

Judicial Protection of Fundamental Rights in India: An Analysis of Supreme Court Jurisprudence (2014-2024)**Baldev Kumar^{1*}, Dr. Rajni Bala²**¹ Research Scholar, Guru Kashi University, Talwandi Sabo (Bathinda).² Associate Professor, Department of Political Science, Guru Kashi University, Talwandi Sabo (Bathinda).**Abstract**

The protection of Fundamental Rights represents the backbone of the constitutional democracy in India, and serves as an essential safeguard against arbitrary state power. The judicial review under the ambit of Supreme Court plays a pivotal role in interpretation and enforcement of these rights. Over the last decade (2014-2024), several landmark judgments have greatly extended the scope of fundamental rights and strengthened the democratic accountability. In this background, this study seeks to investigate the role of Supreme Court in safeguarding fundamental rights during the period of 2014-2024 by analyzing major constitutional cases and judicial doctrines. This study adopted the qualitative research approach, and analyzes the key judicial rulings along with scholarly literature published in peer-review journals. The study highlights how judicial interpretation has expanded the scope of right to privacy, equality, digital freedom and democratic transparency. Although the judicial activism plays an important role in safeguarding the constitutional liberties, it has paved the way for debates regarding institutional balance and separation of powers. Despite such emerging dynamics, the study highlights that Supreme Court continues to function as the guardian of Constitution by protecting the civil liberties and strengthening the constitutional governance in India.

Keywords: Accountability, Digital Freedom, Judicial Activism, Transparency**1. INTRODUCTION**

The fundamental rights establish the normative base of India's constitutional framework and reflect the "commitment of state to protect liberty, equality, and dignity". Part III of the Constitution deals with these fundamental rights, and these rights are subject to the judicial review of the Supreme Court and High Courts thereby. The judiciary is, therefore, the guardian of constitutional supremacy and acts as a watchdog on arbitrary state actions. The scholars have identified that the Indian Constitution is a transformative document aiming to achieve social justice by means of democratic rule and judicial interpretation (Austin, 1966; Bhatia, 2019). The judicial review allows the constitutional courts to strike down such laws or the executive orders that contravene the fundamental rights outlined in Part III of the constitution. The judiciary through this power is instrumental in upholding the rule of law and ensuring that governance is carried out within the constitutional limits. In this milieu, the evolution of fundamental rights jurisprudence in India illustrates how the constitutional interpretation of fundamental rights assist in adapting the evolving social and political contexts.

In the recent decades, the Supreme Court has played a fundamental role in shaping the constitutional governance through progressive interpretation of fundamental rights. The judiciary has expanded the meaning and scope of the constitutional provisions and addressed the issues pertaining to privacy, gender equality and freedom of expression. The scholars argue that this expansion of rights jurisprudence is indicative of the larger philosophy of transformative constitutionalism, which aims to encourage social justice and equality by using constitutional interpretation (Bhatia, 2016; Baxi, 2008). The courts have been instrumental in securing the socio-economic rights and providing remedies to governance failure through judicial interventions. The studies pertaining to judicial behavior suggest that constitutional courts intervene where other branches of the government are failing to safeguard the rights and ensure accountability (Shankar and Mehta, 2008). Therefore, judicial review not only functions as a legal mechanism, but an institutional safeguard within democratic governance structure.

The decade of 2014-2024 has witnessed important developments in the realm of constitutional jurisprudence. During this time period, the Supreme Court delivered a number of historic rulings that reshaped the interpretation of the fundamental rights. The important issues addressed during this course include digital privacy, political transparency, minority rights and equality before law. The scholars have emphasized that Indian judiciary has increasingly adopted a rights-based approach to constitutional adjudication, aligning domestic jurisprudence in line with the global human rights norms (Pillay, 2012). At the same time, debates involving judicial activism and institutional balance have become more intensified in the academic discourse. Some scholars argue that, judicial intervention strengthens the democratic accountability whereas others caution of the over-judicialization of politics (Hirschl, R. 2008). In this background, this paper seeks to examine Supreme Court jurisprudence during the period of 2014-2024 and examine its role in protection of fundamental rights in India.

