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SENTINELS OF JUSTICE: SUPREME COURT ROLE IN SAFEGUARDING CONSTITUTIONAL RIGHTS

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ABSTRACT

The role of the Supreme Court as the sentinel of justice in safeguarding constitutional rights is paramount in ensuring the rule of law and upholding the principles of democracy. This abstract provides a comprehensive overview of the Supreme Court's pivotal role in protecting constitutional rights in India.

The Supreme Court of India, established under the Constitution, acts as the guardian of fundamental rights enshrined in Part III of the Constitution. Through its power of judicial review, the Court ensures that the executive and legislative branches adhere to constitutional principles and do not violate the rights of citizens.

This abstract delves into the historical context of the Supreme Court's evolution as a protector of constitutional rights, tracing landmark cases that have shaped its jurisprudence. From the early years of Indian independence to the present day, the Supreme Court has played a crucial role in interpreting and enforcing constitutional provisions related to individual liberties, equality, and justice.

The abstract highlights key areas where the Supreme Court has intervened to safeguard constitutional rights. These include protecting freedom of speech and expression, ensuring equality before the law, safeguarding the rights of minorities and marginalized communities, and upholding the principles of due process and fair trial.

Moreover, the abstract discusses the mechanisms through which the Supreme Court exercises its jurisdiction to protect constitutional rights. This includes the writ jurisdiction under Article 32 of the Constitution, which empowers the Court to issue writs for the enforcement of fundamental rights, as well as its appellate jurisdiction to hear appeals from lower courts and tribunals.

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INTRODUCTION

The Constitution of India is a supreme law of the land, and the role of the Supreme Court of India is protecting and interpreting the Constitution is crucial to ensuring the principles of justice, democracy, and equality enshrined in the Constitution are upheld. The Supreme Court of India is the final court of appeal and has the power of judicial review, which allows it to examine the constitutionality of laws and executive actions.³

One of the primary roles of the Supreme Court is to protect the fundamental rights of Indian citizens. The Constitution of India guarantees several fundamental rights, including the right to equality, freedom of speech and expression, and the right to life and personal liberty. The Supreme Court has played a vital role in interpreting and protecting these fundamental rights, ensuring that they are not violated by the government or any other entity⁴. The Supreme Court's interpretation of the Constitution has also been essential in protecting the democratic principles of India.

The federal structure of India is another critical principle enshrined in the Constitution of India. The Constitution provides for a division of powers between the central government and the state governments, ensuring that each level of government has the autonomy to govern as per their respective mandates. The Supreme Court has played a vital role in protecting the autonomy of the state governments from encroachment by the central government and ensuring that the federal structure of the Constitution is not undermined.

The Constitution of India is a living document, and its interpretation is essential to ensure its continued relevance in changing times. The Supreme Court of India has the power to interpret the Constitution and provide guidance to the government on its implementation. The Constitution of India is the cornerstone of the country's legal framework. It lays down the fundamental principles and values on which the country's governance is based.

³ A.K. Gopalan v. State of Madras case

⁴ ADM Jabalpur v. Shivakant Shukla

The Constitution provides the framework for the functioning of the government, the judiciary, and other institutions in the country⁵. The interpretation of the Constitution is, therefore, a critical aspect of ensuring that the principles enshrined in it are upheld. The interpretation of the Constitution of India is primary responsibility of the judiciary, with the Supreme Court being the ultimate interpreter of the Constitution. The Supreme Court has the power of judicial review, which means that it can declare any law or action of the government unconstitutional if it violates the provisions of the Constitution.⁶

INTERPRETATION AND PROTECTION OF CONSTITUTIONAL RIGHTS

The Constitution of India, officially adopted on the historic date of January 26th, 1950, serves as the preeminent legal framework governing the nation. This foundational document provides a comprehensive structure for governance, affords protection to fundamental rights, and delineates the powers and functions of the various branches of government. Central to this intricate constitutional framework stands the Supreme Court of India, holding the highest judicial authority within the country. The Supreme Court occupies a paramount position in safeguarding and elucidating the Constitution, ensuring the unwavering adherence to its constitutional tenets, and securing the rights and liberties of individuals. Functioning as an autonomous and impartial judicial institution, the Supreme Court assumes the role of a vigilant custodian of the Constitution. It bears the solemn responsibility of upholding the sanctity of the Constitution and rigorously enforcing its provisions. A pivotal aspect of its significance lies in its exercise of judicial review, which empowers it to scrutinize the constitutionality of legislative enactments and executive actions. This power is instrumental in ensuring that the government operates strictly within the bounds delineated by the Constitution, thus averting any infringement upon fundamental rights. The Supreme Court wields the authority to nullify any law or action found incongruous with the Constitution, thus upholding the democratic principles enshrined. Among its primary functions, the Supreme Court undertakes the task of interpreting the Constitution.⁷ It serves as the ultimate arbiter of constitutional matters, offering authoritative interpretations and elucidations of its provisions. Through its judicious pronouncements, the Court defines the parameters and nuances of fundamental rights, clarifies constitutional clauses, and resolves constitutional ambiguities. These interpretative

⁵ Bandhua Mukti Morcha v. Union of India (1984)

⁶ Bhashesh Nath v. I.T. Commissioner

⁷ Bhikaji Narain Dhakras v. State of M.P.

interventions by the Court hold a pivotal role in shaping the comprehension and implementation of the Constitution, providing both legal clarity and guidance to the government and citizenry. Over the years of its existence, the Supreme Court has consistently upheld the principles of justice, equality, and the rule of law, thereby contributing significantly to India's legal and constitutional evolution⁸.

