

AN EXAMINATION OF THE SUPREME COURT'S IMPACT ON CONSTITUTIONAL GOVERNANCE IN THE DEVELOPMENT OF JUDICIAL ACTIVISM IN INDIA

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Abstract

Indian judicial activism has been crucial for constitutional governance, changing the Supreme Court into a functioning safeguard of fundamental rights and democratic principles. Through landmark decisions, the basic structure idea, and the expansion of fundamental rights, this study looks at the developing job of the judiciary in governance. By breaking down original cases like Kesavananda Bharati v. Territory of Kerala, Maneka Gandhi v. Association of India, and Vishaka v. Territory of Rajasthan, this exploration shows how the Supreme Court has maintained financial value, built up judicial examination, and tended to governance. More access to justice and accountability from the legislature and executive branch is made possible by Public Interest Litigation (PIL), which has been shown to be a successful tool of judicial intervention. But fears of overreach by the judiciary, judicial encroachment, and imbalance between activism and overstepping the bounds into policy-making remain at the forefront of the issue. This research critically evaluates judicial activism's role in constitutional government, analyzing its contribution and problematics in a democratic balance. The research highlights the importance of judicial intervention in protecting the constitutional values while stressing the importance of judicial restraint to avoid competition with legislative and executive functions.

Keywords: Supreme Court of India, Constitutional Governance, Judicial Activism, Legal Development, Judicial Review.

1. INTRODUCTION

The Indian Supreme Court has had a decisive impact on constitutional government through its activist role, influencing the interpretation and application of the Constitution considerably. Judicial activism has become an instrument for broadening and protecting basic rights, setting important shifts in the Indian juridical situation.

1.1 Judicial Activism

Judicial activism is the use of the judicial review power to overrule government actions. This term is applied in general to refer to undesirable uses of that power but there is minimal consensus on which uses are undesirable. Activism is generally a term used to describe the inclination of a judge to overrule the decisions or actions of the various branches of government or to reverse or modify a judicial precedent; there is no court that can hold the judgment right. The judges who are commonly called activist judges have been granted powers for reviewing requirements of the constitution.

Judicial activism is a way to control the operation of judicial review. It also has an exercise of a description of a particular decision of the judiciary in which a judge is normally thought to be more inclined to render a decision on the matters of constitutional and to invalidate the executive actions or legislation. Judicial activism in India gives the power or rights to the Supreme Court and the high courts to invalidate the rules as unconstitutional and null if they violate.

1.2 Evolution of Constitutional Governance in India

India's constitutional government has enormously evolved since independence in 1947, and the Supreme Court has been instrumental in this change. The Constitution of India took on in 1950 accommodated a majority rule type of government based on a division of powers among the legislature, the executive, and the judiciary. The judiciary over the long run has increasingly taken on a more proactive role in governance, especially through historical judgments that have broadened basic rights, secured socio-economic justice, and interpreted provisions of the Constitution in a forward-looking way.

1.3.The Judiciary's Function in a Democracy

The judiciary's role in a democratic society is to enforce constitutional ideals and ensure that government actions are consistent with the values of equality, freedom, and justice. As the nation's highest court, the Supreme Court of India has historically played a vital role in upholding individual rights against government overreach and interpreting the Constitution in a way that supports democracy. By protecting basic rights and rendering milestone verdicts, the Supreme Court has not only settled conflicts but also redefined the system of governance, strengthening the system of checks and balances.

1.4 The Supreme Court's Importance in Preserving Constitutional Principles

In India, the highest court guarantees that laws, policies, and administrative actions do not stray from the ideals outlined in the constitution, serving as a resounding advocate for constitutional principles. By taking an active role in the legal system, the Supreme Court has enhanced social justice systems, broadened the scope of basic rights, addressed environmental issues, and stepped in to correct executive missteps.

2. INDIA'S JUDICIAL ACTIVITIES' HISTORICAL DEVELOPMENT

The development of judicial activism in Indian history represents a dynamic shift towards the Supreme Court's role in constitutional governance. Over time, the Court has increasingly asserted its authority, influencing key legal, social, and political developments in India.

2.1. The Pre-Independence Judicial System and British Influence

India's legal system before independence was largely under the British colonial rule, which established a legal system based on English common law. The British established a hierarchical legal system with the Supreme Court being instituted in 1774 at Calcutta and then the High Courts in 1861. The courts were present primarily to act in the interest of the British government and did not function proactively in the protection of individual rights or resisting executive action.