2. CONCEPTUAL FRAMEWORK

The conceptual framework of this study is based on the theoretical principles of constitutionalism, judicial review and transformative constitutionalism, which collectively explain the role of courts in protecting the fundamental rights under the ambit of democratic system. Constitutionalism refers to the idea that government authority to be wielded based on the constitution and subjected to legal limitations, thereby preventing any kind of abuse over the individual freedoms. In a democratic society, judiciary plays a key role in enforcing constitutional limits and protecting civil liberties through judicial review (Choudhary & Kalra (2020). The judicial review enables the courts to "examine legislative and executive actions and invalidate those which do not comply with the constitutional provisions". This Judicial review power is established under Articles 13, 32 and 226 of the of the Indian Constitution and has been interpreted by the courts as important components of constitutional governance.

Another important theoretical framework is the "transformative constitutionalism", which emphasizes the role of constitutional interpretations in promoting social change and enhancing equality. According to this approach, the constitution is not a static legal document but dynamic in nature and aimed at transforming the society by addressing historical injustices and promoting human dignity (Bhatia, 2019). This philosophy is inherent in Indian constitutional jurisprudence through expansive interpretations of fundamental rights. The courts have interpreted Article 21 and expanded the scope of constitutional protections by including rights of privacy, dignity, health and education. This interpretative approach enables the judiciary to adapt the constitutional principles to contemporary challenges including change in technology, gender equality and minority rights.

The conceptual framework also incorporates the debate pertaining to judicial activism and judicial restraint, which represents a central theme in constitutional scholarship. "Judicial activism refers to the proactive approach whereby the courts are actively interpreting the constitution in order to safeguard the rights and the governance failures. Judicial restraint on the other hand, emphasizes the need for courts to respect the institutional boundaries of the legislature and executive". According to scholars, constitutional courts must ensure a balance between these approaches to uphold democratic legitimacy and protecting constitutional rights (Sathe, 2001). In the Indian context, the judicial activism has often been justified in response to the institutional gaps and governance failures. This framework therefore provides the analytical basis for examining how the Supreme Court of India has interpreted and protected the fundamental rights during 2014-2024.

3. RESEARCH METHODOLOGY

The present study adopts a qualitative doctrinal research methodology to examine the role of Indian judiciary in protecting the fundamental rights during the course of 2014-2024. The study primarily relies on analysis of constitutional provisions, landmark judgements by the Supreme Court of India and the scholarly literature related to constitutional law and judicial review. The doctrinal approach enables the systematic examination of legal principles and judicial reasoning that have shaped the interpretation of the fundamental rights in the constitutional jurisprudence in contemporary era. The primary sources of data include the landmark rulings delivered by Supreme Court of India including Justice K. S. Puttaswamy V. Union of India (2017), Navtej Singh Johar. V. Union of India (2018) and Association of Democratic Reforms V. Union of India (2024) etc. While as secondary data sources include peer-reviewed journal articles, academic books and legal commentaries. Using the case analysis and thematic interpretation, the study evaluates the evolving role of judiciary under the ambit of judicial review in expanding the scope of constitutional rights and strengthening democratic accountability within constitutional framework of India.

4. REVIEW OF LITERATURE

The role of judiciary in protecting fundamental rights has been a subject of constitutional scholarship particularly in the India's transformative constitutional framework. According to Austin (1966), the Indian Constitution has been described as a document aimed at facilitating social transformation while maintaining democratic governance. Austin further highlights that the judiciary is central in safeguarding the constitutional and also in ensuring that state institutions operate within the limits of the rule of law. Later scholars have expanded this understanding by examining how judicial review became a crucial tool in safeguarding the individual liberty and institutional balance. Sathe (2001) has outlined that judicial activism in India has "greatly expanded the scope of fundamental rights by enabling the courts to intervene in matters of public importance". Sathe pointed out that the active role played by the judiciary has emerged partly due to institutional weaknesses in other branches of government. Therefore, these early works contributed for establishing the theoretical framework for understanding the role of judiciary as the protector of the fundamental rights and constitutional governance in India.