HISTORY AND ESTABLISHMENT OF THE SUPREME COURT

In 1861, the British parliament passed the Indian High Courts Act to establish High Courts in various provinces. This abolished the Supreme Courts of Calcutta, Madras, and Bombay which previously served as the highest courts in their respective regions.⁹ The new High Courts exercised the highest judicial authority over all cases in their territories until 1935.

The Government of India Act of 1935 introduced the Federal Court of India which functioned as the highest appellate body for 12 years. However, in 1950 as India transitioned to independence, the Abolition of Privy Council Jurisdiction Act was enacted. This paved the way for the establishment of the Supreme Court of independent India on January 26, 1950. The Supreme Court sat in session for the very first time on January 28th, 1950, marking the beginning of its role as the highest court and final interpreter of the Constitution of India.

JUDICIAL REVIEW: SAFEGUARDING CONSTITUTIONAL VALIDITY

Judicial review is a significant authority vested in the Supreme Court of India, enabling it to assess the constitutionality of laws, executive orders, and governmental actions. The Supreme Court's jurisdiction to conduct judicial review is founded on the Constitution of India, which designates it as the apex judicial body within the nation.¹⁰ The Supreme Court's role in upholding constitutional validity holds paramount importance in preserving the equilibrium among the three branches of government and ensuring compliance with the Constitution's provisions. The power of judicial review empowers the Supreme Court to determine whether legislative or executive actions align with the constitutional principles and rights enshrined in the Constitution. When a law or action is challenged as unconstitutional, the Supreme Court possesses the authority to interpret the pertinent constitutional provisions and render a verdict on its validity. Should the Court find that a law or action transgresses the Constitution, it has

⁸ City of London v. Wood case

⁹ Dr. Thomas Bonham v. College of Physicians

¹⁰ National Legal Services Authority v. Union of India

the prerogative to declare it unconstitutional or amend it to bring it in line with constitutional requisites. The Supreme Court's decisions in such cases are legally binding and carry far-reaching consequences. The Supreme Court of India has played an instrumental role in upholding constitutional validity through its exercise of judicial review. It has issued landmark judgments on diverse subjects, encompassing enriching fundamental rights, federalism, the separation of powers, and the extent of government authority.¹¹ These verdicts have significantly moulded India's constitutional landscape and have served as a bulwark in safeguarding the rights and freedoms of its citizens. It is crucial to emphasize that the power of judicial review is not absolute, and the Supreme Court exercises it within the framework delineated by the Constitution. The Court's role is to interpret and apply the Constitution rather than create or amend it. Guided by the principle of judicial restraint, the Court exercises caution, and refrains from encroaching upon the domains of the legislative and executive branches unless there is a clear infringement of constitutional principles. The Supreme Court of India assumes a vital role in upholding constitutional validity through the mechanism of judicial review. Its judgments serve as a check on the powers of the legislative and executive branches, ensuring their actions remain within the constitutional bounds and safeguarding the fundamental rights and principles enshrined in the Constitution.

ROLE AS INTERPRETER OF CONSTITUTION

The Supreme Court of India plays a crucial role as the interpreter of the Constitution. As the highest judicial authority in the country, it is entrusted with the responsibility of interpreting the provisions of the Constitution and clarifying their meaning and scope. This power of interpretation allows the Supreme Court to give effect to the intent and purpose of the framers of the Constitution and ensure its continued relevance in a changing society. The Constitution of India is a living document that lays down the fundamental principles, rights, and governance structures for the country.¹² However, the text of the Constitution is not always explicit or exhaustive in addressing all possible situations or resolving legal ambiguities. Therefore, the Supreme Court's role as the interpreter of the Constitution becomes crucial in providing clarity and resolving disputes¹³. The Court's interpretation of the Constitution is guided by various principles, including the literal rule, contextual interpretation, purposive interpretation, and harmonious construction. The Supreme Court of India assumes a vital role in upholding

¹¹ Golaknath v. State of Punjab

¹² Minerva Mills Ltd. v. Union of India

¹³ I.R. Coelho v. State of Tamil Nadu case

constitutional bounds and safeguarding the fundamental rights and principles enshrined in the Constitution.¹⁴

PROTECTING FUNDAMENTAL RIGHTS

The Supreme Court of India assumes a pivotal role in safeguarding the fundamental rights enshrined in the Constitution. Fundamental rights represent the bedrock liberties and safeguards guaranteed to every citizen, and the Supreme Court functions as a guardian tasked with their preservation and enforcement. Validity through the mechanism of judicial review. Its judgments serve as a check on the powers of the legislative and executive branches, ensuring their actions remain within the constitutional.¹⁵

