

The Evolution of Human Rights Jurisprudence in Indian Constitutional Law

Shreemh Agarwal

Student BA, LLB, Bennet University, Greater Noida

Abstract: *This paper explores how human rights jurisprudence in India has evolved since the Constitution came into force in 1950. Initially, the judiciary interpreted fundamental rights narrowly, focusing mainly on civil and political rights listed in Part III of the Constitution. Over time, through significant landmark judgments and progressive judicial activism, Indian courts expanded the meaning of these rights to include socio-economic dimensions such as the right to education, livelihood, and a clean environment. Constitutional amendments and dynamic interpretations have helped bridge gaps between civil-political rights and socio-economic justice, reflecting a commitment to uphold human dignity. This transformative journey shows how the Supreme Court and High Courts have used innovative tools like the doctrine of implied rights and the expansive reading of Article 21 (Right to Life and Personal Liberty) to ensure broader human rights protection. The study highlights this shift towards a more inclusive, welfare-oriented approach to constitutional justice in India.*

Keywords: *Human Rights Jurisprudence, Constitutional Interpretation, Fundamental Rights, Judicial Activism, Article 21.*

1. Introduction

The evolution of human rights jurisprudence in Indian Constitutional Law represents one of the most significant developments in post-independence legal scholarship and practice. Since the adoption of the Constitution of India in 1950, the interpretation and application of fundamental rights have undergone substantial transformation, reflecting changing social realities, international human rights standards, and judicial philosophy.¹ The Indian Constitution created a unique framework for the protection of human rights through Part III dealing with Fundamental Rights and Part IV concerning Directive Principles of State Policy. The founding fathers envisioned a constitutional structure that would guarantee individual liberty while enabling social transformation.² However, the journey from a narrow, textual interpretation of these provisions to a broad, purposive understanding has been marked by judicial innovation, constitutional amendments, and evolving legal consciousness that reflects the dynamic nature of constitutional law. This paper seeks to trace this

evolutionary trajectory, examining key phases in the development of human rights jurisprudence, analyzing landmark cases that have shaped contemporary understanding, and evaluating the impact of judicial activism on the expansion of human rights protection in India.

2. Historical Foundation and Early Development (1950-1970)

The constitutional framework established in 1950 represented a careful balance between individual rights and state power. Articles 12 to 35 of Part III established a comprehensive charter of fundamental rights, including the right to equality, freedom of speech and expression, protection of life and personal liberty, freedom of religion, cultural and educational rights, and the right to constitutional remedies.³ The early period of constitutional interpretation was characterized by a relatively conservative approach to fundamental rights. The Supreme Court adopted a restrained approach to constitutional interpretation, most prominently displayed in the landmark

¹ Constitution of India, 1950.

² Constitution of India, 1950, Parts III and IV.

³ Constitution of India, 1950, Articles 12-35.



case of *A.K. Gopalan v. State of Madras* decided in 1950, which established what came to be known as the "watertight compartment" theory of constitutional interpretation.¹ In *Gopalan*, the petitioner challenged his detention under preventive detention laws, arguing that it violated his fundamental rights under Articles 19, 21, and 22. The Supreme Court rejected this challenge by adopting a narrow, compartmentalized interpretation of fundamental rights. The Court held that each fundamental right should be interpreted in isolation from others, and that the procedure established by law under Article 21 need not conform to the principles of natural justice or due process.²

The implications of the *Gopalan* decision extended far beyond the specific facts of the case. By establishing that fundamental rights existed in separate compartments without mutual reinforcement, the Court significantly limited the scope of constitutional protection available to individuals. This conservative stance was consistent with the prevailing understanding of the separation of powers and the Court's perception of its limited role in a democratic system. The restrictive approach of the *Gopalan* era was further reinforced by other decisions of the period, including *State of Madras v. Champakam Dorairajan* (1951), which dealt with the right to equality in educational admissions.³ This approach provided certainty and predictability but often resulted in inadequate protection for individual rights and limited the Constitution's potential as an instrument of social transformation.

