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# THE ROLE OF THE SUPREME COURT IN SHAPING CIVIL RIGHTS JURISPRUDENCE

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## ABSTRACT

The Supreme Court has historically played a pivotal role in interpreting constitutional rights and shaping civil rights jurisprudence in the United States. This research paper critically examines the transformative impact of landmark Supreme Court decisions on the evolution of civil rights, from the post-Reconstruction era to contemporary debates on LGBTQ+ rights and racial equality. By analyzing key rulings such as *Brown v. Board of Education* (1954), *Loving v. Virginia* (1967), and *Obergefell v. Hodges* (2015), this study explores how judicial decisions have influenced and often led public discourse and legislative action in the realm of civil liberties. This paper identifies a critical research gap in understanding the Supreme Court's dual role as both a legal interpreter and an agent of social transformation. By addressing this, the study provides a nuanced understanding of the Court's jurisprudential strategies and their long-term implications. The findings suggest that civil rights progress has often depended on the Court's willingness to assert constitutional principles ahead of prevailing societal attitudes. The study concludes with reflections on the Court's ongoing role in civil rights issues and recommendations for future research into judicial influence on emerging civil liberties.

**Keywords:** Supreme Court of India, Civil Rights Jurisprudence, Fundamental Rights, Constitutional Interpretation, Human Rights Law, Public Interest Litigation (PIL), Indian Constitution, Landmark Judgments, Equality and Non-discrimination, Right to Privacy.

**Introduction:**

Civil rights, which encompass the fundamental rights and freedoms guaranteed to individuals, have evolved over time through social movements, legislative reforms, and most critically, judicial interpretation. In democratic societies like India and the United States, the judiciary—particularly the Supreme Court—plays a pivotal role in defining the contours of civil liberties such as equality, freedom of speech, protection from discrimination, and right to privacy. The Indian Constitution, through Part III (Fundamental Rights), empowers the Supreme Court under Article 32 to act as the guardian of civil rights. Historically, the Supreme Court of India has oscillated between conservative and progressive interpretations, influencing the lived experiences of citizens and the strength of democratic institutions. Key legal terms such as judicial review, constitutional morality, and transformative constitutionalism are central to understanding this jurisprudential journey.

Scholars like Upendra Baxi and Granville Austin have highlighted the judiciary's function as a co-governing institution that reinforces constitutional values. Judicial decisions in landmark cases such as *Kesavananda Bharati v. State of Kerala* (1973), *Maneka Gandhi v. Union of India* (1978), and *Navtej Singh Johar v. Union of India* (2018) are often cited as milestones in civil rights expansion. Comparative studies also note the influence of global precedents, such as U.S. Supreme Court decisions in *Brown v. Board of Education* (1954) or *Obergefell v. Hodges* (2015), in inspiring Indian judgments.

This research aims to evaluate the role of the Supreme Court of India in shaping civil rights jurisprudence by analyzing key judgments, identifying interpretive trends, and comparing them with global developments. It seeks to determine how the Court has functioned as a catalyst for civil rights advancement and whether its decisions have fostered substantive equality and justice.

The scope of this research is limited to Indian Supreme Court judgments and does not extensively cover High Court or international tribunal decisions. Temporal constraints restrict the focus primarily to the post-independence period, especially from the 1970s onwards. Additionally, access to detailed court proceedings and internal deliberations is limited, relying mainly on published judgments and secondary analysis.

## **Historical Context and Evolution of Civil Rights Jurisprudence:**

### **Origins of Civil Rights in the Indian Constitution**

The foundation of civil rights in India is embedded deeply within the Constitution, which was adopted in 1950 following the country's independence from British rule in 1947. The Constitution's framers sought to establish an egalitarian and just society, recognizing civil rights as fundamental to the nation's socio-political fabric. Part III of the Constitution explicitly enumerates Fundamental Rights, which include the right to equality, freedom of speech and expression, protection of life and personal liberty, and safeguards against discrimination. These rights were reflective of the broader ideological convictions prevailing during the liberation movement, emphasizing equality, justice, and fraternity among India's diverse population.

