

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also visible. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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JUDICIARY AS THE GUARDIAN OF DEMOCRATIC VALUES

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CHAPTER – 3

JUDICIARY AS THE GUARDIAN OF DEMOCRATIC VALUES

The judiciary plays a central role in safeguarding democratic values in India by ensuring that the principles of the Constitution are upheld in both letter and spirit. In a democracy, power is distributed among the legislature, the executive, and the judiciary, with each organ functioning within defined limits. The judiciary acts as the sentinel of this balance, preventing any arbitrary use of power and ensuring that the government operates in accordance with the rule of law. By interpreting and enforcing constitutional provisions, courts maintain the integrity of democratic institutions and protect the rights of citizens against excesses of the State.

One of the key ways the judiciary upholds democracy is through the protection of fundamental rights. Articles 32 and 226 empower the Supreme Court and High Courts to intervene when individual liberties are threatened, allowing citizens to challenge unlawful actions of the State. By providing a forum for redressal, the judiciary ensures that citizens have meaningful access to justice. This role not only protects individual freedoms but also reinforces the principle that the State is accountable to the people, a cornerstone of democratic governance.

The judiciary also strengthens democracy by enforcing checks and balances on legislative and executive actions. Through judicial review, courts examine whether laws and policies conform to constitutional standards, thereby preventing majoritarian excesses that could undermine minority rights or the basic structure of the Constitution. Landmark cases such as *Kesavananda Bharati v. State of Kerala* and *Mines v. Union of India* illustrate how the judiciary intervenes to preserve the fundamental principles of democracy, including equality, separation of powers, and the supremacy of the Constitution.

114. Judicial accountability mechanisms.

115. Media trial and judicial independence.

Another important function of the judiciary in a democratic society is ensuring transparency and accountability in public administration. Courts scrutinise administrative actions to ensure they are reasonable, lawful, and free from arbitrariness. Writs such as mandamus and certiorari empower courts to compel authorities to perform their legal duties or correct unlawful actions. This oversight helps prevent misuse of executive power and promotes good governance, reinforcing public confidence in democratic institutions.

The judiciary also plays a vital role in upholding the democratic process itself, particularly through the protection of free and fair elections. By adjudicating electoral disputes and ensuring compliance with election laws, the courts preserve the legitimacy of representative institutions. The judgment in *Indira Gandhi v. Raj Narain*, for example, demonstrated the judiciary's willingness to act decisively to protect electoral integrity, showing that democratic authority derives from lawful and fair processes rather than mere political power.

In conclusion, the judiciary serves as the guardian of democratic values by upholding constitutional supremacy, protecting fundamental rights, and ensuring accountability and transparency in governance. Its interventions preserve the balance of power among the organs of the State and prevent arbitrary or unconstitutional actions. By enforcing the rule of law and defending the principles of equality, liberty, and justice, the judiciary strengthens democracy in India, ensuring that it remains resilient, inclusive, and responsive to the needs of its citizens.

3.1 Constitutional Role of Judiciary in Democracy

The judiciary occupies a pivotal position in India's democratic framework as the custodian of the Constitution and the protector of the rule of law. Its constitutional role extends beyond mere dispute resolution, encompassing the enforcement of fundamental rights, interpretation of laws, and maintenance of the balance of power among the State's organs.

116. Imp. act of social media on courts.
117. Judicial review and good governance.

By exercising these functions, the judiciary ensures that democracy operates according to constitutional principles rather than arbitrary decisions or majoritarian impulses. This institutional role makes the judiciary indispensable for preserving democratic governance in a diverse and pluralistic society like India.

One of the core constitutional roles of the judiciary is to uphold the supremacy of the Constitution. Through judicial review, courts can examine the validity of legislative enactments and executive actions, ensuring they conform to constitutional norms. This authority prevents encroachment on fundamental rights, maintains the separation of powers, and safeguards the basic structure of the Constitution. Landmark judgments, such as *Kesavananda Bharati v. State of Kerala*, exemplify how the judiciary enforces constitutional limits on parliamentary and executive authority, thereby reinforcing democratic accountability.

