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# **JUDICIAL ACTIVISM IN INDIA: GUARDIAN OF RIGHTS OR USURPER OF POWER?**

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## **Abstract**

Judicial activism has become an influential yet a debatable feature of the contemporary constitutional democracies, particularly in India. It can be described as the active role of the judiciary in safeguarding the rights of the citizens, bridging the missing links in the legislative system and even as at sometimes dictating the policy of the people. The Indian judiciary, especially the Supreme Court has over the decades, not just restricted itself to interpreting the law but has also intervened to solve burning social, political and environmental concerns. This aggressiveness has had a lot of change in the way justice and governance is delivered.

In this paper, the evolution, scope, and effects of judicial activism have been discussed in India. It examines the events following the post-Emergency period that led to the emergence of the doctrine of judicial activism, mainly due to the pioneerism of the public interest litigation (PIL) and the eagerness by the judiciary of extending the scope of fundamental rights. By taking a look at such celebrated cases like *Kesavananda Bharati v. State of Kerala*, *Maneka Gandhi v. Union of India*, and *Vishaka v. State of Rajasthan*. The research is conducted in State of Rajasthan, and it depicts how judicial activism has influenced the Indian constitutional law and the policy.

Simultaneously, the paper is also critical in reviewing apprehensions on judicial activism, where the perceived meddlesome characteristics of courts are considered to be overstepping powers of the legislature and the executive. It is inquiring on the idea that this activism has been consistent with the constitutional myth of separation of powers or whether it can instead run counter to the democratic accountability.

The paper has also briefly carried out some comparison with other jurisdictions in order to compare the special approach on India. Lastly, it evaluates the problems of judicial activism in cases when there is too much judicial involvement and offers a moderate solution, which does

not compromise the integrity of judicial activism but also does not cross institutional boundaries. Conclusively, judicial activism is an instrument that is two-fold, or rather, it can serve justice to the voiceless, but can be disruptive, unless it is applied with judicial restraint.

## 1. Introduction

One of the most discussed and the most active sides of contemporary constitutional jurisprudence is judicial activism. It describes the proactive judicial position in as far as it has played an active role in the interpretation of the Constitution, the broadening of the scope of the fundamental rights, intervener into issues where legislative inaction or executive have impacted negatively on the welfare of the masses. In the context of a democratic government with separation of power, the concept of judicial activism is a form of defence against the abuse of power as well as a means of ensuring the constitutional morality is obeyed. Judicial activism in India which has always come in as a method to eliminate the gap that exists between the law and justice was granted by the Constitution wide powers into the hands of the judiciary.

Judicial activism has taken root in India especially following the Emergency in the country (1975-1977) where judges were accused of not defending individual rights. By way of reaction, there developed a more aggressive and humanism oriented jurisprudence, with the growth and liberalization of the concept of Public Interest Litigation (PIL). The orthodox concept of the locus standi was also loosened so that the socially conscious citizens, the Non Government Organisations and even the judges himself or herself could become a party to address the matters of common people to the court. The judiciary has since taken the initiative to deal with issues such as gender justice and police reforms, environmental protection, and corruption among others.

In India, judicial activism has been characterized by several land-mark rulings in which the courts have generously interpreted the constitutional provisions to fulfill a larger social agenda. There are instances like *Maneka Gandhi v. Union of India* began the process of expanding the meaning of the right to life and personal liberty, and this was done by *Vishaka v. Without the legislation, the state of Rajasthan* resulted in the development of the guidelines against sexual harassment at work. Such, among other rulings capture the readiness of judiciary to become not only an exponent of law, but always ready to establish new norms and structures whenever it is mandated.

There have been criticism however of this assertiveness. Various researches and political analysts have maintained that the kind of judicial interventions is too high and can destabilize the triad of government, which is an attempt to balance the three arms of government. Judicial overreach describes the situation the judicial overrides the role of the legislations in a policymaking process which is a realm of the executive and the legislature. The controversy of judicial activism therefore presents critical issues of accountability of the judicial system, democratic process and institutional expertise.

The attempt, in this research paper, is to discourse on the development and the extent as well as implications of judicial activism in India. It will study the jurisprudential roots of activism, look at important cases which have influenced the course, and evaluate pros and cons of such an approach. There will also be a concise comparative view with the other jurisdictions in order to get how judicial activism is operating in the world. In the end, the question that the paper attempts to address is: Does judicial activism enhance democracy and safeguard rights, or sometimes it weakens the constitutional rule of separation of powers.

## **2. Historical Background & Evolution of Judicial Activism in India**

Judicial activism as a concept in India was not developed in a day. It is the product of a long process of change in the judicial philosophy, caused by constitutional, political and historical events. The most appropriate way to analyze judicial activism in India is to put it in various stages of constitutional history- involving different judicial temperaments, needs of the society and the crises of governance.

