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"SCHOOLS OF JURISPRUDENCE AND THEIR IMPRINT ON PART III OF THE CONSTITUTION"

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ABSTRACT

Indian Constitution's Part III, which concerns Fundamental Rights, is a strange patchwork of legislation based on variegated schools of jurisprudence. The current treatise critically analyses the synonomisation of Natural Law, Historical, Sociological, and Realist schools of constitutional provisions and judicial tools of Part III. The book unravels how such paradigms weave the constitutional fabric in bringing a dynamic, progressive, and socially responsive juridical system. The paper also sheds fresh light on the synthesis of these schools within the Indian constitutional tradition, tracking the interplay among moral ideals, historical experience, social engineering, and pragmatic adjudication.

This fusion of various philosophies of law ends with how the Constitution fuses mixed philosophies of law to embrace manifold social realities. It attempts to strike an equilibrium between previous traditions and a search for common moral values, but ensures that it establishes social change and pragmatist administration. This diversity enables the constitutional system to integrate harmoniously with ever-changing social needs without compromising individual rights and the public good. The dialectical tension between these law schools generates a principled and dynamic legal system that can impose justice, facilitate equality, and maintain social cohesion in a more pluralising and developing society.

INTRODUCTION

The Indian Constitution is a living document that aims to harmonise with an evolving society. Part III, "Fundamental Rights", provides fundamental freedom and rights to citizens and is the

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cornerstone of Indian democracy.³ It is not merely a code of legislation but an articulation of fundamental jurisprudential principles which have assisted constitutionalism globally.⁴

Jurisprudence, or the philosophy of law, embraces various schools of thought, each having different perceptions about the law's nature, goal, and purpose. The Natural Law School is concerned with universal moral maxims,⁵ the Historical School views law as an organic product of social development,⁶ the Sociological School views law as a social engineering tool,⁷ and the Realist School is concerned with law's practical usefulness and impact.⁸

This article critically examines how these four traditions of jurisprudence are expressed in Part III of the Indian Constitution. Based on a reading of the Constitution's text and judicial pronouncements, the article discusses the complex nature of Part III as a montage of traditions of jurisprudence, lending richness and survivability to Indian constitutionalism. This multi-pronged strategy allows the Constitution to tackle eternal principles and modern issues, making fundamental rights relevant and effective in safeguarding individual freedoms and ensuring social justice. The interaction of these schools also captures India's specific socio-political reality, integrating universal ideals with practical governance.⁹

NATURAL LAW JURISPRUDENCE AND THE MORAL FOUNDATIONS

PHILOSOPHICAL PREMISE

According to Natural Law theory, moral ideas resulting from human reason and nature¹⁰ should guide legal systems.¹¹ This view holds that laws must be based on universal moral truths rather than on a social construct.¹² Natural law holds that rights are inherent and inalienable.¹³ They exist

³ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

⁴ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225

⁵ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1

⁶ *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217

⁷ *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161

⁸ *S.P. Gupta v. Union of India*, 1981 Supp SCC 87.

⁹ *I.R. Coelho v. State of T.N.*, (2007) 2 SCC 1

¹⁰ John Finnis, *Natural Law and Natural Rights* (Oxford University Press, 1980)

¹¹ B.N. Mani Tripathi, *Jurisprudence: The Legal Theory*, (Allahabad Law Agency 2015).

¹² *Ibid.*

¹³ *Ibid.*

apart from state acknowledgement or law. Such rights are universal, belonging to all people by their humanity, and cannot be given or taken away by the state.¹⁴

CONSTITUTIONAL REFLECTION

Part III of the Indian Constitution reflects the Natural Law tradition by acknowledging rights inherent to human dignity and existence.¹⁵ The framers, guided by liberal democratic principles and natural rights philosophy, incorporated fundamental freedoms inherent to human beings.¹⁶

- Article 21: The Right to Life and Personal Liberty:¹⁷

Article 21 reads, "*No person shall be deprived of his life or personal liberty except according to procedure established by law.*" Judicial interpretation has stretched this right beyond bare survival, encompassing such aspects as the right to privacy, dignity, and a clean environment, aligning with natural law's focus on intrinsic human dignity.¹⁸

- Article 14: Equality Before Law:¹⁹

Article 14 ensures equality before the law and equal protection under the rules, echoing the principle of natural law of justice and fairness.²⁰ It prevents arbitrary discrimination,²¹ and the laws are ensured to be applied equally and fairly.²² The judiciary has invariably maintained Article 14 as a pillar of constitutional morality, reaffirming the natural law ideal that justice must be available and impartial.²³

- Article 19: Freedom of Speech and Expression:²⁴

¹⁴ *Ibid.*

¹⁵ Constitution of India, Preamble; see also Articles 14 and 21

¹⁶ Kesavananda Bharati, *supra* note 2, at 3.