Later literature went further to understand how judicial interpretation led to the growth of constitutional rights and social justice. According to Baxi (2008), “judicial activism in India emerged as retaliation to social inequality and failure to govern the populace and allow courts to protect marginalized groups through innovative legal mechanisms such as Public Interest Litigation (PIL)”. Likewise, Gauri and Brinks (2008) reviewed how the courts in the developing countries enforce the socio-economic rights and determined that the role of judicial intervention usually is important in the promotion of social justice. Their work also emphasized the ability of the courts to implement rights to education, health and welfare by interpreting the provisions of the constitution in a broad manner. In the Indian case, researchers have pointed out that “judicial interpretation related to Article 21 largely expanded the meaning of the right to life and personal liberty”. These studies demonstrated that constitutional courts have the potential to foster social change by interpreting fundamental rights in ways that address the structural inequalities and ensures access to justice.

Another important valuable literature focuses on the relation between judicial review and democratic government. Shankar and Mehta (2008) opined that Indian courts have been influential in the implementation of more socio-economic rights and enhancing accountability into the democratic institutions. According to these scholars, the judicial intervention often emerges when the legislative or executive institutions fail to protect the rights of the citizens. Nevertheless, critics warn that excessive judicial intervention may blur the boundaries between the constitutional institutions. Hirschl, R. (2008) in his research highlighted that the judicialization of politics can sometimes cause tensions within the democratic systems because policy-making is no longer made by the elected institutions, but in the courts. Nevertheless, the majority of scholars support the idea that constitutional courts have not lost their importance in terms of protecting the individual freedoms and abuse of power. This strand of literature highlights the ongoing debate between judicial activism and judicial restraint and the need to ensure that institutional balance is maintained and the constitutional rights are protected.

More recent scholarship focuses on the concept of “transformative constitutionalism”, which places the emphasis on the interpretation of the Constitution as a means to achieve social change and social equality. According to Bhatia (2016), the Indian Constitution has been transformed into a transformative instrument that seeks to dismantle social hierarchies and promote dignity through judicial intervention. According to Bhatia, the constitutional courts in India have increasingly adopted the rights-based approach to adjudication particularly involving privacy, gender equality and minority rights. Similarly, Choudhary & Kalra (2020) emphasizes that constitutional courts play an important role in ensuring that there is institutional balance and that democratic governance operates within the constitutional limits. Studies in this area have stressed that judiciary must interpret fundamental rights in ways that reflect the evolving social realities. By adopting this approach, the courts contribute to the realization of constitutional values like equality, liberty and justice.

The recent literature from 2014-2024 has examined the changing role of Indian Supreme Court in protecting fundamental rights involving technological change, globalization and democratic accountability. According to Pillay (2012), constitutional courts are vital in safeguarding social-economic rights and ensuring that states fulfill their human rights obligations. Khosla (2015) examines the Indian constitutional approach to social rights and the role of judiciary in enforcing these rights through the constitutional interpretation. Bhatia (2019) further explores the idea of transformative constitutionalism and believes that recent Supreme Court decisions reflect the commitment to expanding the individual freedoms and promoting equality. These studies highlight how the constitutional jurisprudence continues to evolve in response to emerging issues like democratic transparency, gender justice and digital privacy.

The most recent scholarship has focused on landmark constitutional judgements delivered by the Supreme Court in the last decade (2014-2024). The scholars have analyzed the judicial decisions like Justice K. S. Puttaswamy v. Union of India (2017), Navtej Singh Johar v. Union of India (2018), and Shayara Bano v. Union of India (2017) as examples of transformative constitutional adjudication (Bhatia, 2017; Nigam, 2019). These studies have emphasized that judiciary has increasingly recognized the importance of dignity, privacy and equality in constitutional interpretation. At the same time, the scholars continue to debate the appropriate limits of judicial intervention within the democratic governance framework. Although, some argue that judicial activism strengthens the constitutional democracy, other caution that the courts must exercise the restraint in order to maintain institutional balance. In this milieu, this study builds upon the growing body of literature by examining the recent Supreme Court jurisprudence and assessing its role in protecting fundamental rights in India.

