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The Role of Judiciary in India

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Abstract

The judiciary in India serves as the cornerstone of the constitutional framework, entrusted with upholding the rule of law, protecting fundamental rights, and maintaining the balance of power among the organs of the State. This paper explores the judiciary's multifaceted role as the guardian of the Constitution, interpreter of the law, and instrument of social transformation. It traces the constitutional foundation of judicial independence, emphasizing landmark cases such as Kesavananda Bharati v. State of Kerala, S.P. Gupta v. Union of India, and Maneka Gandhi v. Union of India, which have shaped the contours of Indian constitutionalism.

The discussion highlights the judiciary's proactive role through doctrines of judicial review and activism, particularly via Public Interest Litigation, which has expanded the scope of rights under Article 21 to encompass education, health, environment, and privacy. At the same time, the paper critically examines challenges such as judicial backlog, lack of transparency in appointments, and concerns over judicial overreach. It argues for systemic reforms—enhancing efficiency, accountability, and accessibility—while preserving judicial autonomy.

Ultimately, the judiciary's effectiveness lies in its ability to balance activism with restraint and independence with accountability. As the custodian of constitutional morality, the Indian judiciary continues to shape the nation's democratic ethos by ensuring justice, equality, and the rule of law for every citizen.

Introduction

The judiciary in India holds a pivotal place in the constitutional framework of the nation. It serves as the guardian of the Constitution, the protector of the fundamental rights of citizens, and the ultimate interpreter of the law. In a democratic polity based on the rule of law, the judiciary functions not merely as an adjudicatory body but as a balancing institution ensuring that no organ of the state transgresses its constitutional boundaries. The framers of the Indian Constitution envisioned the judiciary as an independent and impartial institution capable of upholding justice, liberty, equality, and fraternity as enshrined in the Preamble. Over the decades, the Indian judiciary has evolved into one of the most powerful and proactive institutions, shaping the socio-political and constitutional landscape of the country through its expansive interpretation of rights and duties.

The role of the judiciary in India extends beyond the traditional function of dispute resolution. It encompasses judicial review of legislative and executive actions, interpretation of the Constitution, protection of human rights, and the advancement of social justice. Through doctrines like judicial activism, the judiciary has emerged as a catalyst for reform and a check on governmental arbitrariness. However, this expansive role has also raised debates concerning judicial overreach, accountability, and the fine balance between activism and restraint. This paper seeks to examine the multifaceted role of the Indian judiciary, its constitutional foundations, its contributions to social transformation, and the challenges it faces in the contemporary era.

Constitutional and Institutional Framework

The Constitution of India establishes a single integrated judicial system with the Supreme Court at the apex, followed by High Courts at the state level, and subordinate courts at the district and lower levels. The constitutional design reflects a deliberate choice to create a judiciary that is unified in structure but independent in function.

Independence of the Judiciary

Judicial independence is a cornerstone of the Indian Constitution. Articles 50, 124 to 147, and 214 to 231 collectively ensure that the judiciary remains free from executive and legislative interference. In stabilizing the constitution, the framers of the Constitution, drawing lessons from colonial experiences, embedded several safeguards to maintain the autonomy of judges. These include secure tenure, fixed service conditions, protection against arbitrary removal, and an elaborate

procedure for impeachment under Article 124(4). The judiciary's financial autonomy is further strengthened by charging the salaries and allowances of judges to the Consolidated Fund of India. The Supreme Court in *S.P. Gupta v. Union of India (1981)* emphasized that judicial independence is not a privilege of the judiciary but a necessity for maintaining the rule of law. Similarly, in the Second Judges Case (*Supreme Court Advocates-on-Record Association v. Union of India, 1993*), the Court reinforced the collegium system, ensuring that judicial appointments are insulated from political influence.

Judicial Review and Constitutional Supremacy

One of the most critical functions of the judiciary is judicial review — the power to assess the constitutionality of legislative and executive actions. This power, though not explicitly stated, was read into labour institutions through Articles 13, 32, and 226. Judicial review upholds the supremacy of the Constitution and preserves the basic structure of democracy. In *Kesavananda Bharati v. State of Kerala (1973)* the Supreme Court articulated the “basic structure doctrine,” holding that while Parliament possesses wide amending powers, it cannot alter the essential features of the Constitution. This doctrine transformed the judiciary into the ultimate guardian of constitutional morality.

The power of judicial review has allowed the courts to strike down unconstitutional laws, protect individual liberties, and preserve federal balance. Through cases like *Minerva Mills Ltd. v. Union of India (1980)* and *I.R. Coelho v. State of Tamil Nadu (2007)*, the judiciary reaffirmed that even constitutional amendments are subject to judicial scrutiny if they violate recognised structure.

Functions and Significance of the Judiciary

The judiciary performs multiple roles that collectively sustain the democratic fabric of India. These roles are not confined to adjudication but extend to governance, administration of justice, and societal transformation.

Guardian of Fundamental Rights

The Indian judiciary has been instrumental in protecting and expanding the scope of fundamental rights. Articles 32 and 226 empower the Supreme Court and High Courts to issue writs for enforcement of fundamental rights. In *Maneka Gandhi v. Union of India (1978)*, the Supreme Court broadened the interpretation of Article 21, asserting that the right to life and personal liberty includes the right to live with dignity. This judgment marked a shift from procedural to substantive due process and laid the foundation for numerous human rights protections.

The judiciary has also developed Public Interest Litigation (PIL) as a tool for social justice. In *S.P. Gupta v. Union of India* and *People's Union for Democratic Rights v. Union of India (1982)*, the Court allowed citizens to approach it on behalf of disadvantaged groups. This innovation democratized access to justice and criticised the judiciary into a vehicle for enforcing socio-economic rights.