¹⁷ Article 21, The Constitution of India

¹⁸ K.S. Puttaswamy, *supra* note 3, at 3.

¹⁹ Article 14, The Constitution of India

²⁰ Constitution of India, Article 14.

²¹ E.P. Royappa v. State of T.N., (1974) 4 SCC 3

²² Maneka Gandhi, *supra* note 1, at 3.

²³ E.P. Royappa, *supra* note 16, at 4.

²⁴ Article 19, The Constitution of India

Freedom of expression and speech under Article 19(1)(a)²⁵ is an expression of the natural law assumption of the autonomy and rationality of human beings.²⁶ It safeguards the right of the individual to seek and share truth, which is vital for human flourishing.²⁷

JUDICIAL ENDORSEMENT

Through their interpretation of Fundamental Rights in the Constitution, the Indian Court has regularly reflected Natural Law ideas.²⁸

- **Kesavananda Bharti v. State of Kerala (1973):**

The Supreme Court developed the basic structure theory, contending that some constitutional values, such as rights and liberty, are so fundamental to the Constitution that no authority, including Parliament, has the power to change them.²⁹ This choice conforms with Natural Law theory, in which some rights, such as those found in Part III, are considered outside the purview of legislative or governmental action.³⁰

- **Maneka Gandhi v. Union of India (1978):**

In this case, the Supreme Court expanded Article 21's scope to incorporate substantive due process, thereby augmenting the right to life and personal liberty.³¹ This growth brought the notion that laws influencing personal liberty must also be fair, just, and reasonable. The moral basis of Natural Law, which emphasises that justice cannot only be formal or procedural but must also match moral and ethical standards, is echoed in the inclusion of fairness and reasonableness into legal procedure.³²

²⁵ Article 19(1)(a), The Constitution of India

²⁶ Romesh Thappar v. State of Madras, AIR 1950 SC 124; B.N. Mani Tripathi, Jurisprudence: The Legal Theory (Allahabad Law Agency 2015).

²⁷ Shreya Singhal v. Union of India, (2015) 5 SCC 1

²⁸ Constitution of India, Part III; see also B.N. Mani Tripathi, Jurisprudence: The Legal Theory (Allahabad Law Agency 2015).

²⁹ Kesavananda Bharati, *supra* note 2, at 3.

³⁰ M.P. Jain, Indian Constitutional Law 1256 (8th ed., LexisNexis 2018).

³¹ Maneka Gandhi, *supra* note 1, at 3.

³² D.D. Basu, Introduction to the Constitution of India 162

- **Justice K.S. Puttaswamy v. Union of India (2017):**³³

The semi-ruling established privacy as a fundamental right inherent in human dignity, reaffirming natural law's postulate of universal moral rights.³⁴

CRITICAL INSIGHT

Making sure Part III of the Indian Constitution stays anchored in moral and ethical reasoning depends critically on Natural Law.³⁵ Natural Law insists that the validity of legal norms depends on their alignment with higher moral values.³⁶ Unlike positivist theories that bind law tightly to what is written or enacted.³⁷ In a constitutional democracy like India, where rights are meant to reflect justice and dignity, as shown in the Preamble.³⁸ This is especially important since they are not only textual but also symbolic.³⁹

Judges had used natural law ideas to broadly interpret rights, even when the text of the Constitution was silent on particular issues, such as matters like privacy or environmental justice, before they were formally acknowledged.⁴⁰ This strategy was evident in *Justice H.R. Khanna's* dissent in *ADM Jabalpur v. Shivakant Shukla*, in which he referenced the concept of inalienable human rights existing despite the lack of explicit constitutional recognition.⁴¹

Natural Law thus offers a normative framework via which ideas like justice, fairness, and liberty are seen as moral imperatives and legal guarantees.⁴² This helps the Court to underline the concept that constitutional rights are universal ethical entitlements for every person.⁴³ Not only procedural protections.⁴⁴

³³ K.S. Puttaswamy (Privacy-9J.) v. Union of India, (2017) 10 SCC 1

³⁴ Maneka Gandhi, *supra* note 1, at 3.