5. THEMATIC ANALYSIS OF SUPREME COURT JURISPRUDENCE (2014-2024)

5.1 Expansion of Article 21 and the Right to Privacy

One of the most significant themes emerging from Supreme Court Jurisprudence during 2014-2024 is the expansion of Article 21 of the Constitution, which guarantees the right to life and personal liberty. The judgement in Justice K. S. Puttaswamy (Retd.) v. Union of India (2017) was historic as nine judge bench recognized the right to privacy as a constitutional right. The Court ruling indicated that “privacy is part of human dignity, autonomy and individual liberty, therefore, connecting it to a broader constitutional value reflected in Article 21”. The judgement also introduced the “Principle of Proportionality” as a constitutional test to evaluate the restrictions of fundamental rights. By doing so, the Court established a structured framework for assessing the interference of the state in personal liberties. As pointed by scholars of legal and Constitutional arena, the ruling will ensure that the Indian constitutional jurisprudence is aligned with the international human rights practices and reinforce the safeguards against excessive state surveillance and misuse of personal data (Bhatia, 2017). The case is thus a precedent to the Indian constitutional law and demonstrated how the judicial interpretation can adapt fundamental rights to face the difficulties that arise due to the technological changes and digital governance.

5.2 Protection of Minority and Marginalized Rights

Another important milestone in the realm of recent constitutional jurisprudence is the role of the judiciary in safeguarding minority and marginalized groups by making progressive interpretations of equality and dignity. The Supreme Court decision in National Legal Services Authority vs. Union of India (2014) has acknowledged transgender persons as third gender and guaranteed that they are entitled to constitutional rights as outlined in Articles 14, 15, 16, 19, and 21. The Court held that gender identity is a significant aspect to personal autonomy and dignity; therefore, should be granted constitutional protection. This ruling necessitated the government to take positive actions such as reservation in education and government employment opportunities to transgender people. In the similar context, the court made equality jurisprudence broader in the case of Navtej Singh Johar v. Union of India (2018) where same consensual sex relationship has been decriminalized among adults. The Court was aiming at achieving such parity by striking down the Section 377 of the Indian Penal Code, and it also provided that the constitutional morality should take over the societal prejudice. Therefore, such decisions depict the judicial desire to pursue an inclusive constitutionalism and show how the understanding of the constitution could be used to promote social justice and equality (Baxi, 2008).

5.3 Gender Justice and Equality Jurisprudence

The 2014-2024 decade was also characterized by the high level of judicial intervention in the realm of gender justice and equality. In Shayara Bano v. Union of India (2017), the Supreme Court ruled that the practice of instant triple talaq (Talaq-e-Biddat) is unconstitutional as it contravened the constitutional laws of equality and dignity. The Court underlined the importance of the fact that the personal laws have no right to prevail over the fundamental rights and any discriminatory practice not in compliance with the constitutional values is subject to the judicial scrutiny. Similarly, in Joseph Shine v. Union of India (2018), the Court struck down Section 497 of Indian Penal Code of 1895 which criminalized adultery. The Court noted that the provision that women were properties of their husbands defied the constitutional provision on gender equality. Another important milestone in this regard is the case of Indian Young Lawyers Association v. State of Kerala (2018), commonly known as “Sabarimala Case” where the Supreme Court ruled that barring of women in the temple was contrary to the equality and dignity under Articles 14 and 21. Thus, these decisions showcase how the judiciary has challenged the patriarchal legal traditions and reinforced the constitutional rights of women.

5.4 Digital Rights and Freedom of Expression

The emergence of digital technologies has also influenced the constitutional interpretation in India leading courts to interpret fundamental rights in context to digital era. A notable verdict is Anuradha Bhasin v. Union of India (2020) that addressed the constitutional issues concerning internet shutdowns in Jammu and Kashmir. The Supreme Court was of the view that the freedom of speech and expression and freedom to practice any profession via the internet is enshrined in the Article 19. Even though the Court did not pronounce the right to internet access as an independent fundamental right, it nonetheless acknowledged that digital access is necessary as a medium of exercise of constitutional liberties. The Court also unveiled the so-called procedural safeguards when it comes to the recurring review of the internet shutdowns and said that any restrictions on digital communications should meet the criterion of proportionality. The ruling is an expression of the judicial system trying to implement the principles of the constitution to the realities of the digital era. Within this context, researchers claim that such decisions prove the changing status of the judiciary to protect civil liberties within the contemporary digital community (Khosla, 2015).

