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# TRANSFORMATIVE JUSTICE: JUDICIAL ACTIVISM AS A CATALYST FOR CONSTITUTIONAL EVOLUTION IN INDIA

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Saara Upadhyaya<sup>1</sup>

## I. ABSTRACT

In an era where the boundaries of rights and governance are constantly tested, judicial activism emerges as a significant force for constitutional interpretation, reshaping the landscape of justice and democracy. The necessity of Judicial Activism is prevalent in all the cases where there is a want of justice that is not legislated by a specific law but is established through constitutional principles.

This paper aims to explore and discuss the role of judicial activism in the interpretation of the Constitution. It highlights the important features of judicial activism in establishing constitutional law in India and also discusses its types. It also discusses how judicial activism differs across various countries and legal systems and gives a Comparative analysis of judicial activism between India, Pakistan, South Africa, Canada, and the USA. This study throws light on how two distinct philosophies, i.e. judicial activism and judicial restraint differ in interpreting the Constitution in their ways.

This paper discusses and analyses some of the most prominent case laws like *Keshavananda Bharathi vs State of Kerala*, *Golaknath vs State of Punjab*, and *Vishaka vs. State of Rajasthan* that shaped judicial activism in India. This study reflects on the importance of maintaining a judicious approach to activism within the judiciary while upholding constitutional values. It concludes with recommendations and highlights the importance of judiciary intervention in the Constitution.

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<sup>1</sup> B.A.LL.B student at Kalinga Institute of Industrial Technology, School of Law.

## II. KEYWORDS

Judicial Activism, Constitutional interpretation, Judicial Restraint, Judicial review, Democracy

## III. INTRODUCTION

Chief Justice P.N. Bhagwati ~ *“It is for the judge to give meaning to what the legislature has said and it is this process of interpretation which constitutes the most creative and thrilling function of a judge.”*

As per the Indian Constitution, the state's primary duty is to guarantee justice, freedom, equality, and brotherhood to individuals in the country. It is the responsibility of the State to safeguard the basic rights of individuals and to put into action the Directive Principles of State Policy. The Indian Constitution has given the Court the authority to review the state's actions to ensure it fulfills its duties. In this scenario, the Indian courts are seen as the defender and custodian of the Indian Constitution.

The Black's Law Dictionary defines judicial activism as *“judicial philosophy which motivates judges to depart from the traditional precedents in favor of progressive and new social policies”*<sup>2</sup>. Ronald Dworkin opposes a literal interpretation of the constitutional text as it restricts constitutional rights to only those acknowledged by a specific group of people at a certain point in history. Even in its early days of use, the term was primarily seen as an insult. In 1956, Louis Pollak, who is now a judge, noted that most judges view 'judicial activism' as a foreign concept that some of their colleagues may occasionally succumb to.<sup>3</sup>

Judicial activism is a process where judges take charge and play a proactive role in interpreting the Constitution. This approach allows them to shape laws in ways that promote justice and protect individual rights. Additionally, it serves a broader social

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<sup>2</sup> Mirdha, M., & Bardia, M. (2021). Judicial activism vis-a-vis judicial adventurism: Impact on Indian polity. *International Journal of Research and Analytical Reviews*, 8(3).

<sup>3</sup> Lawctopus. (n.d.). Judicial activism: Constitutional challenges in India. *Academike*. Retrieved December 25, 2024, from <https://www.lawctopus.com/academike/judicial-activism-constitutional-challenges-india/>

agenda by sometimes overlooking established legal precedents and past constitutional interpretations. Here the judges play the role of an activist by intervening and stretching the law a little for bringing justice to the doorsteps of the citizens. Public Interest Litigation is the result of judges from the Supreme Court and High Courts engaging in judicial activism.

Most often activism is said as a pejorative term. In our system, courts typically do not create policies; instead, they uphold policies outlined in the Constitution and statutes. We are aware that it is nearly impossible to strictly follow this rule, but just having the rule in place makes the idea of judicial activism questionable. How individuals perceive judicial activism is influenced by their view of the constitutional court's appropriate function within a democratic society.

Individuals who define the function of a constitutional court in a limited manner, focusing solely on applying existing legal rules to specific scenarios, often view a liberal or progressive perspective as equivalent. Analyzing a law with an active approach. People who believe that a constitutional court should have a broader role, interpreting vague language in a written constitution and adapting to modern times, often see judicial activism as a standard part of their judicial duties, not an anomaly.

