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THE ROLE OF SUPREME COURT IN PROTECTING FUNDAMENTAL RIGHTS:

Khushi Sharma

INTRODUCTION:

The Supreme Court is the highest court of the country. The Supreme Court is the custodian as well as the protector of the Indian Constitution. The Supreme Court played a vital role in safeguarding fundamental rights given to citizens. These rights are given to citizens by the state. Part III of Indian Constitution which includes (Article 12-35) outline these fundamental rights. These rights serve as the foundation of Indian democracy as it guarantees Right to equality, dignity, liberty & many more. Through the tools like judicial review, interpretation & activism, the Supreme Court ensures that these rights remains enforceable & meaningful and significant.

CLASSIFICATION OF THE FUNDAMENTAL RIGHTS¹:

The fundamental rights are contained under Part III of the Constitution of India classified in 6 groups:-

- (1) Right To Equality - (Article 14, 15, 16, 17 & 18)²
- (2) Right To Freedom - (Article 19, 20, 21, 22)
- (3) Right against exploitation - (Article 23, 24)
- (4) Right to Freedom of religion - (Article 25, 26, 27 & 28)

¹ S.S. Upadhyay , Former District & Sessions Judge/ Former Legal Advisor to Governor(Role of District Judiciary In Protecting Fundamental rights),Page no.-2,
[https://lawhelpline.in/wpcontent/uploads/2024/01/District_Judiciary_Fundamental_Rights,\(last visited on 11th of July,2026\).](https://lawhelpline.in/wpcontent/uploads/2024/01/District_Judiciary_Fundamental_Rights,(last%20visited%20on%2011%20th%20of%20July,2026).)

² India Const. art. 14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,32,33,35 35.

(5) Cultural & Educational Rights - (Article 29, 30)

(6) Right To Constitutional Remedies - (Articles 32, 33, 34, 35)

GUARDIAN OF THE CONSTITUTION: The Judiciary acts as a guardian of Indian Constitution. Well the judiciary is about preserving rule of law and safeguarding essential liberties of citizens. The role of Judiciary in the protection of these rights executed through four main pillars³:

I) Judicial Review:

Judicial review is the power of court to check the constitutional validity of the laws. If a law, act, order, ordinance or any government policy violates any fundamental right and any constitutional principles, then the judiciary can declare them invalid or ultravires. This process of judicial review ensures that the laws must applied fairly, impartially, bias-free & consistent. Landmark case :- K.S. Puttaswamy v Union of India (2017)⁴

II) Judicial Activism: -

Judicial activism basically means the judges can take an active role in protecting fundamental rights. The judges can interpret the Constitution in a modern & fair way instead of following old laws. These laws can be interpreted when the laws made by government are outdated & does not have clear laws.

With the use of these procedures, the court fixes the legal gaps & protect human rights & dignity. An important example of Judicial activism is 2018 Navtej Singh Johar⁵ case. In this case, the Supreme Court held that law which makes same-sex relationships a crime was wrong. By striking down these old laws, the Supreme Court stood up for the rights & dignity of LGBTQ+ community.

III. Direct Enforcement and Remedies:

The judiciary also acts as an important part for providing justice. The citizens have the right to approach the Supreme Court & High Court directly under Article 32 & Article 226, if their rights get violated. There are 5 specific types of writs:-

³ MUNTAZIR NAWAB & SUMBUL FATIMA(ROLE OF JUDICIARY IN THE PROTECTION AND PROMOTION OF HUMAN RIGHT)<https://www.ijlra.com/details/role-of-judiciary-in-the-protection-and-promotion-of-human-right-by-muntazir-nawab-sumbul-fatima>, (last visited on 11th of July, 2026).

⁴ Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1, 24 (SC 2017) (India).

⁵ Navtej Singh Johar v. Union of India & ANR, (2018), AIR 2018 SC 4321, 10 SCC.

- **Habeas Corpus** : To challenge unlawful detention
- **Mandamus** : A command from higher authority to public officials to do their jobs & legal duty which they are ignoring.
- **Prohibition** :- An order from Higher Court telling a lower court to stop work beyond their power & authority.
- **Quo Warranto** :- By what authority the public officer is holding that position.
- **Certiorari** :- An order from a higher court to a lower court to send up the records of a case so that the high court can review & cancel an illegal or incorrect decision made by lower courts.

By these writs, the judiciary ensures that the fundamental rights remain in reality rather than on papers only.

IV. Public Interest Litigation (PIL) :-

The old rule of “locus standi” where a petition under Article 32 can only be filed by victim party has been completely relaxed by the Supreme Court of India.

Now, any public spirited person or group can file a case on behalf of others. If the issue involves a significant public interest, then anyone can file a case on behalf of poor & vulnerable group. Justice P.N. Bhagwati⁶ is known as the “Father of PIL” in India by introducing the concept of PIL. In the case of (M.C. Mehta v. UOI)⁷, the Supreme Court examine the scope of PIL in the areas of environmental laws for the first time. The Supreme Court & High Courts have become more powerful and efficient in helping the citizens by protecting their basic rights.

RIGHT TO LIFE AND LIBERTY (ARTICLE 21)–

Article 21 is the most wider & important part of Indian Constitution. In this article, “every person has the right to live with dignity”.

It ensures :-

- **Fair Justice** :- This article stated that every person has the right to quick trial and poor people have the right to get free legal aid.

⁶ Katarki AV, ‘Justice P.N. Bhagwati: A Active, Activist and Astute Judge Sorely Missed in These Dire Times – (21,December, 2023), <https://theleaflet.in/history-2/justice-p-n-bhagwati-a-active-activist-and-astute-judge-sorely-missed-in-these-dire-times> ,(last visited on 11th of July,2026).

⁷ M.C. Mehta & Anr. Vs Union Of India & Ors (1986) 2 SCC 176.

- **Privacy & Confidentiality** :- It ensures that every person has the right to keep their life private.
- **Safety of the Body**⁸ :- The government can not force people to take scientific tests (like lie detector tests) or can't treat people with cruelty, if you are in police custody.

In short, Article 21 is meant to ensure that your life must be respected, & safer.

CONCLUSION :-

The Supreme Court is the to most court of India. Supreme Court of India is the protector of Indian Constitution. It applied and enforced the basic rights into real world . By the use of tools like judicial review, judicial activism and issuance of writs, the court protected the rights of the citizens. Moreover, the concept of PIL (Public Interest Litigation) has democratized justice, ensuring that the poorest can also get justice and redressal. Ultimately, Supreme Court remains the vital pillar that preserves the integrity of India's democracy & liberty.

⁸ S.S. Upadhyay ,Former District & Sessions Judge/ Former Legal Advisor to Governor(Role of District Judiciary In Protecting Fundamental Rights)Page no.-18,https://lawhelpline.in/wp-content/uploads/2024/01/District_Judiciary_Fundamental_Rights,(last visited on 11th of July,2026).