The judiciary also functions as the protector of fundamental rights, which are essential for sustaining a democratic society. Articles 32 and 226 empower citizens to approach the Supreme Court and High Courts directly when their rights are threatened. This constitutional safeguard ensures that individual liberties, such as freedom of speech, equality, and life and personal liberty, are effectively enforced. By providing mechanisms for redressal, the judiciary empowers citizens and prevents arbitrary actions by the State, thereby fostering public trust in democratic institutions.

Another important constitutional role of the judiciary is to act as a mediator in federal disputes and conflicts between different organs of the government. Articles 131, 136, and 137 give the Supreme Court original and appellate jurisdiction in matters involving the Union and the States, helping to maintain the federal balance. This oversight ensures that governance is not dominated by one authority and that the principles of cooperative federalism are respected, contributing to political stability and democratic continuity.

118. Environmental jurisprudence cases.

119. NGT and judicial oversight.

120. Forest conservation cases.

The judiciary also guarantees accountability and transparency in administration by reviewing the actions of executive authorities. Writs such as mandamus, prohibition, and certiorari empower courts to correct administrative excesses and ensure that public officials act within the limits of the law. This function reinforces the principle that in a democracy, power is exercised for public welfare and not personal or arbitrary advantage, making governance more accountable and citizen-centric.

In essence, the constitutional role of the judiciary in a democracy is multi-dimensional: it enforces the supremacy of the Constitution, protects fundamental rights, maintains checks and balances among the organs of the State, and ensures accountability in governance. By performing these functions, the judiciary not only upholds the rule of law but also strengthens democratic institutions, ensuring that India's democracy remains resilient, inclusive, and faithful to its constitutional ideals.

3.2 Independence of Judiciary as a Pillar of Democracy

The independence of the judiciary is a cornerstone of a functioning democracy, ensuring that justice is delivered impartially and without influence from the legislature, executive, or other political forces. In India, the Constitution guarantees judicial independence through a combination of structural safeguards, procedural norms, and functional autonomy. This independence enables courts to act as impartial arbiters, protecting the Constitution and democratic principles against arbitrary or unconstitutional actions by other organs of the State. Without an independent judiciary, the balance of power in a democracy would be compromised, and citizens' rights would be vulnerable to political interference. Structural independence of the judiciary is ensured through provisions related to the appointment, tenure, and service conditions of judges.

121. Vishaka v. State of Rajasthan, AIR 1997 SC 3011.

122. Chidrights cases. 123Min. ority rights jurisprudence.

Supreme Court and High Court judges enjoy security of tenure and protection against arbitrary removal, which allows them to make decisions based on law and justice rather than fear of reprisal. Additionally, judicial salaries and allowances are charged to the Consolidated Fund of India, ensuring financial autonomy from the executive. These constitutional safeguards help maintain the judiciary as a separate and co-equal branch of government, essential for upholding democratic governance.

Functional independence is equally critical for the judiciary to operate effectively. Judges have the authority to review legislative and executive actions without external pressure, and they enjoy the discretion to interpret laws and the Constitution freely. Judicial review, writ jurisdiction, and appellate powers equip the judiciary to act as the final guardian of constitutional values. This functional autonomy ensures that the judiciary can safeguard fundamental rights, enforce the rule of law, and preserve the democratic framework even in politically sensitive matters.

Independence of the judiciary also strengthens public confidence in the legal system. Citizens are more likely to trust courts when they perceive them as impartial, fair, and insulated from political influence. This trust is essential for maintaining social order, resolving disputes peacefully, and promoting the peaceful coexistence of diverse social, cultural, and political interests within a democracy. Without such confidence, the legitimacy of both the judiciary and the democratic system as a whole would be undermined.

However, judicial independence is not absolute; it must operate in balance with accountability. While judges must be free from undue influence, they are also expected to uphold transparency, integrity, and adherence to legal principles. Mechanisms such as judicial review of administrative action, peer accountability, and procedural norms ensure that independence does not translate into unaccountable authority, but instead strengthens the democratic system by enforcing fairness and justice.

124. Austin, G. (1966). *The Indian Constitution: Corner stone of a Nation*. Oxford University Press.

125. Austin, G. (1999). *Working a Democratic Constitution*. Oxford University Press.

In conclusion, the independence of the judiciary is a pillar of democracy because it preserves the rule of law, enforces constitutional limits on power, and protects citizens' fundamental rights. By functioning autonomously and impartially, the judiciary ensures that India's democratic institutions operate within the boundaries of the Constitution. This independence not only maintains the separation of powers but also reinforces democratic accountability, providing a robust safeguard against authoritarianism and the misuse of political authority.