5.5 Democratic Accountability and Transparency

Another important milestone in the Supreme Court jurisprudence is the protection of democratic accountability and transparency. The historic decision in “Association for Democratic Reforms v. Union of India (2024)” has quashed the “Electoral Bond Scheme” that legalized the anonymous political donations. The court held that this kind of anonymity is the breach of the right to information of the citizens under Article 19(1)(a), because voters have a constitutional right to know the source of political funding. By invalidating the scheme, the Court emphasized that transparency in electoral financing is essential in upholding democratic integrity. Similarly, the Court also addressed the issue pertaining to equality and affirmative action in *Janhit Abhiyan v. Union of India (2022)*, where it upheld the constitutional validity of the 103rd Amendment providing reservations to the Economically Weaker Sections (EWS). These rulings reflect the fact that the judiciary still plays a pivotal role in the preserving the democratic principles and ensuring of accountability in political institutions. Therefore, through these decisions, the Court reinforces the principle that constitutional governance being transparent, inclusive, and consistent with fundamental rights.

6. DISCUSSION

The analysis of recent Supreme Court rulings has demonstrated that judiciary is instrumental in safeguarding and expanding the scope of the fundamental rights in India. The Court has expanded the scope of the rights including privacy, equality, dignity and freedom of expression through the progressive interpretation of the constitutional provisions particularly Article 14, 19 and 21. Moreover, the landmark judgements in *Justice K. S. Puttaswamy v. Union of India (2017)*, *Navtej Singh Johar v. Union of India (2018)* and *Shayara Bano v. Union of India (2017)* illustrated how the judiciary has adapted to constitutional principles to modern social and technological challenges. Scholars argue that such judicial interventions reflect the idea of transformative constitutionalism, where courts should interpret the Constitution in a manner that can substantially promote social justice and protect individual autonomy (Bhatia, 2019; Chandrachud, 2020). However, at the same time, these developments intensified the debates regarding judicial activism and the appropriate limits of judicial power. Critics contend that excessive judicial intervention has the potentiality to undermine the principle of “separation of powers” by encouraging upon the legislative and executive domains (Khosla, 2020). While as, the proponents of judicial review argue that the constitutional courts should step in to defend the fundamental rights when threatened or when democratic institutions cannot safeguard interests of the minorities (Pillay, 2012). Empirical research on constitutional courts implies that the judicial control may be highly important during the institutional imbalance or the majoritarian domination, which allows the courts to operate as the defenders of constitutional democracy (Hirschl, R. 2008; Bhatia, 2019). Consequently, the role of the judiciary in protecting fundamental rights remains indispensable for maintaining the constitutional governance, ensuring accountability and the rule of law in India.

7. CONCLUSION

The protection of fundamental rights remains the central aim of the constitutional framework of India and judiciary is playing an important role in achieving this goal. The Supreme Court’s jurisprudence during the course of 2014-2024 demonstrates how the constitutional interpretation evolves in response to emerging social, political, and technological challenges. Through various landmark judgements, the court has strengthened civil freedoms, expanded the scope of constitutional rights and reinforced democratic accountability. These developments illustrate the continuing relevance of judicial review in safeguarding constitutional governance. Although the debates pertaining to judicial activism and institutional balance persist, the judiciary remains a vital institution within India’s democratic governance landscape. The Supreme Court has contributed in achieving the transformative vision of the Constitution by progressive interpretation of Constitutional provisions that promotes equality, dignity, and freedom. This evolving jurisprudence of the Court reflects the dynamism of constitutional law and the perpetual presence of the judiciary as a protector of fundamental rights.

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