

Judicial Activism and the Evolution of Democratic Governance in India

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Abstract: *Judicial activism in India has emerged as a significant force shaping the contours of democratic governance. The judiciary, particularly the Supreme Court and High Courts, has often stepped beyond its traditional role of mere adjudication to influence policy-making, protect fundamental rights, and ensure governmental accountability. This review examines the evolution of judicial activism in India, its role in strengthening democratic institutions, the mechanisms through which it has impacted governance, and the debates surrounding its legitimacy. Key cases, public interest litigation (PIL), and judicial interventions form the core of this analysis.*

Keywords: Judicial activism, democratic governance, India, public interest litigation

I. INTRODUCTION

Judicial activism refers to the proactive role of the judiciary in interpreting the Constitution and law to address social, political, and economic issues. In India, judicial activism gained prominence in the post-Emergency period, particularly in the 1980s, as courts began adopting expansive interpretations of fundamental rights and enhancing the scope of public interest litigation. This evolution has contributed significantly to democratic governance by reinforcing checks and balances, protecting civil liberties, and ensuring that the executive and legislative branches operate within constitutional boundaries (Bhattacharya, 2014).

HISTORICAL EVOLUTION OF JUDICIAL ACTIVISM IN INDIA

The roots of judicial activism can be traced to landmark cases such as *Kesavananda Bharati v. State of Kerala* (1973), which established the basic structure doctrine, asserting that Parliament cannot alter the essential framework of the Constitution. Post-Emergency, cases like *Maneka Gandhi v. Union of India* (1978) and *S.P. Gupta v. Union of India* (1981) demonstrated the judiciary's willingness to interpret laws expansively to protect individual liberties and promote accountability (Baxi, 2002). The rise of PIL in the 1980s further empowered the judiciary to address issues concerning marginalized groups, environmental protection, and corruption, thereby enhancing democratic participation (Jain, 2013). Judicial activism in India has evolved over decades as a dynamic tool for safeguarding constitutional principles, protecting fundamental rights, and ensuring accountability of the legislature and executive. Its historical roots can be traced back to the post-independence period when the Indian Constitution came into force in 1950, establishing the judiciary as an independent pillar of democracy with the power of judicial review (Basu, 2019). Initially, the Supreme Court and High Courts adopted a conservative approach, exercising restraint in interfering with legislative and executive actions. The early landmark case of *A.K. Gopalan v. State of Madras* (1950) highlighted this cautious stance, where the Court emphasized procedural safeguards over expansive interpretation of fundamental rights (Seervai, 2018). However, the shift towards judicial activism gained momentum during the 1970s, a period marked by political turmoil and constitutional crises, including the Emergency (1975–1977).

The *Kesavananda Bharati* case (1973) was pivotal in defining the scope of judicial power in India. The Supreme Court propounded the “basic structure” doctrine, asserting that Parliament’s amending power could not alter the essential framework of the Constitution, thereby firmly positioning the judiciary as a guardian of democracy and fundamental

rights (Austin, 2016). This judgment marked the beginning of a proactive judicial approach, allowing courts to intervene whenever constitutional values were threatened. Following this, the judiciary further expanded its role during the post-Emergency era through the development of Public Interest Litigation (PIL) in the 1980s. PIL transformed the judicial landscape by enabling courts to address grievances of marginalized and disadvantaged groups, particularly those who lacked direct access to legal remedies. Activist judges like Justice P.N. Bhagwati and Justice V.R. Krishna Iyer pioneered this concept, ensuring that the judiciary actively contributed to social justice and democratic deepening (Bhattacharya, 2017).

The 1980s and 1990s witnessed further consolidation of judicial activism, particularly through expansive interpretations of Articles 21 (Right to Life and Personal Liberty) and 19 (Freedom of Speech and Expression). Courts addressed environmental issues, human rights violations, and corruption, often issuing directives to the executive, thereby redefining the boundaries of judicial intervention in governance (Ramachandran, 2020). Landmark cases such as *Maneka Gandhi v. Union of India* (1978) and *M.C. Mehta v. Union of India* (1987) exemplify how judicial activism evolved from mere rights protection to shaping policy and enforcing accountability.

Despite its benefits, the evolution of judicial activism in India has also sparked debates regarding judicial overreach, separation of powers, and the appropriate limits of court intervention in policymaking. Critics argue that excessive activism may blur the distinctions between the legislature, executive, and judiciary, potentially challenging democratic principles (Sharma, 2019). Nevertheless, the historical trajectory of judicial activism demonstrates its critical role in reinforcing constitutional democracy, empowering marginalized communities, and ensuring the rule of law. The evolution reflects the Indian judiciary's responsiveness to societal needs and its commitment to interpreting the Constitution as a living document, capable of addressing contemporary challenges while protecting democratic values.