3.3 Judicial Independence and Judicial Accountability

Judicial independence and judicial accountability are two complementary principles that form the backbone of a robust democratic system. Independence ensures that judges can make decisions free from external pressures, political influence, or personal bias, while accountability ensures that this power is exercised responsibly, transparently, and in accordance with the law. Together, they maintain public confidence in the judiciary and uphold the rule of law, striking a balance between autonomy and responsibility within the judicial system.

Judicial independence in India is guaranteed through constitutional provisions, such as security of tenure, protection against arbitrary removal, and financial autonomy. These safeguards allow judges to interpret the Constitution and laws without fear of reprisal from the legislature, executive, or other interest groups. Independence enables courts to deliver fair and impartial judgments, uphold fundamental rights, and maintain the separation of powers, all of which are essential for sustaining democratic governance.

126. Baxi, U. (1980). *The Indian Supreme Court and Politics*. Eastern Book Company.
127. Baxi, U. (2008). Rule of law in India. *Sur Journal*, 5(8), 6–19.

At the same time, judicial accountability is necessary to ensure that the power entrusted to the judiciary is exercised ethically and in conformity with legal norms. Accountability mechanisms include adherence to judicial codes of conduct, scrutiny by higher courts, and review of judicial decisions in appropriate cases. While judges are independent in decision-making, they are bound by the Constitution, statutes, and precedents, which provide a framework for responsible exercise of their authority.

The balance between independence and accountability is particularly crucial in maintaining the legitimacy of the judiciary. Independence without accountability could lead to arbitrary or unprincipled judgments, undermining public trust. Conversely, excessive interference or politicisation in judicial functioning could compromise independence, eroding the courts' ability to act as impartial arbiters and guardians of democracy. The Indian system has sought to maintain this equilibrium by combining constitutional protections with mechanisms for judicial review and peer oversight.

Landmark judgments and institutional practices in India reflect this delicate balance. For instance, the procedure for the removal of judges under Articles 124 and 217 ensures that judges can not be removed arbitrarily, yet also holds them accountable for proven misbehaviour or incapacity. Similarly, judicial review and appellate mechanisms ensure that errors in judgment can be corrected, reinforcing both accountability and public confidence without compromising independence.

In essence, judicial independence and accountability are mutually reinforcing pillars that preserve the integrity of the judiciary and the democratic system. Independence empowers judges to uphold constitutional principles and protect citizens' rights, while accountability ensures that this power is exercised responsibly and transparently. Together, they safeguard the rule of law, maintain the separation of powers, and strengthen democratic governance by ensuring that the judiciary remains both free and answerable to the Constitution.

128. Bhuvanika, A. (2017). *Courting the People*. Cambridge University Press.

3.4 Public Interest Litigation and Social Justice Jurisprudence

Public Interest Litigation (PIL) has emerged as a powerful instrument through which the Indian judiciary advances social justice and strengthens democratic accountability. PIL allows courts to address grievances affecting groups of people or the public at large, even if the petitioners are not directly impacted. This innovation democratizes access to justice, enabling marginalized and underrepresented communities to seek legal remedies against violations of fundamental rights, environmental degradation, corruption, or administrative neglect. By doing so, PIL reinforces the judiciary's role as a proactive guardian of social and constitutional values.

The origin of PIL in India can be traced to the 1970s, with landmark interventions in cases such as *Hussainara Khatun v. State of Bihar*, which addressed the plight of under-trial prisoners. The courts recognized that justice must be accessible to all, particularly the poor and disadvantaged, even when they lack the resources to approach traditional judicial forums. This marked a departure from conventional adversarial litigation and reflected a rights-based approach aimed at upholding social justice as a constitutional imperative.

Social justice jurisprudence in India has evolved alongside PIL, emphasizing equality, human dignity, and protection of vulnerable groups. The judiciary has interpreted constitutional provisions expansively to enforce Directive Principles of State Policy alongside Fundamental Rights. For example, interventions on issues such as bonded labor, child labor, environmental protection, and the right to education demonstrate the courts' commitment to integrating social justice within constitutional governance. PIL has thus become a vehicle for translating abstract constitutional ideals into practical remedies for society's marginalized sections.

