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THE JUDICIAL RESPONSE TO HUMAN RIGHTS IN INDIA: UPHOLDING DIGNITY AND ENSURING JUSTICE

Mohd Hammaad Siddiqui¹ and Sheheen Marakkar²

ABSTRACT

India, being the largest democracy in the world, possesses a strong and independent judiciary that plays a crucial role in upholding and safeguarding human rights within the nation. The response of the Indian judiciary to human rights issues has been influential in shaping the legal framework and ensuring the enforcement of fundamental rights guaranteed by the Constitution of India. The Constitution of India embodies a comprehensive framework for protecting the rights and freedoms of its citizens, reflecting India's commitment to human rights. Over the years, the Indian judiciary has addressed numerous significant human rights challenges and provided relief to individuals and groups facing violations. Notable examples include recognizing the right to privacy as a fundamental right, decriminalizing consensual same-sex relationships, promoting gender justice through affirmative action, and protecting the rights of indigenous communities and religious minorities.

However, despite these commendable efforts, challenges persist. The Indian judiciary grapples with a substantial backlog of cases, delays in the justice delivery system, and resource limitations that hinder the effective realization of human rights. Additionally, the judiciary's response to certain human rights issues has been subject to debate and criticism, underscoring the need for continuous improvement and vigilance. The judicial response concerning human rights in India is a fundamental element of the nation's democratic fabric. The judiciary's commitment to upholding constitutional values and protecting fundamental rights has

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played a pivotal role in ensuring justice, fostering equality, and cultivating a culture of human rights in India. However, ongoing endeavours are necessary to address challenges, bolster the justice system, and ensure the effective protection of human rights for all individuals in the country.

KEYWORDS

Democracy, Human Rights, Constitution, Freedom.

I. INTRODUCTION

India, being the largest democracy in the world, possesses a strong and independent judiciary that plays a crucial role in upholding and safeguarding human rights within the nation. The response of the Indian judiciary to human rights issues has been influential in shaping the legal framework and ensuring the enforcement of fundamental rights guaranteed by the Constitution of India. The Constitution of India embodies a comprehensive framework for protecting the rights and freedoms of its citizens, reflecting India's commitment to human rights.³ It encompasses a wide array of fundamental rights, including equality, freedom of speech and expression, right to life and personal liberty, religious freedom, and protection against discrimination.

The Supreme Court of India, as the primary judicial body, has played a pivotal role in interpreting and safeguarding these constitutional rights.⁴ Through landmark judgments and progressive interpretations, the judiciary has significantly contributed to the development of human rights jurisprudence in the country.⁵ The judicial response pertaining to human rights in India encompasses a broad range of issues, including social justice, gender equality, minority rights, freedom of expression, privacy

³ JAIN M.P., *INDIAN CONSTITUTIONAL LAW*, 5th edn., (New Delhi: LexisNexis Butterworths Wadhwa Publications, Reprint, 2008)

⁴ Upendra Baxi, *Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India*, *THIRD WORLD LEGAL STUDIES*, Vol. 4, Article 6, (1985).

⁵ PAREKH, PRAVIN H., *HUMAN RIGHTS YEAR BOOK 2010*, (Delhi: Universal Law Publishing Co. Pvt. Ltd., 2010)

rights, fair trial, and the protection of marginalized and vulnerable communities.⁶

Over the years, the Indian judiciary has addressed numerous significant human rights challenges and provided relief to individuals and groups facing violations. Notable examples include recognizing the right to privacy as a fundamental right, decriminalizing consensual same-sex relationships, promoting gender justice through affirmative action, and protecting the rights of indigenous communities and religious minorities.

However, despite these commendable efforts, challenges persist. The Indian judiciary grapples with a substantial backlog of cases, delays in the justice delivery system, and resource limitations that hinder the effective realization of human rights. Additionally, the judiciary's response to certain human rights issues has been subject to debate and criticism, underscoring the need for continuous improvement and vigilance. The judicial response concerning human rights in India is a fundamental element of the nation's democratic fabric. The judiciary's commitment to upholding constitutional values and protecting fundamental rights has played a pivotal role in ensuring justice, fostering equality, and cultivating a culture of human rights in India. However, ongoing endeavours are necessary to address challenges, bolster the justice system, and ensure the effective protection of human rights for all individuals in the country.