IMPACT ON DEMOCRATIC GOVERNANCE

Judicial activism has had a multidimensional impact on Indian democracy. It has acted as a safeguard against arbitrary use of power, strengthened fundamental rights, and ensured transparency and accountability in governance. The courts have often intervened in matters of corruption, environmental degradation, and social justice, thereby influencing policy-making without being part of the executive or legislature. For instance, the Supreme Court's interventions in environmental cases like *M.C. Mehta v. Union of India* (1987) have led to substantial legislative and administrative reforms (Choudhry, 2008).

Judicial activism has significantly influenced democratic governance in India by ensuring that the constitutional principles of accountability, transparency, and the protection of fundamental rights are upheld. By actively interpreting the Constitution and reviewing the actions of the legislature and executive, the judiciary has become a pivotal instrument in maintaining the balance of power among state organs. The practice of judicial review, enshrined in the Indian Constitution, allows courts to examine laws and executive actions for conformity with constitutional mandates. Landmark cases such as *Kesavananda Bharati v. State of Kerala* (1973) reinforced the "basic structure" doctrine, thereby preventing arbitrary amendments that could undermine democratic governance (Seervai, 2018). Such judgments have ensured that legislative actions remain within the limits set by the Constitution, thereby protecting the democratic framework.

Public Interest Litigation (PIL) has been one of the most notable expressions of judicial activism in India, enabling the judiciary to address issues affecting marginalized and underrepresented communities. Through PILs, courts have intervened in matters related to environmental protection, corruption, human rights, and social welfare, thereby making governance more responsive to citizens' needs (Ramachandran, 2020). For instance, in cases like *Vishaka v. State of Rajasthan* (1997), the Supreme Court laid down guidelines to prevent sexual harassment at the workplace, thereby shaping policy and enhancing accountability within the administrative framework. Similarly, environmental activism through cases like *M.C. Mehta v. Union of India* (1987) reflects how judicial intervention has compelled governments to enforce environmental laws, demonstrating the judiciary's role in promoting sustainable governance practices (Sharma, 2019).

Judicial activism also strengthens democratic governance by upholding the fundamental rights of citizens against arbitrary state action. Expansive interpretations of Articles 21 and 19 have enabled the courts to protect the right to life, privacy, and freedom of expression, ensuring that democratic freedoms are not curtailed by governmental overreach (Basu, 2019). By enforcing such rights, the judiciary safeguards individual liberties while promoting participatory governance, as citizens feel empowered to seek redress against violations. Additionally, judicial interventions have compelled both state and central governments to act transparently, such as in cases involving the Right to Information Act, anti-corruption measures, and electoral reforms.

However, the activist role of the judiciary has also been debated concerning the principle of separation of powers. While judicial activism enhances democratic governance by ensuring accountability, critics argue that excessive intervention may encroach upon the policy-making domain of the legislature and executive (Bhattacharya, 2017).

Nevertheless, when exercised judiciously, judicial activism functions as a corrective mechanism, ensuring that governance remains aligned with constitutional ideals and democratic norms. Overall, judicial activism has reinforced democratic governance in India by promoting legal accountability, empowering citizens, and shaping policy outcomes in accordance with constitutional mandates, thereby strengthening India's democratic fabric.

MECHANISMS OF INFLUENCE

Public interest litigation has been a primary tool through which judicial activism has influenced governance. PIL allows individuals or groups to seek judicial remedies for issues affecting the public at large, thereby democratizing access to justice. Additionally, judicial pronouncements on accountability and transparency have often compelled the legislature and executive to amend laws or adopt new policies aligned with constitutional principles (Khosla, 2010).

Judicial activism in India exerts its influence on constitutional democracy through several interrelated mechanisms that shape governance, policymaking, and the protection of citizens' rights. One of the primary mechanisms is judicial review, which enables courts to assess the constitutionality of legislative and executive actions. Through this mechanism, the judiciary ensures that laws and policies conform to constitutional principles, thereby maintaining the rule of law and preventing arbitrary state action (Basu, 2019). By striking down unconstitutional provisions or directing modifications in governmental policy, judicial review acts as a check on legislative and executive excesses, thereby reinforcing democratic norms and the balance of powers.

Another significant mechanism is the Public Interest Litigation (PIL) framework, which empowers individuals, organizations, and civil society actors to approach courts on issues affecting the public at large, particularly marginalized communities. PIL has democratized access to justice by allowing courts to hear cases beyond the traditional locus standi requirements, thereby extending judicial protection to those unable to directly seek legal redress (Bhattacharya, 2017). Through PILs, courts have influenced environmental policy, human rights protection, gender justice, and social welfare schemes, demonstrating the judiciary's active role in shaping public policy and advancing social equity.