129. Chandrachud, D. Y. (2020). *The Constitution of India: A Contextual Analysis*. Oxford University Press.
130. Dicey, A. V. (1959). *Introduction to the Study of the Law of the Constitution*. Macmillan.
131. Jain, M. P. (2023). *Indian Constitutional Law* (9th ed.). Lexis Nexis.

The judiciary, through PIL and social justice jurisprudence, also holds the executive accountable for policy implementation. Courts have issued directives to governments and administrative authorities to ensure compliance with constitutional obligations, thereby reducing arbitrariness and promoting transparency. By enforcing systemic reforms and public accountability, the judiciary not only protects individual rights but also strengthens institutional mechanisms for governance, reflecting a deep commitment to democratic values.

At the same time, the judiciary has been cautious to maintain a balance between activism and overreach. While PIL expands access to justice, courts have emphasized the need to prevent frivolous or politically motivated litigation. Guidelines have been established to ensure that PIL is used responsibly, maintaining the credibility of the judicial process while allowing courts to address matters of genuine public concern.

3.4.1 Hussainara Khatoon v. State of Bihar

The case of *Hussainara Khatoon v. State of Bihar* (1979) is widely regarded as the cornerstone of Public Interest Litigation (PIL) in India and a landmark in the development of social justice jurisprudence. The case arose when a group of undertrial prisoners in Bihar, many of whom had been detained for years without trial due to poverty and systemic delays, sought relief through the courts. These prisoners were unable to afford legal representation, highlighting a deep inequality in access to justice and a violation of their fundamental right to a speedy trial under Article 21 of the Constitution. The Supreme Court took a proactive and expansive view, emphasizing that justice should not be denied to citizens merely because they are poor or marginalized.

132. S. eervai, H. M. (2016). Constitutional Law of India (4th ed.). Unive. rsal Law Publi. shing.
133. Sathe, S. P. (2002). Judicial Acti. vism in Ind. ia. Oxf. ord Unive. rsity Pre. ss.

The Court held that the right to a speedy trial is an essential component of the right to life and personal liberty under Article 21. It recognized that prolonged detention without trial amounted to a denial of justice and directed the immediate release of under-trial prisoners whose trials had been unreasonably delayed.

Hussainara Khatoon marked a paradigm shift in Indian judicial practice by allowing courts to act on behalf of those who could not represent themselves, effectively broadening the locus standi to include socially disadvantaged groups. This case laid the foundation for Public Interest Litigation, wherein the courts would entertain petitions filed in the interest of public welfare, even if the petitioner was not directly affected by the issue.

The judgment also underscored the judiciary's role as a guardian of fundamental rights and social justice. It highlighted that constitutional protections are not abstract principles but practical safeguards that must be enforced to prevent exploitation, discrimination, and administrative negligence. By intervening in systemic issues such as prolonged detention, the Court demonstrated its willingness to address structural problems impacting vulnerable populations.

The impact of *Hussainara Khatoon* was profound and far-reaching. It led to the release of thousands of under-trial prisoners and prompted reforms in prison administration and criminal procedure. More broadly, it signaled a new era in which the judiciary actively contributed to social justice, using its powers of judicial review and constitutional interpretation to address inequalities and hold the State accountable. In essence, *Hussainara Khatoon v. State of Bihar* represents a landmark in Indian democracy, illustrating how judicial intervention can protect fundamental rights, promote access to justice, and strengthen social accountability. It set a precedent for Public Interest Litigation as a tool for empowering marginalized communities and advancing the principles of equality, liberty, and justice enshrined in the Constitution.

134. Constitution of India, Article 13 (1950).

135. Constitution of India, Article 14 (1950).

3.4.2 Vishaka v. State of Rajasthan

The case of Vish. aka v. Sta. te of Rajas. than (1997) is a miles. tone rul. ing in soc. ial just. ice jurispr. udence. This case conc. erns the viola. tion of rig. hts of wom. en, espec. ially the prote. ction agai. nst sex. ual haras. sment in the. ir pla. ces of work. This case aro. se as a res. ult of the bru. tal mur. der of Bhan. wari Devi, who was an anti- tra. fficking acti. vist in Rajas. than. There was no prop. er just. ice deliv. ered in this case sin. ce the. re were no legis. lative meas. ures to deal with such cas. es of sex. ual harass. ments and oth. er for. ms of violence agai. nst wom. en.