3. The Transformative Phase: Judicial Activism and Expansion (1970-1990)

The 1970s marked a watershed moment in Indian human rights jurisprudence, ushering in an era of judicial activism that fundamentally transformed the landscape of constitutional law. This transformation was precipitated by several factors, including the Emergency period of 1975-77, which highlighted the fragility of democratic institutions and the need for robust protection of individual rights.⁴ The most significant catalyst for this transformation was the Supreme Court's decision in *Maneka Gandhi v. Union of India* decided in 1978. This landmark judgment not only overruled the restrictive approach of *Gopalan* but established an entirely new framework for understanding fundamental rights.⁵ The Court in *Maneka Gandhi* held

that Articles 14, 19, and 21 should not be read in isolation but as forming an integrated scheme of constitutional protection. The Court introduced the concept of the "golden triangle" of constitutional rights, explaining that these articles mutually reinforce each other to provide comprehensive protection for individual liberty. The Court held that any law that affects personal liberty must satisfy the requirements of all three articles, meaning that it must be non-arbitrary (Article 14), reasonable (Article 19), and in accordance with fair procedure (Article 21).⁶

This integrated approach marked the beginning of judicial activism in human rights protection and established the foundation for expansive interpretation of constitutional provisions. The Court moved away from the literal, textual interpretation that had characterized the *Gopalan* era toward a purposive, dynamic approach that sought to give effect to the underlying values and principles of the Constitution. The transformation of Article 21 during this period represents one of the most dramatic developments in Indian constitutional law. Originally conceived as a procedural safeguard against arbitrary detention, Article 21 was progressively expanded to encompass a wide range of substantive rights. In *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi* decided in 1981 that the Supreme Court expanded the meaning of "life" under Article 21 to include the right to live with human dignity.⁷ This expansive interpretation opened the door for recognition of numerous unenumerated rights, all derived from the fundamental right to life under Article 21. The Court subsequently recognized rights to livelihood, education, health, clean environment, and numerous other rights that, while not explicitly mentioned in the Constitution, were deemed essential for a meaningful existence.

The introduction of Public Interest Litigation during this period further democratized access to constitutional remedies and enabled the Court to address systemic violations of human rights. In *S.P. Gupta v. Union of India* decided in 1981, the Supreme Court liberalized the concept of locus standi, allowing any public-spirited citizen to approach the Court for enforcement of fundamental rights on behalf of those who cannot access the legal system.⁸ The PIL jurisdiction transformed the Supreme Court from a traditional court concerned primarily with disputes between parties to a constitutional court capable of addressing broader issues of social justice and human rights. The Court developed innovative

¹ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

² *Ibid.*

³ *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226.

⁷ Emergency period (1975-1977).

⁸ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁹ *Ibid.*

¹⁰ *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*, AIR 1981 SC 746.

¹¹ *S.P. Gupta v. Union of India*, AIR 1982 SC 149.

remedies and demonstrated its commitment to making constitutional promises meaningful for all citizens, particularly the most vulnerable sections of society.

4. Contemporary Developments and Modern Jurisprudence (1990-Present)

The post-1990 period has witnessed unprecedented expansion in the recognition of socio-economic rights as fundamental rights, marking a new phase in the evolution of human rights jurisprudence. This period has been characterized by the Court's willingness to recognize and enforce positive rights that require state action rather than merely state restraint. The Supreme Court's decision in *Unni Krishnan v. State of Andhra Pradesh* decided in 1993 marked a significant milestone in the recognition of socio-economic rights. The Court held that the right to education is a fundamental right for children up to the age of 14 years, deriving this right from Article 21 of the Constitution.¹ This decision was later reinforced by the 86th Constitutional Amendment, which inserted Article 21A to explicitly guarantee the right to education.² The expansion of health rights represents another significant development in contemporary jurisprudence. In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* decided in 1996, the Supreme Court recognized the right to health as an integral part of the right to life under Article 21.³ The Court held that the state has a constitutional obligation to provide emergency medical care and that failure to provide such care would constitute a violation of the right to life.

Environmental rights have emerged as another critical area of human rights development. The Court has recognized the right to a clean and healthy environment as a fundamental right under Article 21. In various *M.C. Mehta* cases dealing with environmental protection, the Court demonstrated its willingness to issue detailed directions for environmental protection.⁴ The digital age has brought new challenges and opportunities for human rights protection. The Supreme Court's unanimous decision in *Justice K.S. Puttaswamy (Retd.) v. Union of India* decided in 2017 represents a landmark achievement in this regard.⁵ The nine-judge bench recognized privacy as a fundamental

right, overruling earlier decisions that had denied constitutional protection to privacy. The Court held that privacy is an intrinsic part of the right to life and personal liberty under Article 21. The Court's progressive approach to equality and non-discrimination has been particularly evident in its treatment of LGBTQ+ rights. In *Navtej Singh Johar v. Union of India* decided in 2018, the Supreme Court decriminalized homosexuality by reading down Section 377 of the Indian Penal Code insofar as it criminalized consensual sexual conduct between adults.⁶ The Court recognized the rights of sexual minorities and expanded the constitutional understanding of equality and human dignity to include sexual orientation and gender identity.