³⁵ B.N. Mani Tripathi, *Jurisprudence: The Legal Theory* (Allahabad Law Agency 2015).

³⁶ John Finnis, *Natural Law and Natural Rights* (Oxford University Press, 1980)

³⁷ *Ibid.*

³⁸ Preamble, Constitution of India, 1950

³⁹ M.P. Jain, *Indian Constitutional Law* 1256 (8th ed., LexisNexis 2018).

⁴⁰ K.S. Puttaswamy, *supra* note 3, at 3.

⁴¹ ADM, Jabalpur v. Shivakant Shukla, (1976) 2 SCC 521

⁴² D.D Basu, *supra* note 30, at 5.

⁴³ V.R. Krishna Iyer, *Law and the People*

⁴⁴ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608

HISTORICAL SCHOOL AND THE LEGACY OF CUSTOMS

PHILOSOPHICAL PREMISE

Rooted in the writings of Friedrich Carl von Savigny, the Historical School of Jurisprudence contends that law develops naturally from the customs, traditions, and historical evolution of society rather than from abstract reason or outside legislation.⁴⁵ This view holds that law develops with society and is closely entwined with a people's social fabric and cultural identity.⁴⁶ Laws are seen as a mirror of a society's collective consciousness and historical events, not as a set of enforced rules.⁴⁷ Therefore, the Historical School argues that laws should change with the times and reflect the continuity of a people's culture and customs since legal systems should fit the changes within cultural development.⁴⁸

CONSTITUTIONAL REFLECTION

The respect of religious, cultural, and communal rights in the Constitution of India reflects the impact of the Historical School. Articles 25 to 30 guard religious and cultural liberties, safeguarding societies' capacity to preserve their customs and beliefs. These clauses show that Indian society and legal identity have been shaped historically by religion and culture, acknowledging their role.

Moreover, Article 15(4) and Article 16(4) offer affirmative action initiatives meant to empower historically underprivileged groups, including those afflicted by caste-based discrimination. These pieces reflect India's awareness of its past injustices and the necessity of correcting them using protective policies for underprivileged populations to guarantee social justice and equality. These clauses show how conscious the Constitution is of the historical background of discrimination and the need to use proactive legal procedures to solve it.

Article 17 eradicates "*untouchability*" and prohibits its practice in any form. This article addresses a long-rooted historical, social wrong based on caste discrimination.⁴⁹ The elimination of untouchability is a revolutionary departure from centuries of social tradition, and it indicates the

⁴⁵ Friedrich Carl von Savigny, *Of the Vocation of Our Age for Legislation and Jurisprudence* (Abraham Hayward trans., 1831)

⁴⁶ B.N. Manii Tripathi, *supra* note 35, at 6.

⁴⁷ Friedrich Carl von Savigny, *System of Modern Roman Law* (1829)

⁴⁸ H.L.A. Hart, *The Concept of Law* (Oxford University Press, 1961)

⁴⁹ *State of Karnataka v. Appa Balu Ingale*, 1995 Supp (4) SCC 469

historical school's appreciation of law as an instrument of social change.⁵⁰ Article 18 eliminates titles other than military and academic honours, discarding colonialist-era and feudal honorifics that reinforced social hierarchies.⁵¹

JUDICIAL ENDORSEMENT

- **S.R. Bommai v. Union of India (1994)**

The Court emphasises secularism as a fundamental constitutional value derived from India's varied past. The Court underlined that state neutrality in religious matters is indispensable to maintaining historical peace.⁵²

- **Indra Sawhney v. Union of India (1992)**

Acknowledging caste-based reservations as a reaction to past injustices, Article 16(4) helped to justify affirmative action.⁵³

