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JUDICIAL ACTIVISM AND HUMAN RIGHTS PROTECTION IN ANDHRA PRADESH: A SPECIAL REFERENCE TO WOMEN

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Abstract

Judicial activism has emerged as a vital instrument for the protection of human rights in India, particularly in situations where legislative and executive responses are inadequate. In Andhra Pradesh, the judiciary—especially the High Court and the Supreme Court exercising jurisdiction over the State—has played a proactive role in safeguarding women’s human rights. This article examines the concept of judicial activism and analyses its contribution to the protection of women’s rights in Andhra Pradesh with special reference to domestic violence, sexual harassment, reproductive rights, and economic equality. Through a doctrinal analysis of landmark judgments and Public Interest Litigations (PILs), the study evaluates the impact, effectiveness, and limitations of judicial intervention. The article concludes that while judicial activism has significantly strengthened women’s constitutional rights, effective implementation and institutional reforms are essential for achieving sustainable gender justice.

Keywords: Judicial Activism; Women’s Rights; Human Rights; Andhra Pradesh; Public Interest Litigation; Gender Justice.

1. Introduction

The protection of human rights is a fundamental obligation of constitutional democracies. In India, persistent socio-cultural inequalities continue to affect women disproportionately despite constitutional guarantees of equality and dignity.¹ In such a context, the judiciary has often intervened to protect women’s rights when legislative and executive mechanisms have proved ineffective.²

Judicial activism, understood as the proactive role of courts in interpreting and enforcing constitutional and legal norms, has been instrumental in advancing women’s human

rights.³ In Andhra Pradesh, judicial intervention has addressed issues such as domestic violence, sexual offences, workplace harassment, reproductive autonomy, and economic discrimination against women. By expanding the scope of Articles 14, 15, and 21 of the Constitution of India, courts have transformed abstract constitutional guarantees into enforceable rights.⁴

2. Concept of Judicial Activism and Human Rights

Judicial activism refers to the judiciary's willingness to move beyond a literal interpretation of statutes and adopt a purposive and rights-oriented approach to uphold constitutional values.⁵ In the Indian context, judicial activism is closely associated with the evolution of Public Interest Litigation (PIL), which has enabled courts to address structural injustices affecting marginalised and vulnerable groups, particularly women.⁶

Human rights protection for women is grounded in the principles of equality, dignity, and personal liberty. Judicial interpretation of Article 21 has expanded its scope to include the right to live with dignity, bodily autonomy, and freedom from violence.⁷ Judicial activism thus operates as a corrective mechanism bridging the gap between constitutional ideals and social realities.⁸

3. Judicial Activism and Women's Rights in Andhra Pradesh

3.1 Protection from Domestic Violence

Domestic violence remains one of the most pervasive violations of women's human rights. Courts in Andhra Pradesh, guided by Supreme Court jurisprudence, have actively enforced the Protection of Women from Domestic Violence Act, 2005.⁹

In *Rajnish v. Neha*, the Supreme Court laid down uniform guidelines on maintenance and mandatory disclosure of income, which have been followed by courts in Andhra Pradesh to ensure timely and effective relief for women facing economic abuse.¹⁰ Such judicial directions strengthen women's right to dignified survival under Article 21 of the Constitution.¹¹

3.2 Judicial Response to Sexual Violence

Sexual violence against women raises serious concerns relating to dignity, bodily integrity, and access to justice. Judicial activism has been reflected in directions for fair, expeditious, and

victim-sensitive investigation of sexual offence cases.¹²

The Andhra Pradesh High Court, through its writ jurisdiction and the doctrine of continuing mandamus, has monitored investigations and ensured accountability of law-enforcement agencies, recognising the State's positive obligation to protect women's human rights.¹³

3.3 Workplace Sexual Harassment

Judicial intervention has played a decisive role in ensuring workplace safety for women. The guidelines laid down in *Vishaka v. State of Rajasthan*¹⁴ and reaffirmed in *Medha Kotwal Lele v. Union of India*¹⁵ continue to guide courts in Andhra Pradesh.

The Andhra Pradesh High Court has issued directions to government departments, educational institutions, and public authorities to constitute Internal Complaints Committees under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, ensuring compliance and accountability.¹⁶

3.4 Reproductive and Health Rights

Judicial activism has played a significant role in recognising women's reproductive autonomy as a fundamental right. In *Suchita Srivastava v. Chandigarh Administration*, the Supreme Court held that reproductive choice forms part of personal liberty under Article 21.¹⁷

Subsequent judicial decisions have expanded access to medical termination of pregnancy in exceptional circumstances, prioritising women's dignity, autonomy, and health over rigid statutory interpretation.¹⁸

3.5 Economic and Property Rights of Women

Economic empowerment is central to women's human rights. Judicial activism has contributed significantly to eliminating gender-based discrimination in property rights. In *Vineeta Sharma v. Rakesh Sharma*, the Supreme Court affirmed that daughters are coparceners by birth under Hindu law.¹⁹

This judgment has had a direct impact in Andhra Pradesh, compelling revenue authorities and civil courts to recognise women's equal inheritance rights, thereby strengthening substantive equality under Articles 14 and 15 of the Constitution.²⁰

4. Public Interest Litigation and Women's Rights in Andhra Pradesh

Public Interest Litigation has emerged as a powerful mechanism for advancing women's rights in Andhra Pradesh. PILs have addressed issues such as women's safety in public spaces, regulation of liquor outlets near educational institutions, and establishment of women help desks in police stations.²¹

Through interim orders and continuous judicial monitoring, courts have compelled the State to adopt preventive measures rather than reactive remedies, reflecting a commitment to constitutional morality and gender justice.²²

5. Critical Evaluation

Judicial activism in Andhra Pradesh has significantly expanded the scope of women's rights and improved access to justice. Courts have acted as guardians of constitutional values in the face of executive inertia and social resistance.²³ However, excessive reliance on judicial intervention raises concerns regarding judicial overreach and democratic accountability.²⁴

Further, inadequate implementation and monitoring mechanisms often dilute the long-term effectiveness of judicial orders. Sustainable protection of women's rights requires institutional strengthening beyond judicial intervention.²⁵

6. Conclusion

Judicial activism has played a crucial role in protecting and advancing women's human rights in Andhra Pradesh. Through expansive constitutional interpretation and proactive enforcement of statutory protections, courts have addressed systemic gender inequalities and provided meaningful relief to women.

Nevertheless, judicial intervention alone cannot ensure lasting gender justice. A balanced approach combining judicial vigilance, effective legislative action, and accountable executive implementation is essential for sustainable human rights protection.

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