II. PUBLIC INTEREST LITIGATION (PIL)

Public Interest Litigation (PIL) holds a significant role in safeguarding the fundamental and human rights of individuals who are unable to approach the court due to poverty, disability, or other reasons.⁷ In such cases, any person can file a PIL in the Supreme Court of India or the respective High

⁶ Balakrishnan Rajagopal, Pro-Human Rights but Anti-poor? A Critical Evaluation of the Indian Supreme Court from a Social Movement Perspective, HUMAN RIGHTS REVIEW, Vol.8 (3) (2007).

⁷ Nidhi Gupta, Human Rights in India, INDIAN SOCIAL-LEGAL JOURNAL, Vol. XXVII (2001), 100.

Court under Articles 32 or 226 of the Constitution. However, the person filing the PIL should not have a personal interest in the matter. PIL has proven to be highly beneficial for marginalized individuals, but it has also been misused by certain individuals.

In the landmark case of *People Union for Democratic Rights v. Union of India*⁸, the traditional rule of locus standi was challenged. This rule restricts access to justice only to those whose legal rights or protected interests have been infringed. This denies equal access to justice to individuals who are economically or socially disadvantaged and cannot afford legal representation. Recognizing this disparity, the Supreme Court took a dynamic approach and introduced the concept of PIL, allowing litigation to be initiated by public-spirited individuals for the enforcement of rights of others.

The PIL concept was further explained by the Supreme Court in the case of *S.P. Gupta v. Union of India*⁹, also known as the first Judges Transfer case¹⁰. The Court firmly established that any member of the public with sufficient interest can approach the court to enforce constitutional or legal rights of others and seek redressal for common grievances.¹¹

The abuse of PIL has prompted Justice Bhagwati to express caution and emphasize the importance of ensuring that individuals approaching the court in such cases are acting in good faith and not seeking personal gain, private profit, political motivation, or any other ulterior motives. The court must not allow its processes to be misused by politicians or others with vested interests.

Justice Bhagwati declared that no state has the right to deny its citizens

⁸ AIR 1982 SC 1473

⁹ AIR 1982 SC 149

¹⁰ Ibid

¹¹ DR. J.N. PANDEY: CONSTITUTIONAL LAW OF INDIA: (Central Law Agency, Allahabad 55th Editions 2018).

access to justice simply because there is a backlog of cases.¹² In the case of *M.C. Mehta v. Union of India*¹³, the Supreme Court of India expanded the scope of PIL or Social Interest Litigation under Article 32 of the Constitution. Other notable cases that have contributed to the development of PIL include *Bandhua Mukti Morcha v. Union of India*¹⁴, *A.B.S.K. Sangh v. Union of India*¹⁵, *Janta Dal v. H.S. Chowdhari*¹⁶, and more. These cases have played a significant role in shaping the concept of PIL and have received appreciation for their judicial responses to social issues.

III. JUDICIAL ACTIVISM

The Supreme Court of India has the power and jurisdiction under Article 32 of the Constitution to enforce fundamental rights, which are considered human rights and are outlined in Part III of the Constitution. Article 32 not only guarantees the right to approach the Supreme Court directly for the enforcement of these rights, but it also ensures the protection of the rights listed in Part III.¹⁷ The Supreme Court is empowered to issue appropriate writs, orders, or directions to uphold these rights. This power bestowed upon the Court positions it as a vigilant sentinel, ever-watchful and ready to protect the rights enshrined in the Constitution.

In this regard, any person, whether seeking personal protection or filing a petition on behalf of others belonging to disadvantaged groups such as the poor, children, women, Scheduled Castes (SC), Scheduled Tribes (ST), persons with disabilities, victims of natural calamities, or others, can seek the Court's protection or file a petition for the enforcement of their rights. Additionally, the Court can also intervene on its own initiative (*suo moto*)

¹² *People Union for Democratic Rights v. Union of India* AIR 1982 SC 1473

¹³ AIR 1987 SC 1087

¹⁴ AIR 1984 SC 802

¹⁵ AIR 1981 SC 298

¹⁶ (1992) 4 SCC 305

¹⁷ SURESH H., *ALL HUMAN RIGHTS ARE FUNDAMENTAL RIGHTS*, (New Delhi: Universal Law Publishing, 2010)

in matters concerning the protection of rights, the Constitution, and cases involving arbitrary actions or functions of the executive or legislature, thereby upholding the Rule of Law. This proactive role of the Court is commonly known as judicial activism. Landmark cases like *Romesh Thapar v. State of Madras*¹⁸ have affirmed that the Supreme Court acts as the protector of fundamental rights, while *State of Madras v. B. G. Rao*¹⁹ emphasized the Court's role as a vigilant sentinel safeguarding fundamental rights.