CRITICAL INSIGHT

A philosophical basis for appreciating and safeguarding India's many identities and plural traditions within the Constitution is supplied by the Historical School. It guarantees that the rights enshrined in Part III are firmly anchored in India's sociopolitical setting rather than abstract, universal ideas.⁵⁴ The Constitution recognises that India's particular historical trajectory, marked by colonialism, caste discrimination, religious diversity, and other social realities, requires a legal system sensitive to these historical experiences rather than treating rights as fixed or one-size-fits-all legal constructions.⁵⁵ Using Articles 25–30 and affirmative action clauses such as Articles 15(4) and 16(4), the Constitution reflects an awareness that rights must be constructed to honour the historical and cultural fabric of Indian civilisation.⁵⁶ Consequently, the Indian legal system adopts

⁵⁰ B. Shiva Rao, *The Framing of India's Constitution: A Study*, Vol. II (Indian Institute of Public Administration, 1968), pp. 274–275.

⁵¹ *Balaji Raghavan v. Union of India*, (1996) 1 SCC 361

⁵² *S.R. Bommai v. Union of India*, (1994) 3 SCC 1

⁵³ *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217

⁵⁴ Friedrich Carl von Savigny, *Of the Vocation of Our Age for Legislation and Jurisprudence* (Abraham Hayward trans., 1831), pp. 28–31

⁵⁵ *Kesavananda Bharati*, *supra* note 2, at 3.

⁵⁶ *Indra Sawhney*, *supra* note 51, at 8.

a historically informed viewpoint on justice and equality, adjusting legal rules to the actual conditions of the people.⁵⁷

SOCIOLOGICAL JURISPRUDENCE AND THE FUNCTIONAL DIMENSION OF RIGHTS

PHILOSOPHICAL PREMISE

Roscoe Pound's sociological jurisprudence holds law as a tool for social engineering, balancing social interests and advancing society's welfare.⁵⁸ Pound argues that the purpose of the law is not only to set guidelines but also to help create a harmonic coexistence between people, communities, and institutions for the benefit of society.⁵⁹ This point of view underlines that rights should be pragmatic and meant to satisfy society's actual needs, not abstract or idealistic. Thus, law is seen as a dynamic force that changes with society's and the state's needs.⁶⁰ Pound contends that legal rules must serve the public interest, guaranteeing society's welfare and calling for the law to directly and responsively handle social issues, including poverty, inequality, and exploitation.⁶¹

CONSTITUTIONAL REFLECTION

Through the welfare-oriented rights assured in Part III, India's Constitution captures the concepts of sociological jurisprudence. Recognising their vulnerability and the need for positive actions to preserve their welfare, Article 15(3) offers particular protections for women and children.⁶² Comparably, Article 21, which guarantees the right to life and personal liberty, is not only seen as the right to exist but also has been understood by the courts to encompass the right to live with dignity, a reflection of the concept that law should ensure human dignity and societal welfare.⁶³

⁵⁷ B. Shiva Rao, *The Framing of India's Constitution: A Study*, Vol. II (Indian Institute of Public Administration, 1968), pp. 274–275.

⁵⁸ Roscoe Pound, *Social Control Through Law* (Yale University Press, 1942).

⁵⁹ *Ibid.*

⁶⁰ Roscoe Pound, *Interpretations of Legal History* (Macmillan, 1923).

⁶¹ Roscoe Pound, *Law and Morals* (University of North Carolina Press, 1924).

⁶² The Constitution of India, Article 15(3).

⁶³ Maneka Gandhi, *spura* note 1, at 3.

In the same vein, further underlining the welfare orientation of the Constitution are Articles 23–24, which forbid forced labour and child labour. These clauses show a will to ensure social welfare before personal freedom⁶⁴ from exploitation and injustice.

This welfare-driven approach continues in the way the Constitution is interpreted and applied. Another obvious expression of sociological ideas in Indian constitutional law is the harmonious reading of Part III (Fundamental Rights) with Part IV (Directive Principles of State Policy).⁶⁵ While Part III concentrates on defending individual rights, the Directive Principles seek to establish social justice by guiding the state to build conditions that enhance the welfare of the people.⁶⁶ Combining these two sections reflects sociological logic—that rights have to be fulfilled in a way that advances social justice and the welfare of society.⁶⁷ This mix emphasises the whole approach to law, in which rights and state responsibilities are considered part of a bigger framework to strengthen the country's social fabric.