#### IV. ORIGIN AND HISTORICAL CONTEXT

Lord Hewart, CJ ~ *"It is fundamentally important that justice not only be done but also be clearly and undeniably seen to be done."*

This adage was laid down by Lord Hewart, the then Lord Chief Justice of England in the case of *Rex v. Sussex Justices*.<sup>4</sup> This famous dictum gave rise to the concept of judicial activism and became the basis of the principles of natural justice.

The theory of judicial activism originated in the United Kingdom during Stuart's reign i.e., between 1603 to 1688 when the British unwritten constitution gave the scope for judicial review and hence judicial activism. In the case of *Thomas Bonham v. College of Physicians* (1610)<sup>5</sup> Justice Edward Coke established the principle of judicial review,

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<sup>4</sup> *Rex v. Sussex Justices, ex parte McCarthy* [1924] 1 K.B. 256 (C.A.).

<sup>5</sup> Britannica. (n.d.). *Bonham's case: Legal precedent, judicial review & habeas corpus*. In *Encyclopedia Britannica*. Retrieved from <https://www.britannica.com>

and decided that the courts can review and declare void any law passed by parliament that goes against common law or reason. This was further supported by Sir Henry Hobart, who became the Court of Common Pleas chief justice in 1615 by succeeding Justice Coke.

Nonetheless, the precise term "judicial activism" was coined by Arthur Schlesinger Jr. in his article "The Supreme Court: 1947," published in the January 1947 edition of Fortune Magazine. He utilized the term to classify the American Supreme Court justices of that period as activist judges, proponents of self-control, and judges who fell somewhere in the middle.

The initial major instance of judicial review was seen in *Madbury v. Madison* (1803)<sup>6</sup>, where the US Supreme Court defined the judiciary's role in interpreting the Constitution and ruled specific parts of the Judiciary Act of 1801 as unconstitutional.

During the mid-20th century, judicial activism became more prevalent with the *Brown v. Board of Education* (1954) ruling, as courts started actively tackling social injustices like racial segregation. During this time, courts started to not only interpret laws but also actively shape public policy and safeguard individual rights.

In India, judicial activism arose in reaction to structural inequalities and violations of human rights, particularly following independence. The implementation of Public Interest Litigation (PIL) in the 1970s enabled courts to tackle problems impacting vulnerable communities, deepening the integration of activism into the legal system.

## V. TYPES OF JUDICIAL ACTIVISM

Judicial activism can take various forms, each reflecting the ways in which judges actively shape legal and societal outcomes. Below are some key types of judicial activism:

- **Procedural judicial activism:** Judges help establish the facts at hand, set deadlines for certain procedural actions, limit the questioning of witnesses, determine the amount of expert witnesses allowed, and regulate the duration

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<sup>6</sup> Britannica. (n.d.). *Marbury v. Madison: Background, summary, & significance*. In *Encyclopedia Britannica*. Retrieved from <https://www.britannica.com>

of speeches. Judges can play an active role in overseeing court procedures by establishing timelines and deciding what evidence is permissible, all to guarantee fair trials.

- **Socio-political judicial activism:** Judges participate in activism for social and political change, frequently getting involved in cases that impact public policy and societal norms.
- **Human rights judicial activism:** Courts safeguard human rights by interpreting laws with a focus on humanitarian concerns, guaranteeing that laws adhere to basic rights. Providing a humanitarian interpretation to legislation in order to ensure judicial protection of human rights.
- **Progressive & Regressive Judicial Activism:** Progressive Judicial Activism seeks to promote the principles that are at the core of the Constitution. Regressive judicial activism, on the contrary, is activism that operates beyond the scope of progressive judicial activism's objectives. It mainly happens in politics when judges let their political beliefs sway their decisions.

## VI. FEATURES OF JUDICIAL ACTIVISM IN ESTABLISHING CONSTITUTIONAL LAW IN INDIA

### A. Broadening Basic Freedoms

Judicial activism has played a crucial role in expanding the range of fundamental rights safeguarded by the Indian constitution. The courts have recognized further rights and freedoms by interpreting the law in a way that, though not explicitly mentioned, is deemed crucial within the Constitution.