The Court executes this critical role through a range of mechanisms:

- 1. Judicial Review:** The Supreme Court possesses the authority of judicial review, enabling it to scrutinize the constitutionality of laws, executive actions, and government policies. If any legislation or action is deemed to infringe upon fundamental rights, the Court can declare it unconstitutional and strike it down. There are various provisions of the system of judicial review have been granted by our Constitution in various articles. These articles are Article 13, 32, 131-136, 143, 226, 145, 246, 254, 251 and 372.
- 2. Writ Jurisdiction:** The Supreme Court is vested with the power to issue writs, including habeas corpus, mandamus, certiorari, prohibition, and quo warranto. These writs serve as potent tools for safeguarding fundamental rights by offering remedies to individuals whose rights have been violated or are under threat.¹⁶ Article 32 which is a Fundamental Right guarantees the right to move the Supreme Court by appropriate proceedings for the enforcement of Fundamental Rights.
- 3. Public Interest Litigation (PIL):** The Supreme Court has expanded the scope of PIL, allowing individuals and organizations to initiate cases on behalf of marginalized and disadvantaged groups. PIL empowers the Court to address systemic issues and protect the fundamental rights of those who may lack direct access to the Court.

¹⁴ Emperor v. Burah.

¹⁵ Indra Sawhney v. Union of India

4. Expansive Interpretation: The Supreme Court has adopted a broad and progressive interpretation of fundamental rights to adapt to evolving societal and legal dynamics.¹⁷ It has expanded the purview of rights such as the right to life, liberty, equality, freedom of speech, and expression, while also recognizing emerging rights like the right to privacy.

5. Protecting Minority Rights: The Supreme Court plays a pivotal role in safeguarding the rights of minority communities and marginalized segments of society. It intervenes in cases involving discrimination, atrocities, and the denial of basic rights to ensure equal treatment and protection for all citizens.

6. Enforcement of Judgments: The Supreme Court actively monitors the implementation of its judgments and ensures compliance by government bodies and authorities. It can issue directives and orders to guarantee the upholding and respect of fundamental rights.

Through its landmark judgments, the Supreme Court has not only moulded the legal framework but has also made substantial contributions to the protection of fundamental rights in India¹⁸. It has been at the forefront of advancing social justice, gender equality, and individual freedoms. Nevertheless, it is essential to acknowledge that the Supreme Court's role in protecting fundamental rights is not devoid of challenges. The Court must strike a delicate balance between individual rights and the legitimate concerns of the state. Moreover, it faces challenges in ensuring the effective enforcement and implementation of its judgments across all levels of governance.

CONCLUSION AND SUGGESTIONS

The Apex Court in several cases on several subject matters interpreted unenumerated rights and gave several decisions to protect such kind of unenumerated rights and they are as follows: Right to travel abroad and Right to fair justice are relating to Article 21 protection of life and personal liberty.¹⁹ The right to travel abroad and right to fair justice are nowhere specifically mentioned in the Constitution, but the Apex Court by interpreting declared these are fundamental rights and included in Article 21 of the Indian Constitution and as follows; In *Maneka Gandhi v/s Union of India*²⁰, in this case the petitioner Maneka Gandhi was issued

¹⁷ *State of Madras v. Rao, Justice Khanna*

¹⁸ *Kesavananda Bharti v. State of Kerala*

¹⁹ Les Verts v. European Parliament



passport on 1st June 1978 as per the Passport Act, 1967, but on 02nd July 1977, the Regional Passport Office ordered her to surrender her passport without giving any reasons.²¹

The petitioner filed a writ petition under Article 32 for violation of fundamental rights guaranteed under Articles 14, 19 and 21 of the Constitution alleging that section 10 (3) of the Passport Act, 1967 was ultra virus the Constitution. Further, the petitioner contended that the administrative order seized the passport on 4th July 1977 was infringed upon the petitioner's rights of freedom of speech and expression, right to life and personal liberty, right to travel abroad, and right to freedom of movement.

On the other hand, the respondent stated that Article 21 contains the phrase Procedure established by law and such procedure does not have to pass the test of reasonability and need not necessarily be in consonance with the Articles 14 and 19 of the Constitution. Indeed, the Hon'ble Supreme Court attempts to analyse and expanded the scope of Article 21 and the Court was interpreted personal liberty means freedom from physical restraint and coercion which is not authorized by law.

Prior to this case Article 21 guaranteed the Right to Life and Personal liberty only against arbitrary actions of executive and not from the Legislative action. Perhaps, Maneka Gandhi's case extended the protection against legislative actions also. In this case, the Apex Court was confirmed the Golden Triangle rule to protect the democracy and fair justice through the procedure established by law and introduced new concept of due process of law.²²

Therefore, in this case the Apex Court stated that it is violation of Article 14, since the aggrieved party was not given opportunity to hear and it was also violation of Article 21, since it does not affirm to the word procedure as mentioned in the clause and confirmed the right to travel abroad is a fundamental right.

²¹ Madras Bar Association v. Union of India

²² People's Union for Civil Liberties v. Union of India

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