These provisions ban human trafficking, child labour, and forced labour and tackle exploitative social practices to enhance human dignity. They constitute immediate legal answers to social situations and seek to reshape society more humanely and equitably.⁶⁸

- **Article 21A and the Right to Education**

Article 21A and the Right to Education are central in such measures. The addition of Article 21A enshrined education as a fundamental right, providing free and compulsory education for children between the ages of six and fourteen.⁶⁹ This directly answered the social call for education as a tool for empowerment and social mobility. The Supreme Court in *Avinash Mebrotra v. Union of India*

⁶⁴ People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235.

⁶⁵ Austin, Granville, Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press, 1999.

⁶⁶ Baxi, Upendra, The Crisis of the Indian Legal System, Vikas Publishing House, 1982.

⁶⁷ Bhatia, Gautam, The Transformative Constitution: A Radical Biography in Nine Acts, HarperCollins India, 2016.

⁶⁸ Singh, M. P., V. N. Shukla's Constitution of India, 11th ed., Eastern Book Company, 2011.

⁶⁹ Government of India. The Constitution (Eighty-Sixth Amendment) Act, 2002.

(2009) ruled that the right to education entailed the right to a healthy school environment,⁷⁰ further showing the sociological approach to rights.⁷¹

- **Directive Principles and Judicial Interpretation**

This interpretation is evident in how the judiciary links the Directive Principles of State Policy (Part IV) to the Fundamental Rights in Part III.⁷² While not in Part III, the Directive Principles direct the state towards attaining social justice. The courts frequently read the principles of Fundamental Rights to enhance social welfare.⁷³ For instance, the right to education derives from Part III and Part IV, as seen in *Bandhua Mukti Morcha v. Union of India*⁷⁴ and *Maharashtra State Board of Secondary and Higher Education v. K.S. Gandhi*.⁷⁵

- **Expansive Interpretation of Article 21**

In conclusion, the expansive interpretation of Article 21 reinforces this trend. The judiciary has broadened Article 21 to encompass rights to education, health, clean environment, and livelihood, indicative of the concern of sociological jurisprudence for social realities.⁷⁶

JUDICIAL ENDORSEMENT

- **Bandhua Mukti Morcha v. Union of India (1984)**⁷⁷

The connection between human dignity and the freedom from bonded work rights is understood. The Court read Article 21 to cover health, livelihood, and fair working conditions.

- **Mohini Jain v. State of Karnataka (1992)**

⁷⁰ Avinash Mehrotra v. Union of India, (2009) 6 SCC 398.

⁷¹ Rao, Mamta, Law Relating to Women and Children, 4th ed., Eastern Book Company, 2018.

⁷² Baxi, Upendra, The Crisis of the Indian Legal System, Vikas Publishing House, 1982.

⁷³ Austin, Granville, Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press, 1999.

⁷⁴ Bandhua Mukti, *supra* note 5, at 3.

⁷⁵ Maharashtra State Board of Secondary and Higher Secondary Education v. K.S. Gandhi, (1991) 2 SCC 716.

⁷⁶ Bhatia, Gautam, The Transformative Constitution: A Radical Biography in Nine Acts, HarperCollins India, 2016.

⁷⁷ Bandhua Mukti, *supra* note 5, at 3.

Emphasising the social worth of education, one realises that the right to education is a component of the right to life.⁷⁸

These cases demonstrate how Article 21 has evolved to incorporate individual liberty and socioeconomic rights essential for dignified living.

The emergence of PIL has equalised access to justice, enabling courts to resolve issues of a social nature beforehand. *M.C. Mehta v. Union of India* (environment)⁷⁹ and *Vishaka v. State of Rajasthan* (workplace sexual harassment)⁸⁰ are some examples that illustrate the role of law in social engineering.