In the case of *Sunil Batra v. Delhi Administration*<sup>7</sup>, the Court stated that a writ of habeas corpus can be granted not just for individuals detained illegally, but also for those in unlawful custody. Freeing someone from illegal imprisonment is not only about releasing them but also about ensuring they are protected from cruel and inhumane treatment.

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<sup>7</sup> *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494; AIR 1978 SC 1675.

## **B. PIL (Public Interest Litigation)**

Public Interest Litigation in India is strongly connected to the rise of judicial activism. The courts have allowed individuals or organizations to bring cases before them on behalf of those who cannot do so, thus dealing with issues that affect the public. This has proven to be a successful method for promoting social equality and ensuring responsibility. The Court has provided specific suggestions for addressing "Sexual harassment of women in the workplace".

The Delhi Democratic Working Women's Forum v Union of India<sup>8</sup> and Vishaka v. State of Rajasthan<sup>9</sup> Cases address women in the workforce. The Supreme Court has also provided guidelines in Gaurav Jain v. Union of India.<sup>10</sup> To protect female prostitutes and their children.

## **C. Safeguarding the Rights of Minorities**

The judiciary in India has been crucial in protecting the rights of minority groups. The courts have upheld the principle of equality and non-discrimination in numerous rulings, guaranteeing that minority groups are not deprived of their constitutional rights. Despite the legislature's interest in ending discrimination and prejudice against the Shudras and lower caste members, the legislation prepared to achieve this goal was not effectively implemented due to poor execution and a lackadaisical attitude from the executive.

At present, the judiciary has taken a proactive stance in implementing laws for Dalits to improve their challenging conditions. The Supreme Court has issued multiple rulings to improve the status of Dalits and ensure their equality in society compared to other castes. (State Kerala v. N.M.Thomas)<sup>11</sup>.

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<sup>8</sup> Delhi Democratic Working Women's Forum v. Union of India, (1995) 1 SCC 14.

<sup>9</sup> Vishaka v. State of Rajasthan, (1997) 6 SCC 241; AIR 1997 SC 3011.

<sup>10</sup> Gaurav Jain v. Union of India, (1997) 8 SCC 114; AIR 1997 SC 3021.

<sup>11</sup> State of Kerala v. N.M. Thomas, (1976) 2 SCC 310; AIR 1976 SC 490.

## **D. Conservation of the Environment**

The practice of judicial activism is common in cases related to the environment. The judiciary has played an active role in addressing environmental problems by creating rules and regulations to protect the environment and support sustainable growth. This was seen in the response to the Bhopal Gas Tragedy<sup>12</sup>, where environmental safeguards were added to the Constitution and the right to safeguard the environment was recognized as a fundamental right under Article 21 of the Indian Constitution.

## **E. Examining Actions of the Executive and Legislative Branches**

The judicial branch checks the actions of the legislative and executive branches to make sure they adhere to constitutional standards. This involves assessing laws and procedures to make sure they do not violate basic rights or the fundamental principles of the Constitution<sup>13</sup>.

## **F. Judicial Review**

The judiciary has the power to determine the legality of laws and executive actions. The judicial branch has utilized this authority to nullify laws that go against constitutional limitations.

## **G. Growing interpretation**

Judicial activism involves a flexible and increasing interpretation of the Constitution to meet society's evolving needs. The judicial branch uses constitutional principles to address current problems, maintaining the Constitution's timeliness and usability across different situations. In *Keshvananda Bharati v. State of Kerala*<sup>14</sup>, the court altered its position and offered fresh explanations of laws according to the situation.

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<sup>12</sup> *Union Carbide Corporation v. Union of India*, 1990 AIR 273, 1989 SCC (2) 540

<sup>13</sup> S. C. Kashyap, "Judiciary-Legislature Interface", Subhash C. Kashyap (ed.), *Judicial Activism and Lokpal*, UppalPublishing House, New Delhi, 1997, pp. 60-76, at p.71.

<sup>14</sup> *Kesavananda Bharati Sripadagalvaru & Ors. v. State of Kerala & Anr.*, (1973) 4 SCC 225, AIR 1973 SC 1461.



