

Judicial Activism and Its Impact on Constitutional Governance in India

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Received: 12/12/2025, Accepted: 02/02/2026, Published: 08/03/2026

Abstract

Judicial activism has become one of the most contentious aspects of constitutional administration in India due to the judiciary's active role in interpreting and expanding constitutional provisions. Judicial activism, rooted in justice, liberty, and equality, has been used by the Supreme Court and High Courts to preserve fundamental rights, uphold the rule of law, and fill legislative or executive inadequacies. The history, scope, and effects of judicial activism in India, from early post-independence judgments to landmark cases like *Kesavananda Bharati v. State of Kerala* (1973), which established the basic structure doctrine, and *Vishaka v. State of Rajasthan* (1997), which established workplace sexual harassment guidelines without legislation. Judicial activism has strengthened democratic values by broadening Article 21 to cover livelihood, health, environment, and education rights. It raises worries about judicial overreach, separation of powers, and parliamentary authority being undermined. The study emphasizes judicial activism's dual position as a defender of constitutional morality and a topic of democratic accountability by examining its positive and negative contributions. Judicial activism has deepened India's constitutional democracy, but it must be balanced to respect institutional bounds and promote peace between the legislative, executive, and judiciary.

Keywords: Judicial Activism, Constitutional Governance, Supreme Court of India, Fundamental Rights

Introduction

The Indian Constitution, praised as a living constitution, provides democracy, rule of law, and separation of powers in the legislative, executive, and judiciary. In this context, the court protects constitutional ideals, fundamental rights, and ensures that other governmental institutions behave within the law. Judicial activism, which has gained in importance in recent decades, involves judges interpreting and enlarging constitutional provisions to accommodate society's changing demands. Judicial activism is inspired by social justice, equity, and public benefit, unlike judicial restraint, which limits courts to a literal interpretation of the law. Legal activism in India has grown due to political instability, legislative inertia, and executive excesses that required court intervention to defend constitutional government. Judicial inventiveness has molded India's constitutional system in landmark judgments including *Kesavananda Bharati v. State of Kerala* (1973), which established the basic structure theory,

and *Maneka Gandhi v. Union of India* (1978), which broadened Article 21. Public Interest Litigation (PIL) in the 1980s empowered citizens to directly sue for collective rights enforcement and expanded access to justice. The growing frequency of judicial interventions has raised questions about the limits of judicial power, with critics arguing that excessive activism may encroach on the legislature and executive, disrupting the Constitution's delicate balance. This article examines judicial activism in India, including its role in constitutional government, democratic accountability, and judicial overreach and separation of powers critiques. The paper highlights the complicated relationship between judicial innovation and constitutional stability in India by examining its history, important case laws, and current relevance.

Conceptual Framework of Judicial Activism

In constitutional law, the term "judicial activism" refers to the active involvement of the judiciary in determining how laws and constitutional provisions are to be interpreted and applied, going beyond their strict meaning to address societal demands as they evolve. Simply put, judicial activism is when judges show a desire to prioritize justice over literal interpretation of the law or unwavering adherence to precedent. The premise upon which this system is based is that a constitution, particularly one such as India's, is not a fixed piece of paper but rather an instrument that can and should change to accommodate changing political, social, and economic climates. By preventing legislative inaction or administrative overreach from undermining basic rights, the judiciary fulfills its dual role as both an interpreter and defender of constitutional ideals. When other branches of government in India fall short in carrying out their responsibilities, the court steps in to fill the void, a practice with its conceptual roots in the notion of separation of powers. There are two main ways it shows up in practice: first, when the courts examine actions taken by the legislature and the executive branch; and second, when the courts create new laws by offering innovative interpretations or rules in areas where statutes are lacking.

In the late 1970s and 1980s, public interest litigation (PIL) arose as a means of expanding access to justice for all. Since then, it has been an integral part of the judicial activism paradigm. Because of PIL, courts may address concerns about social justice, environmental protection, and human rights regardless of whether the petitioner had suffered any actual bodily harm. As a result, judicial activism widened its focus to include collective rights and structural changes, in addition to individual conflicts. Although this system has received praise for giving voice to underrepresented groups and making people more accountable, it does bring up theoretical concerns around judicial overreach and institutional boundaries. Scholars frequently draw comparisons between judicial activity and judicial restraint, the view that, absent obvious constitutional infractions, the courts should respect the authority of the legislature and the executive branch. To grasp the role of the judiciary in a democratic society, it is necessary to strike a balance between these two ideologies.