### **2.1 Early Years Judicial Conservatism (1950-1975)**

During the initial years of gaining independence the judiciary was relatively conservative. The courts mainly followed strictly the interpretation of the Constitution and legislation by the Parliament. During this era, formal preference of reading constitutional text was evident in jurisprudence as the exude of a formalist interpretation in the case of parliamentary supremacy and judicial deference.

AS an example, in A.K. Gopalan v. As per State of Madras (1950), the Supreme Court viewed words in personal liberty presented in Article 21 as a narrow expression and a divorce between Article 21 and Article 19. This was the pattern of formulating a type of judiciary that would not intervene with the sphere of the legislation and the executive.

Nevertheless, despite these early years, the sowing of seeds of activism took place. In *Shankari Prasad v.*, the judiciary exercised its exercise of judicial review. *The Golak Nath v.* (1951) and *Union of India* (1951). *State of Punjab* (1967), thus gradually creating the basis of an increased judicial intervention.

## 2.2 Voices of Change: The Emergency and Its Fallout (1975 1980)

A true spirit of judicial activism came through Emergency phase (1975-77) called by Prime Minister Indira Gandhi. Civil liberties were suppressed and judicial independence was jeopardized, as well as during this period basic rights were suspended. Infamous *ADM Jabalpur v. The judgment of Shivkant Shukla* (1976), in which the Supreme Court had ruled that they had no right to approach the courts at the time of Emergency, received a lot of criticism both among the people and scholars.

It was time of judicial stock-taking and rectifying. The judiciary regained a new sense of purpose after the institution of democracy in 1977. It accepted to have failed in the past but become custodian of the Constitution and rights of the people.

## 2.3 Emergence of the Public Interest Litigation (1980s 1990s)

After Emergency, a revolutionary judicial device emerged called Public Interest Litigation (PIL), which permitted the courts to tackle matters of common interest to people. PILs transformed the character of the judicial interaction with society drastically. PILs also attributed earlier access to courts to people who were directly involved whereas this gave a chance to “public spirited citizens” and non-governmental bodies who could represent cases on behalf of the marginalized or voiceless citizens of the community.

The judiciary made the Right to Life mentioned in Article 21 to encompass right to clean air, health, education, shelter and a dignified life. Among the notable ones:

- **Hussainara Khatoon v. State of Bihar (1979)** -Brought attention to the condition of under trial prisoners.
- **MC Mehta v. Union of India**-Proved to be an influence towards important environmental decisions regarding pollution and industrial safety.
- **Olga Tellis v. Bombay Municipal Corporation (1985)** The right of livelihood was identified under right of life.

This period is commonly known as the period of the Golden Era of Judicial activism because

the courts were gradually being used in a more constructive approach as they took steps forward in enforcing the socio-economic rights and for governments to be accountable.

#### **2.4 Judiciary Act (2000s-Present)**

Judicial activism has remained an evolving process in the 21<sup>st</sup> century. The judiciary has also jumped in numerous times into cases of governance, corruption, and electoral reforms as well as constitutional morality. The Supreme Court has come out with groundbreaking verdicts in the last few years on the cases such as:

- **Vishaka v. Rajasthan (State) (1997)** - Framework to deal with sexual harassment when the law was absent.
- **Naz Foundation v. Govt. of NCT of Delhi (2009) and Navtej Singh Johar v. Union of India (2018)**- Depenalized homosexuality.
- **Common Cause v. Union of India (2018)**- Allowed the passive euthanasia and living wills.
- **The case of Shayara Bano v. Union of India v 2017**- Held, made the subject of triple talaq to be unconstitutional.

The decisions indicate the way in which the judiciary has applied the constitutional values against the needs of the society that have been changing and international practices of human rights.

### **3. Key Pillars of Judicial Activism**

The Indian judicial activism is rooted on a number of tools, practices upon which the judicial influence goes beyond legal adjudication. These pillars allow the courts to become an agent of social change, guard constitutional morality, and even fill gaps on decision-making at times when none exists within the legislative or administrative sphere. To gain an insight into how the aspects of activism work in judicial context, it is crucial to obtain knowledge of these fundamental processes.

#### **3.1. Public interest litigation/PIL: a voice of the voiceless**

The change in the shape of Public Interest Litigation (PIL) is one of the landmarks of Indian judicial activism. Historically, the courts would only hear cases raised by individuals who were directly hit. As locus standi was eased however, the courts permitted all concerned citizens or

associations to come before it to represent affected peoples, when the exercise of fundamental rights was involved.

PIL was developed in the 1980s and introduced in the late 1970s, and is now a strong resource to increase access to justice.

It enabled the courts to give an appellate relief on issues that involved:

- **Prison conditions**
- **Child labor**
- **Environmental degradation**
- **Custodial deaths**
- **Exploitation of bonded laborers**
- **Slum demolition**
- **Human trafficking**

The **Supreme Court in S.P. Gupta v. Union of India (1981)**, the status of PILs was publicly recognized and since then courts have taken even postcards and letters as writ petitions under Article 32 or 226.