The judiciary was being employed as an instrument of colonial dominance and not as an impartial institution safeguarding constitutional principles. The passage of the Government of

India Act, 1935, instituted a framework of a disciplined judiciary but did not empower courts to challenge the executive or the legislature to any appreciable degree. It was not until independence that the judiciary started to evolve as a central column of constitutional governance, setting the stage for judicial activism.

2.2. Judicial Interpretation and Constitutional Framework Post-Independence

Articles 32 and 136 provide the Supreme Court the power to defend fundamental rights, the Indian judiciary has been essential in interpreting the Constitution since independence. The court first took a rigorous, text-based stance in decisions such as *A.K. Gopalan v. State of Madras* (1950). This change signaled a rise in judicial activism, particularly when presidential activities went against constitutional norms.

2.3. The Kesavananda Bharati Case and the Basic Structure Doctrine

The Supreme Court created the Basic Structure Doctrine in the seminal case of *Kesavananda Bharati v. State of Kerala* (1973), which shaped Indian constitutional law. Parliament might revise the Constitution, but not its basic framework, according to this judgment. Legislative supremacy was overturned by the ruling, which also established judicial supremacy in constitutional disputes. The theory served as a basis for judicial activism, defending fundamental constitutional ideals like as democracy, secularism, and judicial independence and making sure that no government could compromise them.

2.4. The Transformation from Legal Interpretation to Judicial Policy-Making

The Indian court now primarily makes judicial policy rather than passively interpreting the law. Through its decisions, the Supreme Court has influenced social justice, economic policy, and government. The court's proactive involvement in ensuring social justice was demonstrated by the Right to Food case in 2001 and the Right to Education case in 2002, which forced the government to take humanitarian measures. Judicial independence was upheld in the 2015 NJAC Case, which ruled that government interference in judicial selections was unconstitutional. Conflicts between the legislature and executive branch have occasionally arisen as a result of this shift from judicial adjudication to policymaking. Although its detractors claim that judicial activism occasionally leads to judicial overreach,

its supporters maintain that it is essential to guarantee constitutional government in a democracy. The Supreme Court's intervention strengthened democracy and guaranteed government accountability, and judicial activism has grown to be a crucial part of India's constitutional development.

3 SUPREME COURT JUDGMENTS AND THEIR IMPACT ON GOVERNANCE

The Supreme Court of India's judicial activism and interpretations play had a significant impact in the improvement of constitutional government. Through its rulings throughout the long term, it has defined the bounds of constitutional rights as well as addressed governance concerns and closed gaps in the legislative and executive branches. Because to judicial activism, the Supreme Court presently has the power to maintain the state and go about as the gatekeeper of basic rights. Innovative rulings on orientation justice, the environment, protection rights, and socioeconomic justice have impacted governance frameworks, and the introduction of Public Interest Litigation (PIL) has revolutionized access to justice. The Court has demonstrated a changing function that has impacted India's majority rule governance by usually shifting its training away from routine adjudication and toward legislative and policy-making duties.

3.1. PIL and Judicial Activism

The Supreme Court has utilized PIL as an innovative instrument to extend access to justice from personal complaints to public interest issues. In matters relating to basic rights and the public interest, PIL, pioneered in the last part of the 1970s and advocated in the 1980s by Justices P.N. Bhagwati and V.R. Krishna Iyer, has enabled individuals and groups to move toward the courts seeking to be impleaded. To empower even post-cards and newspaper articles to be treated as writ petitions, the Supreme Court eased procedural norms. Owing to late justice, cases had the option to free thousands of undertrial prisoners who were wasting endlessly in jails, and *MC Mehta v. Union of India* (1986) established the stage for environmental jurisprudence in India. Governments have been made responsible for socioeconomic disparities, corruption, and denials of basic freedoms due in extraordinary measure to PILs. PILs have also been blamed for judicial excess because some contend that

they intrude on the legislative and executive domains. Nevertheless, PIL is a pillar of judicial activism and has revolutionized constitutional government by turning the court into a functioning power on matters of policy.