## VII. JUDICIAL ACTIVISM VS JUDICIAL RESTRAINT

The way the US judiciary interprets the Constitution is crucial to its operation, and two main schools of thought have developed in this regard: judicial activism and judicial restraint. These methods impact the way judges read the Constitution and statutes, which in turn affects the distribution of power among the three arms of government and individual rights. A strict constructionist judge may decide cases by interpreting the Constitution strictly or based on the original intent of the framers. A judge who engages in judicial activism can make decisions in a broad manner, while also recognizing and considering the developments since 1787. The actions taken by the judiciary and the limitations imposed by the judiciary are completely opposite methods. Both Supreme Court activism and judicial restraint, crucial in the United States, are linked to a nation's court system and serve as a safeguard against the misuse of administrative or legislative authority according to the Constitution. These methods are closely connected to the country's judicial system<sup>15</sup>.

### A. Judicial activism

Judicial activism is a common method that includes some judges who would interpret the Constitution as they believed it should be interpreted by their estimation of what was necessary to the principles

and circumstances of our day. Activist judges commonly resort to interpreting the Constitution in light of modern challenges, which generally implies they readily expand on ideas that are not written in its text.

This method of shaping the law through deferring with precedent can give us significant judicial decisions that change laws and regulations, especially in areas like social justice, environmental protection, etc. Defenders of judicial activism contend that the Constitution is a living document, designed to grow and change with new social mores. From this standpoint, the judiciary should have an active role in fostering social progress and protection of individual freedoms.

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<sup>15</sup> Kamalnath Nayak. Judicial Activism Vs. Judicial Restraint : Judicial Review. Int. J. Rev. and Res. Social Sci. 4(2): April - June, 2016; Page 107-111.

Activist judges have the authority to overturn laws or government actions that they believe are unjust or incompatible with contemporary notions of equality and justice. Landmark rulings like *Brown v. Board of Education* (1954), which found racial segregation in public schools to be unconstitutional, exemplify judicial activism by challenging regulations that were seen as contradicting shifting societal norms.

## **B. Judicial Restraint**

Judicial restraint, on the other hand, promotes a more conservative stance and highlights the judiciary's constrained involvement in the legislative process. Judges who follow this school of thought aim to interpret the Constitution in a way that honors both its original meaning and the framers' intentions.

They generally respect the legislative and executive branches and are less inclined to overturn laws, thinking that they are better suited to handle policy matters. The foundation of the American political system is the concept of checks and balances, which is the basis of judicial restraint. Judges who exercise restraint accept the decisions made by elected officials in order to prevent judicial overreach and preserve a stable government.

They contend that legislation should only be challenged in court when it blatantly violates constitutional rights. This school of thought promotes judicial decision-making that is careful and courteous, upholding the legislative branch's authority and making sure that judges do not impose their own values on the law.

## **C. Important variations between Judicial Activism and Judicial Restraint**

- **Interpretation of the Constitution:** Taking into account the spirit of the legislation and its applicability to current concerns, judicial activists typically take a broad interpretation of the Constitution. On the other hand, proponents of judicial restraint favor a rigorous reading that emphasizes the language and the framers' original purpose.

- **The Role of the Judiciary:** Restraint-focused judges view the judiciary's main purpose as interpreting laws rather than creating or changing them, whereas activist judges believe it is crucial for shaping policy and protecting rights.
- **Engagement with the Legislative Branch:** Activists in the court actively oppose legislative decisions, striving to overturn laws they believe are not in line with modern values. In contrast, judicial restraint emphasizes the importance of legislative authority and supports laws unless they clearly contradict the Constitution.
- **Objectives and Results:** Judicial activism often seeks to promote social justice and protect individual rights by updating laws to fit current conditions. On the contrary, judicial restraint seeks to maintain the government's power by ensuring that elected officials remain significant in creating public policy.

If a precedent goes against current principles, judicial activists may highlight the necessity of change and be more likely to overturn it. Judges who have a conservative approach typically prioritize precedent and promote uniformity and reliability within the legal system. In summation, judicial activism and judicial restraint are two distinct philosophies that relate to interpreting the Constitution. Activism aims to update laws to reflect present social needs and values, whereas restraint emphasizes sticking to the original text of the Constitution and the intentions of its creators.

These varying methods impact both specific cases and the overall direction of American law and governing, molding citizens' rights and the distribution of power between government branches. Grasping the complexities of judicial decision-making in the United States hinges on understanding these philosophies.

