom of speech :- In Shreya Singhal Vs Union Of India (2015), the supreme court struck down section 66A of the IT act, which was being misused to curb freedom of expression online.

2. Religious Freedom :- The judiciary has been a staunch protector of secularism, as evident in cases like S.R. Bommai Vs Union Of India (1994), where the court emphasized that secularism is a basic feature of the constitution.

Judicial Activism and Public Interest Litigation

One of the most significant contributions of the Indian judiciary to human rights protection is the evolution of public interest litigation (PIL).

Introduced in 1980's. PILs allow individuals or organizations to file cases on behalf of those who cannot approach the courts themselves.

PILs have addressed issues such as bonded

labor, child labor, custodial violence and environmental degradation, making justice accessible to the underprivileged.

For example, in *Bandhua Mukti Morcha vs. Union of India* (1984), the supreme court recognized the plight of bonded laborers and directed their release and rehabilitation.

Challenges in Judicial Protection of Human Rights:-

Despite its commendable role, the judiciary faces significant challenges in protecting human rights in India.

1. Backlog of cases:-

The Indian judiciary is burdened with a massive backlog of cases, which often delays justice.

2. Accessibility:-

High litigation costs and complex legal procedures can deter individuals from seeking redress.

3. Judicial Overreach:-

At times, judicial activism has been criticized for encroaching on the domain of the legislature and executive, raising concerns about the separation of powers.

Collaborative Efforts For Human Rights Protection:-

While the judiciary is a key player, protecting human rights requires a collaborative approach involving the executive, legislature and civil society.

The National Human Rights Commission (NHRC) and State Human Rights Commission play a

complementary role by investigating human rights violations and recommending corrective actions. Civil society organizations, activists, and the media also contribute to creating awareness and holding authorities accountable.

Conclusion:-

As India continues to uphold the principles of democracy and justice, the judiciary remains a cornerstone in protecting and promoting human rights. Its proactive interpretation of constitutional provisions, coupled with innovative mechanisms like PIL, has significantly advanced the cause of justice and equality. However, addressing systematic challenges and fostering collaboration among stakeholders will be essential to ensure that human rights are safeguarded for all citizens.

On this Human Rights Day, let us reaffirm our commitment to building a society where justice, equality, and human dignity are not mere ideals but lived realities for every individual. The judiciary, with its unwavering dedication to constitutional values, will undoubtedly continue to play a vital role in this endeavor.