3.2. The Vishaka Guidelines: Expanding Judicial Legislation

In the 1997 *Vishaka v. State of Rajasthan* case, the Supreme Court undertook a rare form of judicial lawmaking by establishing detailed standards for sexual harassment in the workplace where there were no legislative constraints. The case was brought to attention after social worker Bhanwari Devi was brutally gang-raped, highlighting the inadequacy of existing legal protection and the susceptibility of women in the workplace. The Supreme Court outlined the Vishaka Guidelines, which established preventive measures, complaints procedures, and boss responsibilities to establish a safe working environment, drawing on international agreements such as the Convention on the Elimination of All Forms of Discrimination Against Ladies (CEDAW). These regulations remained in force until the Sexual Harassment of Ladies at Work environment (Prevention, Prohibition and Redressal) Act, 2013 was passed by Parliament. Through showing how the Supreme Court could intervene to close gaps in legislation and shape governance frameworks on gender equity and labor rights, this case was a paradigmatic example of judicial activism. The activist approach of the Court in the case illustrates its progressive role as an institution that enacts legal regimes in matters of pressing social importance as well as interpreting the law.

3.3. Environmental Protection and the Role of Judicial Directives

Decisions of the Supreme Court have also assumed a significant part in protecting the environment in India. The Court has effectively advanced environmental legislation, pushing industries and governments to agree with the provisions of Article 48A (Protection of the Environment) and Article 21 (Right to Life) of the Constitution. The Supreme Court formed the 'absolute responsibility' doctrine of environmental harm in *MC Mehta v. Union of India* (1986), making companies obligated for losses because of pollution. Likewise, to stay away from environmental degradation, the court coordinated the shifting of polluting industries close to the Taj Mahal in the *Taj Trapezium Case*. The *Ganga Pollution Case* (1988) applied the 'polluter pays' principle by ordering tanneries and other industries to embrace procedures

for waste treatment. With policy interventions like rules on waste administration, guidelines on sustainable turn of events, and regulations on vehicle emissions under direction by the Court, these developments indicate an adjustment of environmental regulation from a responsive to preventive direction. The role of the judiciary in environmental control underscores its significance as a main player in ensuring natural justice, shaping legislation, and enforcing conformity.

3.4. Right to Privacy and the Aadhar Verdict

In the authentic decision in Justice K.S. Puttaswamy v. Association of India (2017), the Supreme Court held that the right to protection is a fundamental right according to Article 21 of the Constitution. The verdict had immense implications for constitutional government, specifically data security, online surveillance, and personal liberty. The Aadhaar scheme was the focus of the litigation since it imposed biometric authentication for government schemes and social welfare programs. The petitioners maintained that compulsory interlinking of Aadhaar with basic services impinged on their right to privacy. The Supreme Court reiterated its constitutional role as a guardian when it decided, unanimously, that privacy is an integral part of human dignity and autonomy. But, in the end, the Court declared that Aadhaar was legally valid and imposed restrictions on its usage, not permitting private firms to insist upon Aadhaar authentication. By forcing the government to rethink its policies regarding data security, surveillance, and individuals' rights in the digital age, it transformed the way governance is conducted. Moreover, it paved the way for subsequent legislative interventions such as the Digital Personal Data Protection Act of 2023, which was intended to align governance arrangements with privacy goals. A turning point in judicial activism, the Aadhaar judgment not only ensured fundamental rights but influenced the trajectory of India's digital governance system as well.

3.5. Judicial Activism in Social and Economic Justice

Maintenance of economic and social equality has been the duty of the Supreme Court, and it has fulfilled this through the interpretation of constitutional provisions into law to sustain the rights of marginalized communities. Likewise, the Supreme Court instituted the basic right to education in Unnikrishnan v. State of Andhra Pradesh (1993), which led to the 2009 Right to

Education Act. In cases of workers' rights like *Bandhua Mukti Morcha v. Union of India* (1984), the Court intervened to put an end to bonded labor and ensure better working conditions for staff. In other instances where food security, health care, and access to social welfare are involved, the judiciary has instructed governments to enforce legislations that safeguard marginalized groups. Since the Supreme Court has made constitutional guarantees a reality for citizens through enforceable rights, its involvement in social and economic justice is a testament to how judicial activism has transformed governance.

4 Judicial Activism vs. Judicial Overreach

Judicial activism in India has been instrumental in shaping constitutional governance through the broadening of the ambit of fundamental rights and ensuring government accountability. Nevertheless, this expansion has been met with fear of judicial overreach, where the courts are accused of having transgressed their constitutional mandate. Judicial activism is warranted when it completes legislative or executive voids to guard constitutional rights, but overreach takes place when the judiciary intrudes into policy choices intended for the legislature or executive. The difference is vital in assessing the Supreme Court's participation in governance.