Despite the remarkable expansion of human rights jurisprudence over the past seven decades, significant challenges remain in translating constitutional promises into lived realities for all citizens. The gap between jurisprudential developments and ground-level implementation continues to pose substantial obstacles to effective human rights protection. The enforcement and implementation of judicially recognized rights remains one of the most persistent challenges facing the Indian legal system. While the Supreme Court has recognized numerous rights and issued detailed directions for their implementation, the actual delivery of these rights to citizens, particularly those belonging to marginalized communities, remains inadequate. The Court has also faced criticism for overstepping its constitutional role and engaging in judicial overreach. Critics argue that the expansion of fundamental rights through judicial interpretation, while well-intentioned, undermines democratic accountability and the separation of powers. They contend that policy decisions regarding resource allocation and social priorities should be made by elected representatives rather than unelected judges. The balancing of individual rights against legitimate state interests represents another ongoing challenge in human rights jurisprudence. The Court has consistently grappled with reconciling fundamental rights with competing constitutional values such as national security, public order, and social harmony.

6. International Influences and Comparative Perspectives

The evolution of human rights jurisprudence in India has been significantly influenced by international human rights law, though the relationship between international and domestic law remains complex. The Indian Supreme Court has shown varying degrees of receptivity to international

¹² *Unni Krishnan v. State of Andhra Pradesh*, AIR 1993 SC 2178.

¹³ 86th Constitutional Amendment Act, 2002.

¹⁴ *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, AIR 1996 SC 2426.

¹⁵ *M.C. Mehta v. Union of India* (various environmental cases).

¹⁶ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

¹⁷ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

human rights norms. The Court's decision in *Vishaka v. State of Rajasthan* decided in 1997 represents one of the most direct applications of international human rights law in Indian jurisprudence.¹ Faced with the absence of domestic legislation addressing sexual harassment in the workplace, the Court directly applied the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women to establish binding guidelines for the prevention and redressal of sexual harassment. This approach demonstrated the Court's willingness to use international human rights standards as a source of constitutional interpretation and to fill gaps in domestic legal protection through reference to international norms.

7. Conclusion

The evolution of human rights jurisprudence in Indian Constitutional Law represents a remarkable journey of transformation that has fundamentally altered the relationship between the individual and the state. From the restrictive interpretations of the early decades to the expansive rights-based approach of contemporary jurisprudence, this evolution demonstrates the dynamic nature of constitutional law and the crucial role of judicial interpretation in giving life to constitutional text. This transformation has been achieved through judicial innovation, constitutional amendments, and evolving legal consciousness. The Supreme Court's role in this evolution has been particularly crucial, as it has transformed formal constitutional provisions into meaningful protection for individual rights and human dignity. The expansion of Article 21 from a simple procedural safeguard to a comprehensive guarantee of human dignity represents perhaps the most significant achievement of this evolutionary process. Through creative interpretation, the Court has derived numerous unenumerated rights from the right to life, creating a rich tapestry of constitutional protection. However, significant challenges remain in translating constitutional promises into lived realities for all citizens. The gap between jurisprudential developments and ground-level implementation continues to pose obstacles to effective human rights protection.

Despite these challenges, the overall trajectory of human rights jurisprudence in India provides grounds for cautious optimism. The constitutional framework has proven remarkably adaptable to changing circumstances, and the judiciary has demonstrated consistent commitment to protecting the rights of marginalized and vulnerable populations. The Indian experience offers valuable lessons for constitutional systems worldwide, demonstrating both the possibilities and limitations of judicial activism in

advancing human rights protection. The journey that began with the adoption of the Constitution in 1950 continues today, with each generation contributing to the ongoing project of realizing the constitutional promise of justice, liberty, equality, and dignity for all.

¹⁸*Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.