IV. EPISTOLARY JURISDICTION

Epistolary Jurisdiction is a concept created and developed by the judiciary, which allows any person to write a letter directly to the Supreme Court of India or the relevant High Court seeking justice. The court can initiate the necessary processes without requiring the formalities or technicalities typically associated with writ petitions or formal petitions. This jurisdiction is referred to as the Epistolary Jurisdiction of the Court.

The foundation for this jurisdiction was established in the cases of *S.P. Gupta v. Union of India*²⁰ and *M.C. Mehta v. Union of India*.²¹ In these cases, the Supreme Court held that individuals, particularly those from economically disadvantaged backgrounds, can seek the enforcement of their fundamental rights by simply writing a letter to any judge of the court. This letter does not need to be accompanied by an affidavit.

This epistolary jurisdiction serves as an effective means for individuals to seek the enforcement of their guaranteed fundamental rights or rights under the Constitution of India. It provides a simplified avenue for individuals, especially those who may lack legal knowledge or resources, to access justice.

¹⁸ AIR 1950 SC 124

¹⁹ AIR 1952 SC 196

²⁰ AIR 1982 SC 149

²¹ AIR 1987 SC 1087

V. JUDICIAL REVIEW

The power of judicial review is vested in the Supreme Court of India under Article 32 and in the High Courts under Article 226 of the Constitution. Article 13 of the Constitution provides for the judicial review of all past and future legislations in India. Through judicial review, the courts have the authority to examine the constitutionality of legislation. If a law is found to be inconsistent or derogatory to the provisions of Part III of the Constitution (which guarantees fundamental rights), the courts can declare it unconstitutional.

In the case of *L. Chandra Kumar v. Union of India*²², it was established that the power of judicial review is an integral part of the "Basic Structure" of the Constitution and cannot be excluded or destroyed. Other relevant cases that have contributed to the understanding and application of judicial review include *I.R. Coelho v. State of Tamil Nadu*²³, *Keshwanand Bharati v. State of Kerala*²⁴, *M.H. Quareshi v. State of Bihar*²⁵, *Charanjit Lal Chowdhury v. Union of India*²⁶, *A.K. Gopalan v. State of Madras*²⁷, and many more.

The Supreme Court of India and the High Courts have declared certain provisions of the Constitution as invalid, null, void, and unconstitutional in various cases. Here are some notable examples: *Keshavananda Bharti v. State of Kerala*²⁸: Article 31C of the Constitution was declared invalid. *Indira Nehru Gandhi v. Raj Narain*²⁹: Article 329 of the Constitution was struck down. *Minerva Mills Limited v. Union of India*³⁰: Provisions related to Article 368(4) and (5) of the Constitution were declared unconstitutional.

²² AIR 1988 SC 1125

²³ AIR 2007 SC 861

²⁴ AIR 1973 SC 1461

²⁵ AIR 1958 SC 731

²⁶ AIR 1951 SC 41

²⁷ AIR 1950 SC 27

²⁸ AIR 1973 SC 1461

²⁹ AIR 1975 SC 2299

³⁰ AIR 1980 SC 1789

*Kihoto Hollohon v. Zachilhu & others*³¹: Paragraph 7 of the Tenth Schedule of the Constitution was held to be unconstitutional. *Supreme Court on Record Association and others v. Union of India*³²: The 99th Constitution Amendment related to the National Judicial Appointment Commission was declared unconstitutional and void by the Supreme Court on October 16, 2015. These cases exemplify the strong judicial responses and the power of judicial review, which are commendable in safeguarding the interests and welfare of all people by protecting, preserving, and promoting fundamental and human rights.

VI. DOCTRINE OF PROSPECTIVE OVERRULING

The doctrine of prospective overruling is an integral part of judicial response in India. It refers to the practice of overruling or reversing previous decisions or judgments by the Supreme Court. The laws established by the Supreme Court have binding force on all courts in India.

The Supreme Court has overruled several decisions in the past. In the case of *Golak Nath v. State of Punjab*³³, the Court reversed its earlier decisions in *Shankari Prasad v. Union of India*³⁴ and *Sajjan Singh v. State of Rajasthan*³⁵. In the *Golak Nath* case, the Court held that the power to amend the Constitution was not found in Article 368 but in the residuary power of legislation. The Court applied the principle of prospective overruling, meaning the decision would only be applicable from that point onwards. In the landmark case of *Keshavananda Bharati v. State of Kerala*³⁶, the Court reconsidered its decision in the *Golak Nath* case and overruled it. The majority held that the *Golak Nath* case was wrongly decided and that the word "law" in Article 13 did not include constitutional

³¹ (1992) 1 SCC 309

³² AIR 2015 SCW 5457 JLT (2015) SCJ 0 4 Nov.