Thus, through substantive interpretation of rights under Article 21⁸¹ and the procedural innovation of Public Interest Litigation,⁸² the judiciary has played a transformative role in expanding access to justice and social reform.⁸³

CRITICAL INSIGHT

Part III of the Indian Constitution is a living tool made possible in significant part by the Sociological School.⁸⁴ Unlike stiff legal formalism, it lets the Court modify constitutional rights to fit modern social reality, including changing dignity, equality, and justice⁸⁵ standards. This adaptability keeps the Constitution from becoming out-of-date or inert in the face of changing societal needs.⁸⁶ Courts view rights from a sociological perspective as tools for social reform, able to solve structural injustice, marginalisation, and inequality, not only as textual guarantees.⁸⁷ For instance, the courts injected the right to life with substantive content like the right to livelihood, healthcare, and dignity,⁸⁸ reflecting the expansive interpretation of Article 21 in cases

⁷⁸ *Mohini Jain (Miss) v. State of Karnataka*, (1992) 3 SCC 666

⁷⁹ *M.C. Mehta*, *supra* note 77, at 12.

⁸⁰ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

⁸¹ *Maneka Gandhi*, *supra* note 1, at 3.

⁸² *S.P. Gupta v. Union of India*, 1981 Supp SCC 87

⁸³ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241

⁸⁴ *Kesavananda Bharati*, *supra* note 2, at 3.

⁸⁵ *I.R. Coelho v. State of T.N.*, (2007) 2 SCC 1

⁸⁶ *Ashoka Kumar Thakur v. Union of India*, (2008) 6 SCC 1

⁸⁷ *State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310

⁸⁸ Julius Stone, *Social Dimensions of Law and Justice*

like *Maneka Gandhi v. Union of India*⁸⁹ and *Francis Coralie Mullin v. Administrator*.⁹⁰ Likewise, combining enforceable rights with Directive Principles lets courts pursue social justice objectives inside the constitutional framework. This jurisprudential perspective guarantees that rights change with society; thus, Part III is sensitive to India's transforming constitutionalism.

REALIST SCHOOL AND THE PRACTICE OF CONSTITUTIONAL ENFORCEMENT

PHILOSOPHICAL PREMISE

The Realist School of Jurisprudence turns its focus from theoretical ideas to the valuable application of law.⁹¹ Legal realists such as Karl Llewellyn and Jerome Frank contend that law is a set of results shaped by judicial behaviour, institutional constraints, and social reality rather than only a system of rules.⁹² Realism holds that the central understanding of how the law works is the subjectivity of judges, the conditions of conflicts, and the actual consequences of legal rulings.⁹³ Emphasising that legal thinking is not mechanical but contextual and pragmatic, this school questions the idea of law as a logically closed system.⁹⁴

CONSTITUTIONAL REFLECTION

The enforcement systems ingrained in the Indian Constitution clearly show Realist influence.⁹⁵ Described by Dr. B.R. Ambedkar as the "*heart and soul*" of the Constitution, Article 32 offers writ jurisdiction—direct judicial enforcement of Fundamental Rights.⁹⁶ This pragmatic focus on justice and healing closely corresponds with the Realist insistence on results instead of formality.⁹⁷

Part III's evolution through judicial interpretation reflects the Realist School's core tenets by prioritising the substance and effect of rights over rigid textualism.⁹⁸ Legal Realism turns the

⁸⁹ *Maneka Gandhi*, *supra* note 1, at 3.

⁹¹ Brian Z. Tamanaha, *Beyond the Formalist-Realist Divide: The Role of Politics in Judging* (Princeton University Press, 2009).

⁹² Karl N. Llewellyn, *The Bramble Bush: On Our Law and Its Study*

⁹³ Jerome Frank, *Law and the Modern Mind* (Transaction Publishers, 1930).

⁹⁴ Roscoe Pound, "The Call for a Realist Jurisprudence," 44 *Harvard Law Review* 697 (1931).

⁹⁵ Upendra Baxi, "The Indian Supreme Court and Politics," in *The Supreme Court Versus the Constitution* (Oxford University Press, 1980).

⁹⁶ *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261

⁹⁷ Karl N. Llewellyn, *The Common Law Tradition: Deciding Appeals* (Little, Brown & Co., 1960).

⁹⁸ *Maneka Gandhi*, *supra* note 1, at 3.