4.1. The Thin Line Between Activism and Overreach

The line between judicial activism and judicial overreach is frequently blurred, resulting in arguments on whether the judiciary is enforcing constitutional principles or overstepping into the authority of other branches of government. Whereas activism is a reaction to legislative or executive inertia, overreach is faulted for judicial policymaking. For example, the Supreme Court's interpretation of Article 21 has made the rights of citizens wider by progressive verdicts, yet certain verdicts have also been criticized for evading parliamentary intention, and hence separation of powers has become a concern.

4.2. The Balance of Power: Judiciary vs. Legislature and Executive

The Indian Constitution gives a definite divide among the legislative, executive, and judicial departments. Judicial activism, though, at times produced friction in its wake, whereby instances have included situations where Supreme Court directives had the appearance of

taking away part of the functioning powers of both legislature and executives. The judiciary is supposed to interpret the law, but in cases such as environmental laws (e.g., prohibition of firecrackers in *Arjun Gopal v. Union of India*, 2017) and governance issues (e.g., directing implementation of reforms in the BCCI case, 2016, the Supreme Court has been criticized for taking on an executive role. These interventions are such that they do create doubts if the judiciary is protecting constitutional government or upsetting power balance.

4.3. Criticism and Challenges Faced by Judicial Activism

While judicial activism has played the critical role of safeguarding fundamental rights and upholding accountability, it has been criticized on several counts. One key concern is a lack of democratic legitimacy because judges are not elected members of the public. Furthermore, excessive activism can lead to uncertainty in governance, resulting in policy paralysis in the executive and the legislative arms. Some have complained about the judiciary's fondness for cases with a public agenda while disregarding structural adjustments at the judiciary level, like decreasing cases pending. In addition, the judiciary's policy-making capacity has come under scrutiny with regards to ad hoc court actions, like in the case of cases touching on environmental law or economic policy.

4.4. Role of Public Opinion and Media in Shaping Judicial Decisions

Especially during the social activist and online campaign age, the media and public opinion play an important role in court judgments. Public discourse and media campaigns play an important role in sensational cases like the Nirbhaya gang rape case (2012) and legalizing homosexuality in *Navtej Singh Johar v. Union of India* (2018). A more robust PIL culture has also enhanced the capacity of the judiciary to respond to public sentiment. Yet, there are apprehensions that "media trials" could subject the legal system to undue pressure, with judicial autonomy as the outcome. While increased public participation enhances democracy, uncontrolled media control risks politicizing the court and undermining its impartiality as a watchdog on constitutional administration.

5. THE FUTURE OF JUDICIAL ACTIVISM IN INDIA

As the Supreme Court strives to find its balance as a guardian of the Constitution versus worrying about overreaching of the judiciary, judicial activism in India will probably go on developing further. Judicial activism will become indispensable in confronting new governance challenges that encompass an increased range of fundamental rights, greenery conservation, social equity, and online privacy. Judiciary's activist role has already been established by great doctrines such as the Basic Structure and Public Interest Litigation (PIL); future activism might be directed at protection of human rights, technology regulation, and climate justice. But there is a possibility that clashes between legislature, executive branch, and judiciary will continue and judicial interventions would have to be managed cautiously in order to uphold democratic values but not interfere in the activities of the legislature and executive branch. As it evolves to meet India's changing sociopolitical context, the Supreme Court's function in enforcing constitutional principles will continue to be crucial.

6. CONCLUSION

The preservation of social equity and an expansive definition of fundamental rights, the Indian Supreme Court has been instrumental in constitutional governance. Judicial activism has sustained constitutional principles by serving as a restraint on legislative and executive overreach. Landmark decisions have illustrated the power of judicial intervention to bring about change, shaping policy in such fields as gender equality, privacy rights, and democratic accountability to environmental conservation. Yet, there are apprehensions regarding the judiciary encroaching on legislative and administrative roles, and thus the thin line between judicial activism and excess remaining contentious. While activity has fortified democracy, it has also left questions regarding the distribution of power among the three pillars of the state. Judicial activism will have to change in the future in a manner that respects constitutional norms without precipitating institutional conflicts. For the Supreme Court's constructive role to reinforce and not circumvent the democratic process, it will have to tread carefully in making interventions.

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