³³ AIR 1967 SC 1643

³⁴ AIR 1951 SC 458

³⁵ AIR 1965 SC 845

³⁶ AIR 1973 SC 1461

amendments made under Article 368.

Justice Chelameswar, in his dissenting judgment in the case of *Desiya Murpokku Dravida Kazhagam v. Election Commission of India*³⁷, stated that there is nothing in the Constitution that prevents the Supreme Court from departing from its previous decisions if it recognizes an error and the harmful effect it may have on the public interest.

VII. THE BASIC STRUCTURE OF THE CONSTITUTION

The concept of the Basic Structure of the Constitution is an integral part of the judicial response in India, and it is highly commendable in ensuring the interests and welfare of all individuals. Article 368 of the Constitution grants the power to the Parliament of India to amend the Constitution and its procedures. However, this power is subject to the limitation that the Parliament cannot destroy or alter the Basic Structure of the Constitution.

The term "Basic Structure" was first introduced in the landmark case of *Keshavananda Bharati v. State of Kerala*³⁸. The Supreme Court held that while the Parliament has the authority to amend the Constitution, it cannot infringe upon its Basic Structure. The Basic Structure refers to the core principles, fundamental features, and essential framework of the Constitution, which are vital for upholding democracy, rule of law, and the protection of fundamental rights.

The doctrine of the Basic Structure acts as a safeguard against arbitrary or drastic amendments that could undermine the fundamental principles of the Constitution. It ensures that the essence and integrity of the Constitution remain intact, even in the face of constitutional amendments.

VIII. THE CURATIVE PETITION

The Curative Petition is a significant achievement resulting from the

³⁷ AIR 2012 SC 2191

³⁸ AIR 1973 SC 1461

judicial response. It is considered one of the most effective remedies available to individuals in a democratic system. The concept of the Curative Petition was developed in the case of *Rupa Ashok Hurra v. Ashok Hurra*³⁹, where a five-judge Constitution Bench of the Supreme Court unanimously held that in order to rectify a miscarriage of justice in its final judgments, the Court would allow the Curative Petition.

The Chief Justice of the Supreme Court, S.P. Bharucha, emphasized that while judges of the highest court do their best within the limitations of human fallibility, there may be rare cases where a reconsideration of a final judgment is necessary to correct a miscarriage of justice. The Court recognized it as the legal and moral obligation of the Apex Court to rectify any errors in its decisions that would otherwise remain uncertain.

The judgment was rendered in response to a series of petitions questioning whether a final judgment could be challenged even after the dismissal of a review petition. The Court acknowledged that while the principle of certainty of judgment is important in the public interest, the duty to uphold justice in exceptional cases takes precedence. This is particularly true when there is a violation of natural justice or an abuse of the court's process.

The Court laid down specific conditions for entertaining a Curative Petition, including the establishment of a genuine violation of the principle of natural justice and the fear of bias or adverse impact on the petitioner. The petition must be accompanied by certification from a senior lawyer confirming the fulfillment of these requirements. It should be submitted to the three judges of the Bench that passed the judgment in question. If a majority of these judges determine that the matter requires further hearing, it should be listed before the same Bench. Additionally, the Court may impose "Exemplary Costs" on the petitioner if their pleas lack merit.

³⁹ AIR 2002 SC1771

IX. LANDMARK CASE LAWS IN HUMAN RIGHTS

The Supreme Court of India has played a significant role in upholding and protecting fundamental rights through landmark cases. In *Romesh Thapar v. State of Madras*⁴⁰, the Supreme Court was recognized as the protector of Fundamental Rights, while in *State of Madras v. B. G. Rao*⁴¹, it was acknowledged as a watchful sentinel of Fundamental Rights. These cases established the court's commitment to safeguarding the rights of individuals.

Other notable cases include *Parmanand Katara v. Union of India*⁴², where the right to medical aid was affirmed, and *Francis Coralie Mullin v. Administrator, Union Territory, Delhi*⁴³, which recognized the right to a minimum wage. *Subhash Kumar v. State of Bihar*⁴⁴ upheld the right to protection from poverty, while *Unnikrishnan v. State of Andhra Pradesh*⁴⁵ established the right to education.