To fill the gap, the court iss. ued a rul. ing that establ. ished the Vish. aka Guide. lines. In the rul. ing, the guide. lines were crea. ted for the purp. ose of provi. ding meas. ures of preve. nting sex. ual haras. sment agai. nst wom. en work. ing in offi. ces. The. se guide. lines cove. red vari. ous aspe. cts rang. ing from the defin. ition of sex. ual haras. sment and prote. ction agai. nst victimi. sation. More. over, the guide. lines stipu. late that inte. rnal complai. nt commi. ttees should be insti. tuted in all offi. ces, amo. ng oth. er iss. ues such as account. ability.

The. se guide. lines were foun. ded und. er Arti. cles 14, 19, and 21 of the Ind. ian consti. tution, whe. re the rig. ht to equa. lity, free. dom of spe. ech and expre. ssion, and the right to life and libe. rty of a per. son, amo. ng oth. ers, are entre. nched in the Ind. ian consti. tution. Thro. ugh the Vish. aka case, it can be said that the Ind. ian judic. iary proacti. vely prom. oted soc. ial just. ice thro. ugh pub. lic inte. rest litig. ation.

136. Consti. tution of India, Arti. cle 19 (1950).
137. Consti. tution of India, Arti. cle 21 (1950).
138. Consti. tution of India, Arti. cle 32 (1950).

The case demonstrated that social justice jurisprudence serves as a fundamental requirement which judges must fulfill under democratic systems. The study recognized that women face structural discrimination while stating that the State must deliver secure and fair work conditions according to its constitutional responsibilities. The Vishaka case enabled judges to connect constitutional principles with actual social conditions.

Vishaka had a revolutionary impact that changed both government policies and public opinion. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which codified Supreme Court guidelines, emerged as a direct result of this process. The case established a legal standard which courts must use to implement broad and purposeful fundamental rights interpretations that advance both social justice and equal rights for all citizens.

The judiciary uses Public Interest Litigation to defend human rights while promoting social justice according to the case of Vishaka v. State of Rajasthan. The Supreme Court established binding rules which protect against sexual harassment, thereby enhancing democratic responsibility and constitutional rights protection, while establishing the judiciary's role to defend disadvantaged groups.

3.5 Judicial Activism and Judicial Restraint

The two different methods of judicial work demonstrate how judges should operate within democratic systems. Judges who practice judicial activism take an active role in interpreting constitutional law and statutory law to protect individual rights and establish social justice and hold executive and legislative branches accountable. Courts should exercise judicial restraint by conducting their work with caution to prevent them from disrupting policy decisions and legislative processes while they should maintain their power to check governmental authority. The two judicial approaches demonstrate how courts must balance their duty to enforce laws with their obligation to honor democratic systems.

139. Constitution of India, Article 50 (1950).

140. Constitution of India, Article 124 (1950).

Judicial activism in India has been more pronounced through the establishment of Public Interest Litigation (PIL) and social justice jurisprudence. Through PIL, the courts have broadened the horizon of fundamental rights, given directions to the government, and enforced the provisions of the Constitution despite the lack of adequate legislative or executive framework. Such judicial activism was evident in landmark decisions like *Hussainara Khatun v. State of Bihar* and *Vish. Aka v. State of Rajasthan*, where courts stepped in to protect marginalized people and promote social welfare.

On the other hand, judicial restraint is necessary for maintaining the fine balance of power among the State institutions. Courts exhibit judicial restraint by not making policy decisions on issues which should be left to Parliament or the Executive. It is judicial restraint that makes the courts defer to the legislature regarding socio-economic planning and financial management or any other policy or political issue except when there is a breach of the Constitution or fundamental rights.

The conflict between judicial activism and judicial restraint is indicative of the twofold duty of the courts as the guardians of the Constitution as well as an arm of State power whose role should be restricted to the interpretation and enforcement of constitutional provisions. While judicial activism helps enforce the rights of the citizens, judicial restraint keeps the judiciary in check.