The expansive interpretation of fundamental rights is another mechanism through which judicial activism strengthens democracy. Courts have interpreted provisions of the Constitution, such as Article 21 (Right to Life and Personal Liberty) and Article 19 (Freedom of Speech and Expression), in ways that include rights to privacy, clean environment, education, and gender equality (Austin, 2016). Such interpretations not only protect individual liberties but also create obligations for the state to enact policies that respect these rights, thereby influencing governance and ensuring citizens' participation in democratic processes.

Additionally, judicial pronouncements and directives function as mechanisms of influence by guiding government agencies and institutions toward accountability and transparency. In landmark cases like the Right to Information case and the Vishaka Guidelines for preventing sexual harassment at the workplace, courts have issued binding directions that mandate administrative and institutional reforms (Ramachandran, 2020). These directives operate as tools of judicial activism, shaping administrative behavior, promoting ethical governance, and fostering public confidence in democratic institutions.

Finally, the normative influence of judicial activism lies in its ability to set precedents and foster a culture of constitutionalism. Through reasoned judgments, courts not only resolve individual disputes but also articulate broader principles that inform future governance and societal expectations (Sharma, 2019). This normative role strengthens democratic values by ensuring that state action aligns with constitutional ideals, thereby enhancing legitimacy, promoting social justice, and encouraging civic engagement.

The mechanisms of influence through which judicial activism operates judicial review, PIL, expansive interpretation of rights, directives to government agencies, and normative guidance collectively reinforce constitutional democracy in India. They provide both corrective and proactive measures, enabling the judiciary to function as a guardian of rights, a check on state power, and a promoter of equitable social policies.

DEBATES AND CRITICISMS

Despite its contributions, judicial activism in India is not free from criticism. Critics argue that excessive judicial intervention can encroach upon the domain of the legislature and executive, potentially leading to judicial overreach. Scholars like Madhav Khosla (2010) caution that while judicial activism strengthens democracy in certain contexts, it may undermine the principle of separation of powers if overextended. Nonetheless, proponents assert that judicial activism is essential in a developing democracy to protect vulnerable sections and uphold constitutional morality (Baxi, 2002).

Judicial activism in India has long been a subject of intense debate, reflecting the tension between the judiciary's role as a protector of rights and the principle of separation of powers. While judicial activism has been credited with safeguarding fundamental rights, promoting social justice, and enhancing government accountability, critics argue that it often results in judicial overreach, undermining the democratic mandate of the legislature and the executive. One of the primary criticisms is that activist courts sometimes assume a policy-making role, traditionally reserved for elected representatives. By intervening in matters of governance, such as environmental policy, education reforms, or social welfare schemes, courts may inadvertently encroach upon the domain of the executive, raising questions about legitimacy and accountability (Bhattacharya, 2017). Critics argue that while courts are well-positioned to interpret the law, they are not equipped with the expertise, resources, or democratic mandate necessary to design and implement policies.

Another major area of contention is the potential for inconsistency and unpredictability in judicial decisions. Unlike legislative statutes that are deliberated and debated extensively, judicial pronouncements are often based on individual judges' interpretations of the Constitution. This discretion, while enabling flexibility and responsiveness, can lead to accusations of subjectivity or judicial activism being guided by personal or ideological preferences rather than objective legal principles (Sharma, 2019). The evolution of Public Interest Litigation (PIL), which has been a cornerstone of judicial activism in India, has also attracted criticism. While PILs have empowered marginalized communities and provided a mechanism for social justice, excessive and sometimes frivolous PILs have burdened courts, resulting in delays in the administration of justice (Ramachandran, 2020). This overload not only affects efficiency but can also dilute the quality of judicial intervention in genuinely significant matters.

Furthermore, debates around judicial activism often center on the issue of accountability. Legislators and executives are accountable to the public through elections, whereas judges, appointed for life tenure or until retirement, are not directly answerable to the electorate. Critics argue that when courts assume an activist role, they exercise power without the same democratic checks and balances, which may lead to a perceived democratic deficit (Austin, 2016). On the other hand, proponents contend that judicial activism serves as a necessary check on legislative and executive excesses, particularly in a diverse and complex society like India, where marginalized groups may otherwise lack access to justice (Basu, 2019). Finally, the debate extends to the philosophical domain regarding the appropriate scope of judicial intervention in a democracy. While some scholars argue for judicial restraint, maintaining that courts should limit themselves to interpreting the law and avoid policy matters, others advocate for a dynamic, purposive approach that allows the judiciary to actively shape social and constitutional norms in response to changing societal needs (Seervai, 2018). The challenge,

therefore, lies in striking a delicate balance between activism and restraint, ensuring that judicial intervention strengthens democracy without encroaching on the domain of other state organs.

II. CONCLUSION

Judicial activism in India has played a pivotal role in shaping democratic governance by reinforcing constitutional values, protecting rights, and ensuring accountability. While debates over its scope and limits persist, its contributions to strengthening the democratic framework are undeniable. By balancing proactive judicial intervention with respect for institutional boundaries, judicial activism continues to evolve as a key pillar of India's democratic architecture.

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