Integral to the constitutional framework are the Directive Principles of State Policy (DPSP), contained in Part IV, which, while non-justiciable, act as guiding norms for the state's policy undertakings to attain social welfare, economic justice, and upliftment of disadvantaged groups. The Supreme Court of India has creatively interpreted these principles, ensuring that socio-economic rights, which traditionally fall outside the ambit of enforceable rights, receive *de facto* protection through judicial pronouncements. The interweaving of justiciable

Fundamental Rights with non-justiciable Directive Principles has opened avenues for the Court to shape a comprehensive civil rights jurisprudence tailored to India's unique socio-economic context.

Additionally, the judiciary's powerful role in enforcing these rights is buttressed by the constitutional provisions that grant it wide jurisdiction, particularly Article 32, which guarantees the "Right to Constitutional Remedies." Through this, citizens can directly approach the Supreme Court for enforcement of their Fundamental Rights, empowering the Court to act as a vigilant guardian of civil liberties against any state or private infringement.

### **Early Supreme Court Interventions on Civil Rights**

The initial decades following independence saw the Supreme Court cautiously engage in defining the contours of civil rights in a newly sovereign democratic state. Early interventions reflected a conservative approach emphasizing the supremacy of Parliament in making socio-

political decisions, but gradually, assertive judicial review began to emerge as a tool for civil rights protection.

One such foundational decision relates to affirmative action and reservation policies designed to uplift socially and educationally backward groups. For example, the Supreme Court's early rulings connected closely with the constitutional amendment allowing explicit state provisions for reservations under Article 15. This recognized the state's positive obligation to ensure equality by factoring in historical disadvantages faced by particular communities. The Court delicately balanced this against the principle of formal equality, leading to a nuanced jurisprudence that remains a hallmark of Indian constitutionalism

Alongside civil rights, the Court began addressing social and economic rights, often by judicially expanding the scope of the right to life under Article 21 to include elements such as adequate food, health, and education. This constitutional innovation was crucial in a socio-economic context where poverty and systemic social inequalities predominated. The interplay between civil and socio-economic rights gradually shaped the Court's rejection of a narrow, classical liberal interpretation of rights towards a more holistic, inclusive understanding.

### **Comparison with Other Jurisdictions in Civil Rights Development**

The Indian Supreme Court's trajectory in civil rights jurisprudence can be meaningfully compared with other jurisdictions, particularly the United States, which shares a common law tradition and post-colonial democratic governance model. The landmark U.S. Supreme Court case *Brown v. Board of Education* (1954), which declared racial segregation in public schools unconstitutional, resonates as a significant parallel in how courts shape and catalyze civil rights movements. In India, similarly, the judicial interventions around affirmative action and minority rights acted as a catalyst for broader social reform and governance policies.

However, unlike the U.S. Supreme Court, which has a bicentennial history and an entrenched status of judicial review guaranteed by early precedents such as *Marbury v. Madison*, the Indian Supreme Court is relatively younger and operates within a different constitutional framework where parliamentary sovereignty and federalism complicate judicial authority. The Indian Court's institutional independence and its novel doctrine of basic structure testify to its distinct constitutional role aimed at balancing judicial overreach with democratic accountability, a feature not mirrored entirely in other democratic courts.

Further, the Supreme Court of Canada offers an instructive contrast in adjudicating multiple rights conflicts within a complex constitutional framework that emphasizes balancing collective and individual rights. The Indian Court similarly navigates overlapping socio-political rights terrain but within vastly different socio-economic pressures and cultural pluralism, informed by India's federal structure and diverse demographics.

## **Judicial Review as a Mechanism for Civil Rights Protection:**

### **Constitutional Basis for Judicial Review in India**

The acceptance of judicial review in India crystallized shortly after independence, positioning the judiciary as an essential arbiter of constitutional supremacy. The Indian Constitution does not explicitly state the power of judicial review, yet it was judicially inferred through early landmark cases, affirming the judiciary's authority to invalidate legislative or executive actions that contravene constitutional provisions.

Central to India's judicial review is the doctrine of the "basic structure" of the Constitution, as propounded in *Kesavananda Bharati v. State of Kerala*. This doctrine holds that certain constitutional principles—such as democracy, secularism, and fundamental rights—constitute the core of the Constitution and are inviolable, even by parliamentary amendment. This reinforces the Supreme Court's role in protecting civil rights by ensuring that governmental actions or legislations do not erode the constitutional framework [9].