## VIII. COMPARATIVE ANALYSIS OF JUDICIAL ACTIVISM BETWEEN INDIA, PAKISTAN, SOUTH AFRICA, CANADA AND USA

Judicial activism is displayed in different ways in different countries and legal systems, influenced by historical, cultural, and political backgrounds. While certain

countries support a proactive judiciary to promote social justice and safeguard rights, others are wary, fearing excessive interference and a weakening of democratic values. This investigation showcases how judicial activism acts as a driver of change and a point of disagreement in the understanding of constitutional law globally. In this study, I will critically analyze the process of judicial activism in 5 countries i.e., India, Pakistan, South Africa, Canada, and the USA.

In India, judicial activism has developed in reaction to violations of human rights and excessive government power, especially following the Emergency period in the 1970s. The Indian legal system utilizes tactics such as Public Interest Litigation (PIL) to tackle societal injustices, enabling the judiciary to be proactive in safeguarding the rights of individuals. The Supreme Court frequently interprets constitutional provisions broadly to advance progressive social policies, presenting itself as a guardian of the nation's conscience.

Similarly, in South Africa, judicial activism is marked by a strong commitment to human rights and social justice, shaped by the country's history of apartheid. Advocacy in the judicial system is defined by a dedication to human rights and social fairness, stemming from its history of apartheid. The Constitutional Court has a vital role in interpreting the Constitution to advance equality and safeguard marginalized groups. This type of activism is commonly viewed as essential for holding governmental power in check and ensuring that the Constitution's transformative objectives are achieved.

In contrast, Pakistan exhibits a more complex form of judicial activism, often intertwined with political dynamics. While the judiciary has occasionally acted as a check against military and executive power, such interventions have raised concerns about overstepping boundaries and encroaching on legislative functions.

In the USA, judicial activism is characterized by the Supreme Court's broad interpretation of the Constitution and frequent interventions in legislative and executive matters. For instance, landmark cases like *Brown v. Board of Education*

(1954)<sup>16</sup> Illustrate how the Court used the Equal Protection Clause of the Fourteenth Amendment to overturn laws enforcing racial segregation. The history of the U.S. judiciary involves using judicial review to establish its power, resulting in major societal shifts as well as criticisms of excessive influence and political bias. The introduction of politics into judicial appointments adds another layer of complexity, as justices could be seen as promoting specific ideologies.

On the other hand, Canada demonstrates a more moderate approach to judicial activism, emphasizing the rule of law. The Canadian Charter of Rights and Freedoms<sup>17</sup> Is interpreted by the Supreme Court of Canada, who prioritize balancing individual rights with legislative authority. Although Canadian judges have been accused of activism in cases concerning social issues such as LGBTQ+ rights, they tend to prioritize legal reasoning over political ideology in their rulings. Additionally, the judicial appointment process in Canada seeks to minimize bias, resulting in a judiciary generally perceived as less ideologically driven than its American counterpart.

Overall, while judicial activism serves as a vital mechanism for upholding constitutional principles globally, its application and implications differ widely based on each country's unique legal and cultural landscape.

## IX. CASE LAWS OF JUDICIAL ACTIVISM

The English courts formed the entire common law, but it is based on the misconception that judges just discovered the law. Despite their self-deprecating view of their own duty, English judges not only developed the law but also modified it to suit the radically new conditions generated by the Industrial Revolution.<sup>18</sup>

In the House of Lords, **Rylands v. Fletcher**<sup>19</sup> and **Donoghue v. Stevenson**<sup>20</sup> These are two common law examples of judicial law-making. These are cases where the English courts expanded and developed negligence not literally, but by way of legal

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<sup>16</sup> Brown v. Board of Education, 347 U.S. 483 (1954).

<sup>17</sup> Government of Canada. (1982). *Canadian Charter of Rights and Freedoms*. Retrieved from <https://laws-lois.justice.gc.ca/eng/const/page-15.html>

<sup>18</sup> S. P. Sathe, Judicial Activism: The Indian Experience, 6 WASH. U. J.L. & POL'y 29 (2001).

<sup>19</sup> Rylands v. Fletcher, 1861-73 Eng. Rep. I (H.L. 1868).

<sup>20</sup> Donoghue v. Stevenson, A.C. 562 (1932)

interpretation: to facilitate making good losses across a wider social range than an agricultural society. The judges, however, sustained the myth that they did not create any law.

However, in India, there are various landmark cases that shaped judicial activism. In the **Keshavananda Bharathi case**<sup>21</sup>, the Supreme Court ruled for the first time that a constitutional amendment approved by the legislature was deemed invalid if it harmed or compromised its fundamental framework. This was a massive legal stride never before seen in any justice system. This declaration ensured the dominance and durability of the Constitution, making it so that Parliament could not alter its fundamental aspects.

