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Evolution of Fundamental Rights through Judicial Interpretation

Dimpal Sharma

Abstract

This article analyses the evolution of Fundamental Rights in India through judicial interpretation. It traces the Supreme Court's shift from a restrictive to an expansive approach, particularly under Article 21, recognizing rights to dignity, livelihood, privacy, and education. By harmonizing Fundamental Rights with Directive Principles, the judiciary has transformed Part III into a dynamic instrument of justice, ensuring constitutional adaptability while safeguarding democratic values and individual freedoms.

1. Introduction

Fundamental Rights form the cornerstone of the Indian Constitution and represent the core values of liberty, equality, and justice. Enshrined in Part III of the Constitution, these rights were intended to protect individuals from arbitrary state action and to ensure the development of a democratic society governed by the rule of law. However, the mere textual existence of Fundamental Rights has never been sufficient to guarantee their effective protection. Their true strength and vitality have emerged through continuous judicial interpretation by the Supreme Court of India.

Over the decades, the judiciary has played a transformative role in expanding, refining, and strengthening Fundamental Rights by interpreting constitutional provisions in light of changing social realities. Through landmark judgments, the Supreme Court has infused Part III with dynamism, ensuring that Fundamental Rights remain living, evolving guarantees rather than static declarations. This article examines the evolution of Fundamental Rights through judicial interpretation and highlights the Court's role in shaping constitutional democracy in India.



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2. Constitutional Framework of Fundamental Rights

The framers of the Indian Constitution drew inspiration from various constitutional traditions, particularly the American Bill of Rights, while tailoring Fundamental Rights to India's unique socio-political conditions. Articles 12 to 35 collectively define the scope, enforcement, and limitations of these rights. Initially, Fundamental Rights were perceived as enforceable yet subject to reasonable restrictions imposed by the State in the interest of public order, morality, and national security.

Article 13 occupies a pivotal position by declaring that laws inconsistent with or in derogation of Fundamental Rights shall be void. Additionally, Article 32, described by Dr. B.R. Ambedkar as the “heart and soul” of the Constitution, empowers individuals to directly approach the Supreme Court for enforcement of Fundamental Rights. These provisions laid the foundation for an active judicial role in constitutional interpretation.

3. Early Judicial Approach: Literal and Restrictive Interpretation

In the initial years following independence, the Supreme Court adopted a relatively conservative approach towards Fundamental Rights. The emphasis was placed on parliamentary supremacy and socio-economic reconstruction of the nation. In *A.K. Gopalan v. State of Madras* (1950)¹, the Court interpreted Articles 19, 21, and 22 in isolation, holding that any law depriving personal liberty under Article 21 was valid as long as it followed the “procedure established by law,” irrespective of its fairness or reasonableness.

This compartmentalized interpretation significantly restricted the scope of personal liberty and reflected judicial deference to legislative judgment. Similarly, in *Shankari Prasad v. Union of India*² and *Sajjan Singh v. State of Rajasthan*³, the Court upheld Parliament's power to amend Fundamental Rights, prioritizing constitutional flexibility over rights protection.

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

² Shankari Prasad Singh Deo v. Union of India, AIR 1951 SC 458

³ Sajjan Singh v. State of Rajasthan, AIR 1965 SC 845



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3.1. Shift Towards Rights-Oriented Interpretation

A significant shift occurred with the landmark decision in *Golaknath v. State of Punjab* (1967)⁴, where the Supreme Court held that Parliament could not amend Fundamental Rights. Although this position was later modified, the judgment marked a decisive move towards judicial activism and rights-centred interpretation. The Court emphasized that Fundamental Rights occupy a transcendental position in the constitutional scheme and must be protected from majoritarian impulses.

The true transformation, however, emerged with *Kesavananda Bharati v. State of Kerala* (1973)⁵. While permitting Parliament to amend Fundamental Rights, the Court introduced the **Basic Structure Doctrine**, holding that the essential features of the Constitution cannot be altered or destroyed. This doctrine ensured that Fundamental Rights, in their core essence, remain immune from constitutional erosion.