The Supreme Court has also addressed issues related to human dignity. *Menka Gandhi v. Union of India*⁴⁶ emphasized the right to life with dignity, and *M. C. Mehta v. Union of India*⁴⁷ recognized the right to public health and environment. *Olga Telis v. Bombay Municipal Corporation*⁴⁸ affirmed the right to livelihood, and *P.U.C.L. v. Union of India*⁴⁹ acknowledged the right to food.

Cases such as *Subhash Kumar v. State of Bihar*⁵⁰ and *In Re Noise Pollution*⁵¹ highlighted the right to enjoy a climate free from pollution and

⁴⁰ AIR 1950 SC 124

⁴¹ AIR 1952 SC 196

⁴² AIR 1989 SC 2039

⁴³ AIR 1981 SC 746

⁴⁴ AIR 1991 SC 420

⁴⁵ (1993) 4 SCC 645

⁴⁶ AIR 1978 SC 507

⁴⁷ 1988 SC4711

⁴⁸ AIR 1986 SC 180

⁴⁹ 2000 (5) SC 30

⁵⁰ AIR 1991 SC 420

⁵¹ AIR 2005 SC 3036

the right to life free from noise pollution, respectively. *M.H. Hoskot v. State of Maharashtra*⁵² established the right to free legal aid, and *Hussainara Khatoon v. State of Bihar*⁵³ and *Abdul Rahman Antulay v. R.S. Nayak*⁵⁴ emphasized the right to speedy trial.

*Chameli Singh v. State of Uttar Pradesh*⁵⁵ recognized the right to shelter, while *Murli S. Deora v. Union of India*⁵⁶ prohibited smoking in public places. These cases reflect the court's commitment to upholding and expanding the scope of fundamental rights in India.

These cases have played a crucial role in establishing and safeguarding various rights in India. In *Prem Shankar v. Delhi Administration*⁵⁷, the right against handcuffing was recognized, ensuring that individuals cannot be subjected to handcuffing by authorities without a valid reason. *Vishakha and others v. State of Rajasthan*⁵⁸ and others set a significant precedent in providing protection from sexual harassment of women at the workplace, laying down guidelines to prevent and address such incidents.

*Kishore Singh v. State of Rajasthan*⁵⁹ focused on protection from inhuman behavior, affirming individuals' right to be free from any form of cruel, degrading, or inhuman treatment. *Nilabati Behra v. State of Orissa*⁶⁰ emphasized the protection against police custodial death, asserting that individuals in police custody have the right to life and should not be subjected to torture or unlawful killings. *Jogindra Singh v. State of Uttar Pradesh*⁶¹ highlighted the importance of protection from illegal arrest and inhuman behavior by the police. This case established safeguards against

⁵² AIR 1978 SC 1548

⁵³ AIR 1979 SC 1360

⁵⁴ AIR (1992) 1 SCC 225

⁵⁵ 1996 SCC 549

⁵⁶ (2001) 8 SCC 765

⁵⁷ AIR 1980 SC 898

⁵⁸ AIR 1997 SC 3011

⁵⁹ AIR 1981 SC 625

⁶⁰ (1993) 2 SCC 746

⁶¹ 1994 SCC 260

arbitrary arrests and ensured that individuals are treated with dignity and respect by law enforcement agencies.

*Attorney Journal of India v. Laxmi Devi*⁶² addressed the right against public hanging, recognizing that public hangings violate an individual's right to life and dignity, and should not be carried out. *Swapan Kumar Saha v. South Point Montessori School*⁶³ recognized the right to safe travel in school buses. It underscored the responsibility of schools to ensure the safety of students during transportation and emphasized the need for necessary measures to prevent accidents and protect children.

The court in the case of *Mohammad Hussain alias Julfikar Ali v. State (Government of N.C.T. Delhi)*⁶⁴ emphasized that the mere passage of time since the start of prosecution does not justify discontinuing the prosecution or dismissing the indictment. In the case of *Rattiram v. State of Madhya Pradesh*⁶⁵ through Inspector of police, it was firmly established that the right to a fair trial is a fundamental right that must be upheld and protected by the legal system.

Additionally, the case of *State of Haryana v. Ram Mehr*⁶⁶ clarified that while the right to a fair trial is crucial, it does not mean that the trial process can be indefinitely extended or stretched beyond reasonable limits. In the case of *Hardeep Singh v. State of Madhya Pradesh*⁶⁷, the court acknowledged the importance of ensuring a speedy trial and recognized the need for compensation in cases where the right to a speedy trial has been denied.