The Supreme Court's judgment has been criticized for not clearly defining the basic features, allowing the judicial arm to be extended without limits. Article 21<sup>22</sup> The Indian Constitution states that no individual can be denied their life and freedom except through legal means, making it a powerful tool for the Indian judiciary. Article 21 was interpreted to include a fresh set of rights that were not originally listed in the Constitution.

In the case of **Golaknath v Punjab**<sup>23</sup>, The family contested the 1953 Punjab Act by filing a challenge under Article 32<sup>24</sup>, claiming it violated their constitutional rights to own property, work in any occupation, and receive equal treatment under the law (Article 19(f) and (g)<sup>25</sup>) (Article 14<sup>26</sup>). The legality of the seventeenth amendment, which incorporated the Punjab Act into the ninth schedule, was questioned for exceeding jurisdiction. It was decided by the court that Parliament does not have the authority to limit any of the fundamental rights stated in the Constitution.

Despite revising its stance six years later, the court maintained that no institutional entity could change the democratic core of the Constitution. This case started and

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<sup>21</sup> AIR 1973 SC 1461

<sup>22</sup> Academike. (n.d.). *Article 21 of the Constitution of India: Understanding right to life and personal liberty from case laws*. Lawctopus. Retrieved from <https://www.lawctopus.com/academike>

<sup>23</sup> 1967 AIR 1643

<sup>24</sup> Indian Kanoon. (n.d.). *Article 32 in Constitution of India*. Retrieved from <https://indiankanoon.org>

<sup>25</sup> Indian Kanoon. (n.d.). *Article 19 in Constitution of India*. Retrieved from <https://indiankanoon.org>

<sup>26</sup> Indian Kanoon. (n.d.). *Article 14 in Constitution of India*. Retrieved from <https://indiankanoon.org>

evolved the court's legal principles regarding what later became the "basic structure doctrine". The court was responsible for stopping the erosion of fundamental constitutional values under this doctrine. In 1967, the court ruled that Parliament cannot limit any of the fundamental rights protected by the Indian constitution.

In the case of **Vishaka v State of Rajasthan**<sup>27</sup>, the court established comprehensive guidelines to stop sexual harassment of women at work, until specific legislation is passed for this. It was determined that every public and private owner has a responsibility to stop sexual harassment of women at work. The court also required the guidelines to be visible at the workplace and urged the legislature to create a thorough law regarding the matter.

## X. CONCLUSION

Judicial activism is a sine qua non of democracy because, without an alert and enlightened judiciary, democracy will be reduced to an empty shell. It is obvious that under a constitution, a fundamental feature of which is the rule of law, there cannot be any restraint upon judicial activism in matters in which the legality of executive orders and administrative actions is questioned. The courts are the only forum for those wronged by administrative excesses and executive arbitrariness.<sup>28</sup>

The role of judicial activism is not just limited to shaping the Constitution but also acts both as a guardian of individual rights and a catalyst for social change. Legislature is for law making not law checking. Therefore, by allowing courts to actively engage with the Constitution, courts can tackle modern problems that legislatures might neglect or handle inadequately. This progressive technique can enable the legal system to adjust constitutional principles to the changing requirements of society, guaranteeing that justice stays pertinent and available.

Nevertheless, the consequences of judicial activism are met with dispute. Critics frequently claim that it poses a threat to the division of powers and impinges on the jurisdiction of the legislature. The difficulty is in finding a middle ground between

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<sup>27</sup> (1997) 6 SCC 241

<sup>28</sup> Indian Journal of Law and Legal Research, Volume IV Issue III | ISSN: 2582-8878

essential court involvement and honoring democratic procedures. Judicial activism in countries like the United States and India has resulted in notable progress in civil rights, environmental conservation, and social equality. However, it has also triggered discussions on judicial activism and responsibility.

In the end, the significance of judicial activism in interpreting the Constitution highlights the need for a judiciary that is responsive to societal values but still follows constitutional guidelines. While maneuvering through intricate legal terrains, it is important to continue discussing the limits and duties of judicial activism. This guarantees that courts can continue to be fair judges of justice while upholding democratic values, thereby strengthening their crucial duty of protecting constitutional integrity for future generations.

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