In India, a careful look at the decisions made by Indian courts will show that both activism and restraint are exercised by judges with due regard to the appropriate circumstances. The Indian judiciary, for instance, exercises judicial activism in enforcing constitutional provisions and holding the government accountable for its actions while exercising judicial restraint in socio-political matters.

141. Constitution of India, Article 136 (1950).

142. Constitution of India, Article 226 (1950).

3.6 Role of Judiciary during Constitutional Emergencies

In ensuring preservation of democratic values, safeguarding basic rights and ensuring checks on governmental powers vis-à-vis those of citizens of a state, the role played by the judiciary in emergency situations is significant indeed. Under India's Constitution, the President has powers to declare emergencies under Articles 352, 356, and 360. Article 352 grants the President power to announce emergency due to 'arising of war or threat of war or external aggression' to the country; Article 356 empowers the President to impose an emergency situation when there arises any 'failure of constitutional machinery in the State', whereas Article 360 authorizes him to declare emergency due to financial problems within the State. Even though the Constitution grants these powers to the President of India for ensuring smooth governance of the State in such situations, it also poses grave danger to the democratic values enshrined in the Constitution. During such a period, the Judiciary acts as an important counter-measure against abuse of the power of the President.

It becomes important for the Judiciary to interpret the Constitution in such a way so as to delineate what are the limitations on exercise of powers by the President. In the case of *A.D.M. Jabalpur v. Shivkant Shukla* (1976), popularly known as the *Habeas Corpus* case, the Supreme Court controversially held that even the rights to life and personal liberty guaranteed by Article 21 of the Constitution can not be claimed by any person in times of National Emergency. The decision was roundly criticized for failing to exercise judicial responsibility in safeguarding basic human rights.

Later judicial developments attempted to amend this judicial aberration through subsequent decisions. Courts in such cases stressed the fact that some features of our Constitution can not be abrogated at all. Although the Executive can take some action in times of emergency which might be restricted later on, these can not go beyond constitutional boundaries.

143. *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

144. *State of Madras v. V.G. Row*, AIR 1952 SC 196.

The role of the judiciary is further extended to examining emergency proclamations. For example, in *S.R. Bommai v. Union of India* (1994), it was held that the proclamations of President's Rule under Article 356 were justiciable and were therefore subject to judicial scrutiny, ensuring that no state government could be arbitrarily dismissed by such a proclamation. Thus, it can be seen that the judiciary is a protector of federalism, democratic governance, and accountability in times of emergency situations.

The judiciary acts as a moral and institutional check on the exercise of emergency power by the executive. Through careful judicial interpretations of the constitutional provisions with focus on the importance of the protection of fundamental rights and maintenance of democracy in the country, the judiciary ensures that emergency powers do not get abused for the establishment of authoritarian rule or political control within the country.

In conclusion, it can be said that the judiciary is crucial in times of constitutional emergencies in the country by ensuring a balance between the requirement of extra-ordinary executive powers to take care of any potential threat to the State and the protection of fundamental rights, democracy, and rule of law.

3.6.1 ADM Jabalpur v. Shivkant Shukla

The case of *A.D.M. Jabalpur v. Shivkant Shukla* (1976), commonly referred to as the Habeas Corpus case, is one of the most significant and controversial judgments in the history of Indian constitutional law, particularly concerning the role of the judiciary during emergencies.

145. *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

146. *State of Madras v. V.G. Row*, AIR 1952 SC 196.

The mat. ter came up when a national emergency had been declared under Article 352 by Prime Minister Indira Gandhi between 1975 and 1977. At this time, the fundamental rights, which included the right to personal liberty under Article 21, were suspended. The crucial question before the Supreme Court was whether citizens were entitled to approach the court for the protection of life and personal liberty in a situation where a national emergency has been declared.

In the majority opinion, a five-judge bench ruled that in an emergency situation, no individual could claim the right to seek judicial redress through the courts regarding their life and personal liberty or any other fundamental rights. In other words, there was no right to seek a writ of habeas corpus. The Court ruled that the right to move the court in seeking habeas corpus is suspended since Article 21 is inoperative during the period of emergency.