The Indian judiciary thus mediates the relationship between the legislature and executive in safeguarding civil rights, ensuring that the state remains accountable and respects constitutional principles. Judicial review provides a platform where fundamental rights are not merely aspirational ideals but operational guarantees enforceable by the courts [1], [4].

### **Landmark Cases Shaping Judicial Review in Civil Rights**

The doctrine of the basic structure was first comprehensively established in the *Kesavananda Bharati* case (1973), which remains a cornerstone in Indian constitutional jurisprudence. Here, the Court confronted the tension between Parliamentary sovereignty and constitutional supremacy, concluding that while Parliament can amend the Constitution, it cannot alter its essential framework. This decision effectively empowered the judiciary to review and restrain legislative excesses, reinforcing the protection of civil rights enshrined in the Constitution [9].

Subsequent judgments further refined the contours of judicial review. In *Indira Gandhi v. Raj Narain* (1975), the Court invalidated the electoral victory of the Prime Minister on grounds of electoral malpractices, establishing limits on executive power and upholding democratic principles. Later, the *S.R. Bommai v. Union of India* (1994) case underscored the Court's role in protecting federalism and democracy by scrutinizing the dismissal of state governments under Article 356, demonstrating the judiciary's vigilance in preventing arbitrary executive actions [9], [1].

These landmark cases illustrate how judicial review serves not only as a check on the legislature and executive but also as an instrument to enforce civil rights by asserting constitutional morality and democratic ethos.

### **Role of the Supreme Court in Shaping Civil Rights Jurisprudence**

The Supreme Court plays a pivotal role in shaping civil rights jurisprudence by interpreting constitutional provisions, setting legal precedents, and ensuring that fundamental rights are protected and enforced:

#### **1. Guardian of the Constitution**

The Supreme Court is the final interpreter of the Constitution. It ensures that the rights enshrined under Part III (Fundamental Rights) are upheld and protected against any arbitrary actions by the state.

Landmark Case: *Kesavananda Bharati v. State of Kerala* (1973) – Established the Basic Structure Doctrine, ensuring that civil rights such as equality, liberty, and secularism cannot be amended or violated by the legislature.

#### **2. Expansion of Fundamental Rights**

The Court has consistently expanded the scope of fundamental rights through progressive interpretations:

##### **Right to Life (Article 21):**

*Maneka Gandhi v. Union of India* (1978): Interpreted the right to life and personal liberty to

include the right to live with dignity, freedom of movement, and fair procedures.

Justice K.S. Puttaswamy v. Union of India (2017): Recognized the Right to Privacy as a part of Article 21.

### **Right to Equality (Article 14):**

Navtej Singh Johar v. Union of India (2018): Decriminalized Section 377 IPC, advancing LGBTQ+ rights and dignity.

Indra Sawhney v. Union of India (1992): Addressed reservation policies and upheld social justice under Article 14 and 16.

### **3. Judicial Activism and Public Interest Litigation (PIL)**

Through judicial activism, especially in PILs, the Court has opened access to justice for marginalized groups and brought socio-economic rights under civil rights protection. People's Union for Democratic Rights v. Union of India (1982): Recognized workers' rights under Article 21.

Vishaka v. State of Rajasthan (1997): Created guidelines for sexual harassment at the workplace, emphasizing dignity and safety.

### **Enforcement of Civil Liberties**

The Court plays a crucial role in checking abuse of power by the state and ensuring civil liberties such as freedom of speech, religion, and assembly are protected.

Shreya Singhal v. Union of India (2015): Struck down Section 66A of the IT Act, upholding freedom of speech.

S.R. Bommai v. Union of India (1994): Reinforced secularism and limited the misuse of President's Rule under Article 356.

### **4. Balancing Rights and National Interest**

The Court has also developed jurisprudence to balance civil rights with public order and

national security, especially during emergencies or in sensitive areas like Kashmir or the Northeast.

ADM Jabalpur v. Shivkant Shukla (1976): Controversially held that fundamental rights could be suspended during Emergency (later overruled morally and in spirit by later judgments like Puttaswamy and Maneka Gandhi).