Equilibrium Among Organs of the State

The doctrine of separation of powers, though not explicitly stated, underlies the constitutional scheme. The judiciary ensures that the legislature and executive act within their constitutional limits. Through judicial review, it prevents legislative excesses and executive arbitrariness. In *Indira Nehru Gandhi v. Raj Narain (1975)*, the Supreme Court invalidated a constitutional amendment that sought to place the election of the Prime Minister beyond judicial scrutiny, reaffirming that judicial oversight is integral to democracy.

Similarly, in *S.R. Bommai v. Union of India (1994)*, the Court curtailed the misuse of Article 356 (President's Rule), thereby preserving federalism. Such interventions underscore the judiciary's role as a stabilizing force within India's constitutional democracy.

Interpreter of the Constitution and Law

The judiciary plays a crucial interpretative role, resolving ambiguities in constitutional and statutory provisions. Its interpretations often carry the force of law and guide governance. For instance, in *Union of India v. Association for democratic Reforms (2002)*, the Court expanded the right to freedom of expression to include voters' right to know about candidates' criminal records and assets. This judicial creativity reflects a dynamic understanding of constitutional principles that evolve with societal needs.

Sensitisation Activism and Social Transformation

The post-Emergency era witnessed the emergence of judicial activism, wherein the courts began taking an expansive view of their constitutional mandate to address social and economic injustices. The judiciary assumed a proactive stance, often stepping in to fill legislative or executive gaps in governance.

Public Interest Litigation

PIL became the most powerful instrument of judicial activism. It allowed courts to address issues like bonded labor, custodial deaths, environmental degradation, and gender discrimination. In *M.C. Mehta v. Union of India (1986)*, the Supreme Court pioneered environmental jurisprudence, enforcing the principle of “absolute liability” and mandating pollution control measures. Similarly, in *Vishaka v. State of Rajasthan (1997)*, the Court formulated guidelines to prevent sexual harassment at workplaces in the absence of legislative action, which later became the foundation for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Expansion of Rights and Duties

The judiciary’s interpretative creativity expanded the ambit of Article 21 to include the right to education, health, environment, privacy, and shelter. In *Mohini Jain v. State of Karnataka (1992)* and *Unni Krishnan v. State of Andhra Pradesh (1993)*, the Court recognized the right to education as part of the right to life, leading to the constitutional insertion of Article 21A through the 86th Amendment. Similarly, *Justice K.S. Puttaswamy v. Union of India (2017)* declared the right to privacy as a fundamental right intrinsic to dignity and liberty.

Through such pronouncements, the judiciary not only safeguarded individual freedoms but also shaped state policy, thereby functioning as an agent of social transformation.

Challenges to Judicial Functioning

Despite its achievements, the judiciary faces significant challenges that threaten its efficiency, credibility, and independence.

Judicial Backlog and Delay

India's judicial system is plagued by pendency, with over 4 crore cases pending across all levels. The delay in adjudication undermines public confidence in the rule of law and defeats the principle of speedy justice under Article 21. Factors such as inadequate judge strength, procedural inefficiencies, and frequent adjournments contribute to the problem.

Judicial Accountability and Transparency

While independence is vital, accountability is equally important. The collegium system, though intended to protect autonomy, has often been criticized for opacity and lack of institutional transparency. Attempts to replace it with the National Judicial Appointments Commission (NJAC) through the 99th Constitutional Amendment were struck down in *Supreme Court Advocates-on-Record Association v. Union of India (2015)*, reaffirming judicial primacy in appointments but leaving unresolved questions about accountability.

Judicial Overreach and Separation of Powers

The phenomenon of judicial activism sometimes borders on judicial overreach, where the judiciary is seen encroaching upon the domain of the legislature or executive. Critics argue that directions on policy matters, budgetary allocations, or administrative decisions exceed judicial competence. The balance between activism and restraint remains a delicate issue, as overstepping constitutional limits can undermine the principle of separation of powers.

Judicial Reforms and the Way Forward

For the judiciary to retain its moral and constitutional legitimacy, systemic reforms are essential. Increasing the number of judges, adopting technology for case management, and establishing fast-track and virtual courts can alleviate pendency. The e-courts project and digitization initiatives have already shown promise in enhancing accessibility and efficiency.

There is also a need for reforming the appointment process by introducing an accountable, transparent, and participatory mechanism without compromising independence. Judicial education and sensitization programs must be strengthened to ensure that judges remain responsive to

evolving legal and social realities. Moreover, enhancing legal aid services and promoting alternative dispute resolution (ADR) mechanisms like mediation and arbitration can reduce the judicial burden and improve access to justice.

The judiciary must also engage in institutional introspection. Internal ethics mechanisms, annual performance reviews, and a clear code of judicial conduct can strengthen public trust. At the same time, the executive and legislature must respect judicial independence and comply with judicial pronouncements in both letter and spirit.

Conclusion

The judiciary in India stands as the sentinel of democracy and the custodian of constitutional conscience. From establishing the basic structure doctrine to advancing social justice through PILs, the judiciary has continuously adapted to the changing needs of society. Its role in shaping constitutional jurisprudence, protecting rights, and ensuring governmental accountability underscores its indispensable place in India's democratic framework.

However, power must be tempered with responsibility. The judiciary must exercise self-restraint, uphold transparency, and maintain the delicate balance between activism and overreach. As India moves towards greater socio-economic transformation, the judiciary's commitment to fairness, accessibility, and efficiency will determine the strength of its democracy. The ultimate measure of the judiciary's success lies not merely in its pronouncements but in its ability to deliver timely and equitable justice to every citizen.

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