The judgment received wide condemnation on grounds that it compromised the judiciary's constitutional duty of protecting the people's fundamental rights and acting as the custodian of democracy. It was perceived as an abdication of responsibility on the part of the Court. However, in later decisions, the Supreme Court clarified that during emergencies, certain features of the Constitution can never be suspended, and some aspects of judicial review will always apply. Later judicial decisions in cases like *Maneka Gandhi v. Union of India* and *Kesavananda Bharati v. State of Kerala* established that rights under Article 21 could not be taken away even during emergency situations.

146. *Golak Nath v. State of Punjab*, AIR 1967 SC 1643.

147. *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

148. *E.P. Royappa v. State of Tamil Nadu*, AIR 1974 SC 555.

The *A.D.M. Jabalpur* case remains a significant reference point in discussions about the limits of executive power, the scope of judicial intervention, and the protection of civil liberties during emergencies. It serves as a stark reminder of the consequences of judicial deference in times of crisis and underscores the need for vigilance to uphold constitutional principles.

In conclusion, *A.D.M. Jabalpur v. Shiv. Kant Shukla* illustrates both the challenges and responsibilities of the judiciary during constitutional emergencies. While the case demonstrated the dangers of judicial acquiescence, it also prompted a reassertion of judicial authority in protecting fundamental rights and maintaining democratic accountability, shaping India's modern understanding of the balance between emergency powers and constitutional safeguards.

3.6.2 Reversal through Justice K.S. Puttaswamy v. Union of India

The *Justice K.S. Puttaswamy v. Union of India* (2017) case, popularly known as the Right to Privacy judgment, played a crucial role in reaffirming and strengthening the judiciary's protective role in safeguarding fundamental rights, indirectly addressing the legacy of decisions like *A.D.M. Jabalpur v. Shiv. Kant Shukla*. While the *Jabalpur* case had curtailed judicial oversight during the Emergency, the *Puttaswamy* judgment underscored that fundamental rights, particularly those enshrined in Part III of the Constitution, cannot be arbitrarily suspended or ignored, even under extraordinary circumstances.

The central issue in *Puttaswamy* was whether the right to privacy is a fundamental right under the Constitution of India. A nine-judge bench of the Supreme Court unanimously held that the right to privacy is intrinsic to the right to life and personal liberty guaranteed under Article 21 and is also protected under Articles 14 and 19.

149. Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299.

150. ADM Jabalpur v. Shiv.kant Shukla, AIR 1976 SC 1207.

By doing so, the Court reinforced the principle that fundamental rights are not absolute but are inviolable and can not be abrogated without due process of law—a direct correction to the expansive executive powers endorsed in *A.D.M. Jabalpur*.

The judgment emphasized that the judiciary has an essential responsibility to act as a bulwark against arbitrary executive action. Just as the *Jabalpur* case had highlighted the perils of judicial inaction during emergencies, *Puttaswamy* reaffirmed that courts cannot abdicate their duty to protect citizens' rights, even when the government claims necessity or national security. The Court clarified that the enforcement of fundamental rights is not contingent upon political convenience or situational exigencies.

Moreover, the *Puttaswamy* decision demonstrated the evolution of judicial philosophy from passive deference to assertive protection of constitutional values. By recognizing privacy as a fundamental right, the Court expanded the scope of civil liberties in contemporary India, emphasizing dignity, autonomy, and individual freedoms. This decision indirectly addresses concerns raised by the *Jabalpur* precedent, showing that judicial review remains a key mechanism to check governmental overreach.

The judgment also reinforces the idea that the Constitution's basic structure, including the protection of fundamental rights, is sacrosanct. Even in extraordinary circumstances, such as emergencies or national crises, the judiciary retains the authority to examine executive actions and safeguard the core values of democracy. This principle rests on faith in the judiciary as a guardian of rights and a pillar of democratic governance. *Justice K.S. Puttaswamy v. Union of India* serves as a corrective to the excesses permitted under *A.D.M. Jabalpur*. By affirming the inviolability of fundamental rights and the judiciary's duty to uphold them, the case underscores that judicial independence and vigilance are essential for preserving democratic accountability, protecting individual liberties, and preventing the arbitrary exercise of power in India.

151. Maneka Gandhi v. Union of India, AIR 1978 SC 597.
152. Minerva Mills v. Union of India, AIR 1980 SC 1789.

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