Constitution from a normative text into a useful tool of government.⁹⁹ Realism is focused on how rights operate in actual life, whether they are accessible, enforceable, and sensitive to society's needs, unlike abstract or idealistic readings.¹⁰⁰ Through allowing courts to not only declare rights but also enforce and monitor their realisation through institutional interventions, this institution has been instrumental in judicialising politics and politicising rights.¹⁰¹

One especially striking example of Legal Realism in India is the development of Public Interest Litigation (PIL). Originally started in the late 1970s and early 1980s, PIL evolved into a means for translating constitutional guarantees into actual, actionable rights, particularly for underprivileged and voiceless populations.¹⁰² Courts started to loosen procedural rules, accept letters as writ petitions, and base decisions on socioeconomic context, all of which speak to the Realist concern for law's practical impact.¹⁰³

Using its powers to preserve socioeconomic and civil liberties for the underprivileged, the Court has become a proactive agent of constitutional enforcement, employing Public Interest Litigation (PIL) and writ jurisdiction under Article 32.¹⁰⁴ Thus, Realism closes the distance between law and justice, ensuring that constitutional values are theoretical and concrete in daily life.¹⁰⁵ For instance, the Court's directive mechanisms in cases like *Bandhua Mukti Morcha*¹⁰⁶ and *MC Mehta v. Union of India* have forced executive responsibility and institutional reform, reflecting the Realist aim of efficient legal results.¹⁰⁷

JUDICIAL ENDORSEMENT

- **Judicial Creativity and the Basic Structure Doctrine**

The Supreme Court's ruling in *Kesavananda Bharati v. State of Kerala* (1973) illustrates judicial Realism by balancing constitutional adaptability and safeguarding fundamental

⁹⁹ Jerome Frank, *Courts on Trial: Myth and Reality in American Justice* (Princeton University Press, 1949).

¹⁰⁰ Marc Galanter, "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," 9 *Law & Society Review* 95 (1974).

¹⁰¹ Vineet Narain v. Union of India, AIR 1998 SC 889.

¹⁰² People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473.

¹⁰³ Sheela Barse v. State of Maharashtra, AIR 1983 SC 378.

¹⁰⁴ L. Chandra Kumar v. Union of India, AIR 1997 SC 1125.

¹⁰⁵ Upendra Baxi, "Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India," 4 *Third World Legal Studies* 107 (1985)

¹⁰⁶ *Bandhua Mukti*, *supra* note 5, at 3.

¹⁰⁷ *M.C Mehta*, *supra* note 77, at 12.

values.¹⁰⁸ The Court ruled that the Parliament can make constitutional amendments but cannot modify its basic structure, thus ensuring core values while permitting flexibility¹⁰⁹ (Austin, 1966).

- **Expansion of Article 21: Substantive Due Process**

In *Maneka Gandhi v. Union of India* (1978),¹¹⁰ the Court enlarged the ambit of Article 21, holding that any procedure taking away life or liberty should be "*just, fair and reasonable*." This substantive due process approach manifests Realism's focus on the functional effect of laws on human rights instead of procedural compliance. The Court applied Article 21 to cover rights like privacy, livelihood, and a clean environment, which showed a realistic approach sensitive to societal changes (*Justice K.S. Puttaswamy v. Union of India*, 2017).¹¹¹

- **Remedies under Article 32 and Judicial Activism**

Article 32 authorises the Supreme Court to issue writs to enforce Fundamental Rights and enable courts to create pragmatic remedies.¹¹² For example, in *D.K. Basu v. State of West Bengal* (1997),¹¹³ the Court issued comprehensive guidelines to forestall custodial torture and focused on efficacious protection rather than abstract legal theory. Public Interest Litigation (PIL) is a testament to judicial Realism.¹¹⁴ It allows courts to take up social causes and bring justice to more people than their traditionally conceived litigants (*S.P. Gupta v. Union of India*, 1981).¹¹⁵

- **Judicial Activism through PIL and Directive Mechanisms**

Landmark decisions such as *S.P. Gupta v. Union of India*¹¹⁶ and *Bandhua Mukti Morcha v. Union of India*¹¹⁷ show how Realist judicial activism enlarged rights-based governance. The Court's directive mechanisms in cases like *Bandhua Mukti Morcha*¹¹⁸ and *MC Mehta v.*

¹⁰⁸ Kesavananda Bharati, *supra* note 2, at 3.

¹⁰⁹ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 1999) 273.

¹¹⁰ Maneka Gandhi, *supra* note 1, at 3.

¹¹¹ Justice K.S. Puttaswamy v. Union of India (2017) 10 SCC 1.