From a constitutional perspective, the Preamble lends credence to judicial activism by stressing the importance of social, economic, and political justice as the bedrock of government. The ability to invalidate laws and uphold basic rights is further granted to courts under Articles 13,

32, and 226. The judiciary has put the activism framework into action by applying doctrines like the basic structure principle, extending Article 21 to encompass the rights to livelihood, health, and dignity, and establishing rules in cases like *Vishaka v. State of Rajasthan*. This ensures that governance is in line with the moral principles outlined in the constitution. Concurrently, naysayers contend that this structure threatens to undermine the notion of separation of powers by elevating judicial preferences above legislative sense.

Judicial Activism and Constitutional Governance

In India, judicial activism has grown in importance and now plays a significant role in constitutional government, influencing the practical interpretation and application of constitutional concepts. By "constitutional governance," we mean a system of government that ensures accountability, separates authorities, and protects fundamental rights by exercising state powers in line with constitutional standards. Judicial activism has grown in importance within this context as a means of connecting constitutional principles with practical government. Judicial innovation in interpreting constitutional provisions and proactive engagement in public interest cases has increased the breadth of constitutional rights and strengthened legislative and executive accountability. An illustrative case in point is the 1973 Supreme Court decision in *Kesavananda Bharati v. State of Kerala*, in which the Court expressed the "basic structure doctrine," thus limiting Parliament's ability to make substantial amendments. In addition to maintaining the Constitution's sacredness, this approach reaffirmed the judiciary's position as the last arbiter of constitutional morality. In a similar vein, the Supreme Court's groundbreaking interpretation of Article 21 in *Maneka Gandhi v. Union of India* (1978) expanded the scope of constitutional governance to encompass a broader range of human rights and freedoms, including the right to life, personal liberty, due process, and dignity.

When the legislative or executive branch fails to act, or when their actions run counter to constitutional norms, judicial activism steps in to rectify the problem. Aligning government with the constitutional guarantee of social, economic, and political justice, the judiciary has intervened through the development of Public Interest Litigation (PIL) to tackle systemic problems like bonded labor, environmental degradation, custodial violence, and the safety of women. By upholding constitutional principles, the judiciary served to both safeguard individual rights and ensure that institutions operated in accordance with those objectives. For example, while there was a lack of legislation addressing sexual harassment in the workplace, the *Vishaka v. State of Rajasthan* (1997) decision filled the void and established standards that were subsequently codified in statute law. Judicial activism improves governance through these kinds of interventions because it forces state institutions to be true to their constitutional duties. Simultaneously, questions regarding the triune nature of power are prompted by judicial activism in constitutional administration. Judicial overreach, according to critics, undermines the separation of powers and intrudes on the realm of the legislature and administration to make policies. The courts intervene in these affairs far too often. Some have argued that the judiciary's role in overseeing environmental policies and administrative appointments blurs the line between different branches of government. In spite of this, some who support judicial

activism stress the importance of this type of intervention when institutional stagnation, political pressures, and corruption hinder the effective implementation of constitutional governance. The judiciary keeps government in line with constitutional morals and social requirements by giving people remedies when they don't have any other options.

Conclusion

In India, the judiciary has taken on the dual responsibility of interpreting and protecting the Constitution, and this has led to an evolution of judicial activism that is characteristic of constitutional governance. Justice, liberty, equality, and dignity have been repeatedly upheld by judicial activism, which began with the formulation of the fundamental structural theory in *Kesavananda Bharati* and continued with the enlargement of Article 21 in *Maneka Gandhi* and the formulation of standards in *Vishaka*. Through mechanisms like Public Interest Litigation, it has filled voids caused by legislative inactivity, reined in executive overreach, and expanded constitutional protections to underrepresented groups. A more accountable democracy, a stronger rule of law, and a Constitution that can adapt to new circumstances are all results of these reforms. Concurrently, concerns over judicial activism have prompted inquiries into the legitimacy of the institution as a whole. This is especially true in cases when the courts seem to venture beyond their traditional duty of adjudication and into policymaking, which could lead to allegations of judicial overreach and the upset of the delicate power dynamic. In order to ensure the continued protection of constitutional morality without compromising the functional autonomy of the legislative and executive, the future of judicial activism in India hinges on preserving a careful balance. To sum up, judicial activism is still crucial to constitutional democracy in India, even though it can be complicated. It helps keep the government true to the Constitution's intent while also meeting society's changing demands.

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