## **5. Influencing Social Change**

The Court's decisions have often paved the way for legislative and societal reforms: Joseph Shine v. Union of India (2018): Struck down adultery law (Section 497 IPC) as unconstitutional and patriarchal.

Indian Young Lawyers Association v. State of Kerala (2018): Allowed women's entry into Sabarimala Temple, challenging traditional restrictions.

## **6. Comparative and Global Impact**

The Supreme Court of India draws from and contributes to global civil rights discourse, citing U.S. Supreme Court, South African Constitutional Court, and European human rights jurisprudence.

Example: The right to privacy case (Puttaswamy) cited global precedents such as Griswold v. Connecticut and Roe v. Wade (USA).

## **Judicial Innovation and Expansion of Civil Rights:**

### **1.Right to equality (Art,14)-**

Article 14 of the Indian Constitution treats all people the same in the eyes of the law. Article

14 is described in two parts – which states and commands the State not to deny to any person 'equality before the law'. Another part of it also commands the State not to deny the 'equal protection of the laws'.

This provision states that all citizens will be treated equally before the law and avoids any kind of discrimination.



The law of the country protects everybody equally.

Under the same circumstances, the law will treat people in the same manner.

## **2. Right to Freedom(Art,19)-**

i) Article 19(1) guarantees to all citizens six fundamental freedoms, which are essential to the development of individual liberty in a democratic society:

Freedom of speech and expression

Freedom to assemble peaceably and without arms

Freedom to form associations or unions or cooperative societies

Freedom to move freely throughout the territory of India

Freedom to reside and settle in any part of the territory of India

Freedom to practise any profession, or to carry on any occupation, trade or business

ii) However, Article 19(2) to 19(6) lay down reasonable restrictions that the State can impose in the interest of:

- Sovereignty and integrity of India
- Security of the State
- Public order
- Decency or morality
- Contempt of court
- Defamation
- Friendly relations with foreign states
- General interest of the public

## **3. Right to Life and Personal Liberty (Art, 21)-**

“No person shall be deprived of his life or personal liberty except according to procedure established by law.”

- i) Right to Life: Not just physical existence, but also a life of dignity, meaning access to basic necessities such as food, shelter, education, and healthcare.
- ii) Right to Personal Liberty: Includes the freedom of an individual to live freely without unlawful interference, encompassing rights such as privacy, bodily autonomy, and movement. The Supreme Court has broadly interpreted Article 21, turning it into a reservoir of unenumerated rights, especially since the *Maneka Gandhi v. Union of India* (1978) case, which linked “procedure established by law” to fairness, non-arbitrariness, and reasonableness.

#### **4. Judicial Review and Enforcement of Fundamental Rights: Art 32 and 226-**

##### **i) Art,32-**

"The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed."

Known as the "heart and soul of the Constitution", as described by Dr. B.R. Ambedkar. Empowers citizens to directly approach the Supreme Court for the enforcement of Fundamental Rights.

The Court may issue writs such as Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto.

Article 32 is itself a Fundamental Right and acts as a powerful mechanism for protecting civil liberties against state action.

##### **ii) Article 226 –**

Powers of High Courts

Grants High Courts the power to issue writs not only for the enforcement of Fundamental Rights but also for any other legal right.

This provision gives wider jurisdiction to High Courts compared to the Supreme Court under Article 32.

## **5. Role in Civil Rights Jurisprudence-**

Judicial Review under Articles 32 and 226 ensures that legislative and executive actions conform to constitutional standards, especially in the context of civil liberties.

These provisions have allowed the judiciary to check state excesses, uphold rule of law, and ensure access to justice.

### **Conclusion:**

The Supreme Court of India has played a crucial role in shaping civil rights jurisprudence through its progressive interpretation of constitutional provisions, particularly Articles 14, 19, and 21. This research highlights how landmark judgments-from Maneka Gandhi to Navtej Singh Johar-have expanded the scope of fundamental rights in response to evolving social challenges. The Court's proactive stance reflects its role as a key constitutional guardian, especially when legislative or executive action falls short. However, this influence must be balanced to avoid judicial overreach. Future research can explore comparative perspectives or assess the practical impact of these rulings. Ultimately, while the Supreme Court remains a vital defender of civil liberties, the collective responsibility of all constitutional bodies is essential to uphold justice, equality, and freedom in India.

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