3.2. Expansion of Article 21: From Procedure to Dignity

The most remarkable evolution of Fundamental Rights has occurred through the expansive interpretation of Article 21. In *Maneka Gandhi v. Union of India* (1978)⁶, the Supreme Court overruled the restrictive interpretation in *A.K. Gopalan* and held that the “procedure established by law” must be just, fair, and reasonable. The Court also established the interrelationship between Articles 14, 19, and 21, giving rise to the doctrine of substantive due process in Indian constitutional law.

Subsequent judgments further expanded the ambit of Article 21 to include a wide array of unenumerated rights. These include the right to live with human dignity (*Francis Coralie Mullin v. Administrator*⁷, *Union Territory of Delhi*), right to livelihood (*Olga Tellis v. Bombay Municipal Corporation*⁸), right to health (*Consumer Education and Research Centre v. Union of India*⁹), and

⁴ I.C. Golaknath v. State of Punjab, AIR 1967 SC 1643

⁵ Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461

⁶ Maneka Gandhi v. Union of India, AIR 1978 SC 597

⁷ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, AIR 1981 SC 746

⁸ Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180

⁹ Consumer Education & Research Centre v. Union of India, (1995) 3 SCC 42



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right to education (*Mohini Jain v. State of Karnataka*¹⁰ and *Unni Krishnan v. State of Andhra Pradesh*¹¹). Through judicial creativity, Article 21 has evolved into a repository of human rights.

4. Judicial Interpretation and Socio-Economic Rights

Although socio-economic rights are primarily enshrined in the Directive Principles of State Policy, the judiciary has harmonized Parts III and IV of the Constitution to advance social justice. In *Minerva Mills v. Union of India* (1980)¹², the Supreme Court emphasized the balance between Fundamental Rights and Directive Principles as part of the Constitution's basic structure.

By reading Directive Principles into Fundamental Rights, particularly Article 21, the Court has indirectly constitutionalized socio-economic entitlements. This approach reflects a progressive interpretation aimed at achieving substantive equality rather than formal equality.

4.1. Emergence of New Rights through Judicial Interpretation

Judicial interpretation has also led to the recognition of new-generation rights. In *Justice K.S. Puttaswamy v. Union of India* (2017)¹³, the Supreme Court unanimously recognized the **right to privacy** as a Fundamental Right under Article 21, along with Articles 14 and 19. The judgment reaffirmed the living nature of the Constitution and emphasized individual autonomy and dignity.

Similarly, environmental jurisprudence has flourished through rights-based interpretation. The right to a clean and healthy environment has been read into Article 21 in cases such as *Subhash Kumar v. State of Bihar*¹⁴ and *M.C. Mehta v. Union of India*¹⁵. These developments demonstrate the judiciary's role in responding to contemporary challenges.

5. Critical Evaluation of Judicial Role

While judicial interpretation has significantly strengthened Fundamental Rights, it has not been free from criticism. Critics argue that judicial overreach undermines democratic legitimacy and

¹⁰ *Mohini Jain v. State of Karnataka*, AIR 1992 SC 1858

¹¹ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645

¹² *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789

¹³ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1

¹⁴ *Subhash Kumar v. State of Bihar*, AIR 1991 SC 420

¹⁵ *M.C. Mehta v. Union of India*, AIR 1987 SC 1086



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blurs the separation of powers. The absence of explicit textual support for certain rights has raised concerns about subjective judicial law-making.

However, defenders of judicial activism contend that in a developing democracy marked by socio-economic disparities, an assertive judiciary is essential to protect marginalized communities. Judicial interpretation has often served as a corrective mechanism where legislative and executive action has fallen short.

Conclusion

The evolution of Fundamental Rights through judicial interpretation reflects the dynamic nature of the Indian Constitution. From a narrow, literal approach to a purposive and progressive methodology, the Supreme Court has ensured that Fundamental Rights remain relevant and effective in addressing contemporary societal needs. Judicial interpretation has transformed Part III into a vibrant instrument of justice, dignity, and liberty.

Ultimately, the judiciary's interpretative role has reinforced constitutional supremacy and strengthened democratic governance. The continued evolution of Fundamental Rights underscores the enduring relevance of constitutional adjudication in safeguarding individual freedoms in India