



THE ROLE OF JUDICIARY IN INDIAN DEMOCRACY

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INTRODUCTION

Firstly, let's understand the meaning of the main two terms i.e. Judiciary and Democracy before pursuit with this topic. As we all know the meaning of Democracy i.e. it is a form of government where all the political power vested in the hands of the people. It is simply said as it is by the people, for the people and to the people.¹ Montesquieu gave some views that concerns the judicial functioning that states that judges must be independent from all the powers. It is also stated that the idea that judges be the mouth that pronounces the words of the law that only constitutes a safeguard for political liberty. The judiciary in Indian democracy acts as a pillar that upholds the Constitution as well ensures justice, equality, and liberty for all citizens. It also considers the doctrine of separation of power by separating three branches of the government by giving them their own rights and duties. Among them, the judiciary plays a crucial role in maintaining a balance of power and upholding democratic principles.²

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Let's understand the role of judiciary in Indian democracy: -

- **CUSTODIAN OF THE INDIAN CONSTITUTION:** The milestone in the direction of delivery of complete justice by the Supreme Court of India is its recent decision to elevate the Right to safe travel on National Highways as a fundamental right, declaring it an integral part of the Right to Life under Article 21 of the Constitution.³

¹ 'Democracy'. Wikipedia, 10 July 2026. Wikipedia, <https://en.wikipedia.org/w/index.php?title=Democracy&oldid=1363535386>.

²vibhour. The Role of Judiciary in Indian Democracy Explained. 1 Nov. 2024, <https://sleepyclasses.com/judiciary-in-indian-democracy-for-upsc/>.

³ Re: Phalodi Accident vs. National Highways Authority of India and Others 2026 INSC 388 (or 2026 LiveLaw (SC) 391)

The Supreme Court is empowered under Article 142 to pass necessary orders to deliver complete justice where existing laws fail to provide a specific remedy. While this power acts as a 'constitutional safety valve', critics argue that it may lead to judicial encroachment upon the domain of the Executive or the Legislature.⁴

- **ENFORCEMENT OF FUNDAMENTAL RIGHTS:** The judiciary also helps to safeguard the Fundamental Rights. Its remedies are provided to the citizens if it gets infringed by any individual. Article 226 and 32 empower the High Court and Supreme Court to issue writs as well to protect citizens rights.
- **CHECKS AND BALANCES:** The judiciary is a civil service that serves as a check on the two branches of government i.e. Legislature and Executive ensure that they do not exceed their powers. This role maintains the principle of separation of powers and ensures accountability in governance.⁵
- **INTERPRETATION OF LAWS:** As we all know, the Judiciary interprets the law. Here, Interpretation of law means the process whereby the judiciary examines the legality of legislations which were enacted by the Parliament and also their extent of consistency with the Constitution and other laws. Judiciary uses various rules to interpret the law like Golden Rule, Literal Rule, Harmonious Construction etc. It acts as a final interpreter of laws.⁶
- **JUDICIAL ACTIVISM AND SOCIAL JUSTICE:** The use of judicial activism in recent years has connected the judiciary with social issues through Public Interest Litigations (PILs). This approach helps the judiciary in taking action on the issues faced by deprived groups and critical social concerns, making it a stronger instrument for social justice.
- **ENSURING FAIR ELECTIONS:** The judiciary is in charge of making sure the election process is fair. It does this by dealing with problems that come up during elections and making sure everyone is represented equally. The judiciary has looked at some important cases and made sure that elections were fair which shows how important it is for keeping democracy honest. It does this by keeping an eye on

⁴C.B.P. Srivastava, *the judiciary's role in complete justice*, THE HINDU, (May 27,2026), <https://www.thehindu.com/news/national/the-judiciarys-role-in-complete-justice/article71026555.ece>.

⁵ vibhour. The Role of Judiciary in Indian Democracy Explained. 1 Nov. 2024, <https://sleepyclasses.com/judiciary-in-indian-democracy-for-upsc/>.

⁶ Sangve, Pushkaraj A., and Akshay A. Chate. 'ROLE OF JUDICIARY IN SHAPING LEGISLATIONS IN INDIA'. International Journal for Legal Research and Analysis, no. 7, Mar. 2025. www.ijlra.com, <https://www.ijlra.com/details/role-of-judiciary-in-shaping-legislations-in-india-by-pushkaraj-a-sangve-akshay-a-chate->.

elections and making sure they are fair. The judiciary plays a big role in maintaining democratic integrity and the judiciary helps to keep democracy safe. It is also seen in the case of *SP Gupta v. UOI*.⁷

KEY CHALLENGES FACING THE JUDICIARY IN INDIAN DEMOCRACY

There are some challenges faced by the Judiciary in Indian Democracy. These are mentioned as under:

- **BACKLOG OF CASES:** As there are millions of cases pending in Indian courts, it creates delays in the efficiency of justice delivery. This backlog often undermines public trust in the judicial system.
- **JUDICIAL INDEPENDENCE VS. ACCOUNTABILITY:** There needs to be balance in judicial independence and accountability which is crucial. Whereas independence protects judges from political interference, accountability ensures transparency.
- **LIMITED RESOURCES:** Moreover, Indian courts lack resources such as shortage of judges and insufficient infrastructure and must be addressed to bring in efficiency.

KEY JUDGMENTS:

The starting point of the PIL revolution was with landmark ⁸*S.P. Gupta vs. President of India and others*. While delivering the judgment, Justice P.N. Bhagwati held that “any member of the public acting bona fide and having sufficient interest in instituting an action for redressal of public wrong or public injury could move the court”.

In the landmark case of ⁹*Keshavananda Bharati v. State of Kerala (1973)*, the Supreme Court ruled about the federalism which forms the Basic Structure of the Indian Constitution. Further, in the *S R Bommai case of 1994*, the Supreme court laid down some guidelines regarding use of power by the President under Article 356 in order to ensure state autonomy.¹⁰

⁷ *S.P. Gupta v. Union of India* AIR 1982 AIR 149.

⁸ *S.P. Gupta v. President of India and Ors.* AIR 1982 SC 149.

⁹ *Keshavananda Bharati v. State of Kerala (1973)* AIR 1973 SC 1461.

¹⁰ Sangve, Pushkaraj A., and Akshay A. Chate. ‘ROLE OF JUDICIARY IN SHAPING LEGISLATIONS IN INDIA’. *International Journal for Legal Research and Analysis*, no. 7, Mar. 2025. www.ijlra.com, <https://www.ijlra.com/details/role-of-judiciary-in-shaping-legislations-in-india-by-pushkaraj-a-sangve-akshay-a-chate->.

“When courts act to empower the powerless, grounded in constitutional text and moral clarity, they do not usurp democracy - they deepen it.”

Justice Kant

CONCLUSION

The judiciary in India has played a part in shaping the laws of the country over the years. The Judiciary is very important for democracy and it does a lot more than just interpret the law. It is the base of justice. It works to protect the freedom of people, make sure people are responsible for their actions and support the law. The Judiciary makes sure that the legislature and the executive are doing their jobs correctly when it comes to making and enforcing laws. It also promotes the principles of the constitution. Make sure that the law is applied equally to everyone. The Judiciary checks to see if the laws made by the Legislature are fair and do not take away the rights of individuals. The judiciary in India is really important for making sure that the laws are just and fair. The Judiciary in India has a role in defending the freedom of people and supporting the law.¹¹

¹¹ Sangve, Pushkaraj A., and Akshay A. Chate, supra note 10 at 11.