¹¹² Constitution of India, Article 32.

¹¹³ D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

¹¹⁴ Bandhua Mukti, *supra* note 5, at 3.

¹¹⁵ S.P. Gupta v. Union of India, 1981 Supp SCC 87.

¹¹⁶ S.P. Gupta, *supra* note 111, at 16.

¹¹⁷ Bandhua Mukti, *supra* note 5, at 3.

¹¹⁸ *Ibid.*

*Union of India*¹¹⁹ have forced executive responsibility and institutional reform, further affirming the Realist commitment to effective outcomes over legal formality.

CRITICAL INSIGHT

Legal Realism turns the Constitution from a normative text into a useful tool of government.¹²⁰ Realism is focused on how rights operate in actual life, whether they are accessible, enforceable, and sensitive to society's needs, unlike abstract or idealistic readings.¹²¹ By allowing courts to declare rights and enforce and monitor their realisation through institutional interventions, this institution has been instrumental in judicialising politics and politicising rights.¹²²

Using its powers to preserve socioeconomic and civil liberties for the underprivileged, the Court has become a proactive agent of constitutional enforcement using Public Interest Litigation (PIL) and writ jurisdiction under Article 32.¹²³ Thus, Realism closes the distance between law and justice, ensuring that constitutional values are theoretical and concrete in daily life. For instance, the Court's directive mechanisms in cases like *Bandhua Mukti Morcha*¹²⁴ and *MC Mehta v. Union of India*¹²⁵ have forced executive responsibility and institutional reform, reflecting the Realist aim of efficient legal results.

CONCLUSION

In conclusion, Part III of the Indian Constitution exemplifies a remarkable synthesis of multiple schools of jurisprudential thought, making it far more than a mere catalogue of rights. Particularly, Part III of the Indian constitutional framework defies any one school of law. Its particular strength, then, is its jurisprudential pluralism that allows Natural Law's moral certitudes, the Historical School's cultural continuity, the Sociological School's welfare orientation, and Legal Realism's insistence on practical efficacy.¹²⁶ This pluralistic foundation ensures that the Constitution is not a

¹¹⁹ M.C Mehta, *supra* note 77, at 12.

¹²⁰ Jerome Frank, Courts on Trial: Myth and Reality in American Justice

¹²¹ Upendra Baxi, The Indian Supreme Court and Politics (Eastern Book Company 1980) 32.

¹²² S.P. Gupta, *supra* note 111, at 16.

¹²³ Bandhua Mukti, *supra* note 5, at 3.

¹²⁴ *Ibid.*

¹²⁵ M.C Mehta, *supra* note 77, at 12.

¹²⁶ Upendra Baxi, The Indian Supreme Court and Politics

static or rigid instrument but a dynamic, living document; capable of evolving to address new societal challenges and aspirations.

The ethical imperatives of the Natural Law School embed dignity and universal rights at the heart of the Constitution, while the Historical School's influence grounds these rights in India's unique social and cultural context. The Sociological School's vision of law as a tool for social reform and justice is reflected in the Constitution's commitment to equality, education, and the protection of marginalised groups. Meanwhile, the Realist School's pragmatic approach ensures that rights are not merely theoretical but are actively interpreted and enforced in response to the realities of governance and societal change.

By weaving together these diverse strands of legal theory, the Constitution emerges as a mosaic of ideas, enabling courts and legislatures to navigate the complex tensions between universalism and contextualism, individual rights and social good, textual fidelity and purposive interpretation. Viewing Part III through this jurisprudential lens helps us to appreciate its philosophical richness and pragmatic layout even more. Drawing from Western legal theory, Indian socio-cultural values and court experience demonstrate that the rights enshrined are not isolated promises but rather part of a larger intellectual legacy. This pluralistic basis gives Indian constitutionalism its continuing relevance, interpretative diversity, and the ability for rebirth.¹²⁷

Ultimately, the dynamic interplay of idealism and pragmatism, tradition and progress, social welfare and individual rights within Part III ensures that the Fundamental Rights remain robust, relevant, and effective in safeguarding justice and equality. This enduring pluralism is the true strength of Indian constitutionalism, securing its place as a living charter of democracy for a diverse and evolving society.

¹²⁷ Madhav Khosla, *The Indian Constitution*