Addressing a different issue, the case of *Budhadev Karmaskar v. State of West Bengal*⁶⁸ focused on the rehabilitation of sex workers, highlighting

⁶² AIR 1986 SC 467

⁶³ (2007) 2 GLR 10

⁶⁴ AIR 2012 SC 3860

⁶⁵ AIR 2012 SC 1485

⁶⁶ AIR 2016 SC 3942

⁶⁷ AIR 2012 SC 1751

⁶⁸ AIR 2011 SC 2636

the necessity of implementing appropriate measures and support systems to aid their reintegration into society. Lastly, in *Mithu v. State of Punjab*⁶⁹, the Supreme Court of India deemed Section 303 of the Indian Penal Code unconstitutional and struck it down. This decision marked a significant legal development and reaffirmed the court's commitment to upholding constitutional principles and safeguarding individual rights.

X. KEY INSIGHTS AND PATH AHEAD

The current state of the Indian judiciary's response to human rights issues showcases both commendable achievements and areas that require further attention. To enhance the protection of human rights, it is essential to consider several future directions, reforms, and policy changes.

One key area that demands improvement is the reform of the judicial system. Efforts should be made to address the backlog of cases, reduce delays, and improve the overall efficiency of delivering justice. This can be accomplished by increasing the number of judges, implementing technology-based solutions to streamline court processes, and promoting alternative dispute resolution mechanisms to expedite the resolution of cases.

Furthermore, it is crucial to focus on sensitization and training programs to enhance the understanding of human rights among judges, lawyers, and court personnel. Specialized training in human rights can foster a more informed and rights-conscious judiciary, empowering them to make well-founded decisions that effectively uphold and protect human rights.

Ensuring access to justice for marginalized and vulnerable groups is of paramount importance. This necessitates prioritizing affordable and accessible legal aid services. Expanding the scope and reach of legal aid programs, coupled with efforts to raise awareness about available services,

⁶⁹ AIR 1983 SC 473

can significantly contribute to greater access to justice for individuals facing socioeconomic barriers.

The strengthening of human rights institutions at both the national and state levels, such as the National Human Rights Commission and State Human Rights Commissions, is critical. Empowering these institutions with sufficient resources and authority will enhance their effectiveness in addressing human rights violations and providing remedies to victims.

Promoting public interest litigation (PIL) can serve as another powerful tool for enforcing human rights and addressing systemic issues. Encouraging active engagement by civil society organizations and individuals through PIL can bring important human rights concerns to the forefront, enabling the judiciary to comprehensively address them.

Advocating for comprehensive legislative reforms is essential to align domestic laws with international human rights standards. These reforms should encompass emerging issues like data protection, hate crimes, and discrimination, establishing a robust legal framework for the protection of human rights.

While the Indian judiciary has made significant progress in responding to human rights issues, continuous efforts are needed to strengthen human rights protection. Implementing judicial reforms, enhancing sensitization and training, ensuring access to justice, strengthening human rights institutions, promoting public interest litigation, and advocating for legislative reforms are all vital steps towards achieving effective and comprehensive human rights protection in India.

XI. CONCLUSION

The judicial responses discussed above highlight the crucial role played by the Indian Judiciary in protecting, promoting, and preserving human rights within the democratic framework of the country. The efforts of the

judiciary in ensuring justice and equality for all citizens are commendable and have had a significant impact on the welfare of the Indian Republic.

The judicial responses have demonstrated a positive and appreciable approach towards human rights and their enforcement. However, it is important to acknowledge that there may be exceptions and challenges in implementing these rights based on the specific time, circumstances, and requirements of the people. The judiciary must adapt to the evolving needs of society and uphold the principles of the Constitution of India and other applicable laws.

It is essential that the implementation of human rights aligns with the current realities and the mandates of the law. The focus should be on ensuring that human rights are protected and enforced without discrimination, in line with the democratic, sovereign, secular, and socialist values of India. There is a need to address any shortcomings or gaps in the enforcement system to improve the overall conditions of human rights in the country. This requires a comprehensive and inclusive approach that prioritizes the interests and welfare of the public and the nation as a whole.

While the judicial responses have made significant strides in advancing human rights in India, there is still work to be done to ensure their effective implementation and address any deficiencies. The commitment to upholding human rights remains crucial for the progress and well-being of the nation.

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