The reason it is a pillar: PIL renders access to courts democratic and vests the courts with authority to take a proactive approach to identify socio- political issues which are mostly ignored by the executive and the legislature.

### **3. 2 Suo Moto Cognizance: The Motion of the Courts to Act on Their Own**

The other important peg is the authority of court to endeavor on suo moto cognizance, that is the court can conduct a case on its own without any form of filing a petition. This is a means through which the judiciary can act on time to address burning issues that are of common good particularly where:

- **The basic liberties are threatened**
- **The injustice or violations are reported in the media**
- **Corruption or inaction on the part of the state should be reviewed by a court of law**

These may be in the form of suo moto action on:

- **COVID-19 shortages in oxygen**

- **Rape and custodial deaths cases**
- **Delhi pollution level levels**
- **The issue of migrant lockdown crisis**

The significance of its being a pillar: Suo moto powers enhance the abilities and agility of the court in engaging in prompt and autonomous practice of constitutional protection and promoting the welfare of the society.

### **3.3 Broad Interpretation of the Right Necessary Rights**

One of the attributes of the judicial activism in India is liberal and dynamic interpretation of the Constitution of India on the part of the fundamental rights, notably Article 21 (Right to Life and Personal Liberty). Over the years the courts have derived in Article 21 too broad spectrum of secondary rights, such as:

- **Right to livelihood**
- **Medical care and the right to health Right to health**
- **A right to dignified life**
- **Right of privacy**
- **The right to clean environment**
- **Education and right of shelter**

Maneka Gandhi v. In Union of India (1978), the Supreme Court had stretched the definition of personal liberty to include due process of law, making fundamental rights to each other more intertwined and imperturbable.

**Why it is a pillar:** The interpretation of fundamental rights in a progressive manner does guarantee that the Constitution is a living one and is addressed as per the present realities.

### **3.4 Judicial Review: checks and balances of the Constitution**

The power of judicial review is also a source of influence by judicial activism since it allows the courts to vet constitutionality of the laws, executive orders, and even constitutional amendments. It is based on such powers as Articles 13, 32 and 226 of the Indian Constitution. In the case of Kesavananda Bharati v. Basic Structure Doctrine was developed by the Supreme Court in State of Kerala (1973) restricting the powers of the Parliament to any amendment of the Constitution. Under this principle, judiciary has played the role of constitutional watchdogs by striking off laws or policies that go against the values enshrined in Constitution.

A judicial review can be seen as the instrument of activism in a situation where the courts not only declare unconstitutional acts, but provide guidelines or directions, which the bastion of law is bound to follow to comply with constitutional requirements.

**Why it is a pillar:** It enables courts to exercise a check on the other branches of government and serve as a servant of the constitution and keep them entrusted to it.

### 3.5 Epistolary Jurisdiction and Flexibility in Procedure

Regarding epistolary jurisdiction and procedural flexibility, the courts are flexible to the extent that they have the power to take decisions epistolary.

The courts also moved out of inflexible procedure in the quest of being socially just. Another important innovation is the emergence of epistolary jurisdiction which made even letters or newspaper cuttings be regarded as writ petitions. Such a loose process of procedures democratizes justice to the underprivileged.

Imparting committees, monitoring agencies and amicus curiae (friends of the court) have also been appointed by the courts to look into deep-rooted issues and present reports on the same. The strategies are adopted to employ the judicial activism flexibilities of these procedures to extend their significance.

**Why it makes a pillar:** It helps the judiciary to eliminate the technical challenges and to have accessibility to the community that otherwise will not be able to avail the formal justice systems.

### 3.6 Creation of Guidelines in Legislative Vacuum

When legislative inaction persists on critical matters, courts have filled the vacuum by framing guidelines, which function as law until Parliament enacts appropriate legislation.

Examples:

- **Vishaka Guidelines (1997)** – For sexual harassment at the workplace
- **D.K. Basu Guidelines (1996)** – On arrest and detention procedures
- **Lalita Kumari v. Govt. of UP (2014)** – Mandatory FIR registration guidelines

**Why it's a pillar:** These judicial interventions ensure justice isn't denied merely due to legislative silence or delay.

## 4. Landmark Cases of Judicial Activism in India

In India, judicial activism is mostly met through landmark judgements during which courts are seen to have exceeded statutory interpretation in enforcing rights, accountability, and plugging in legal loopholes. Such rulings have not only influenced constitutional law but also have impacted on the public policy, social values and administrative changes.

### 4.1 Kesavananda Bharati v. Kerala, state of (1973)

This landmark case provided the Basic Structure Doctrine that even Parliament can make amendments on the Constitution however, it could not distort its fundamental attributes which include secularism, democracy, and the rule of law. It gave mandate to the courts to scrutinize constitutional amendments and made sure that the court has a continued business in safeguarding constitutional identity.

### 4.2 Maneka Gandhi v. UTI Income Managerial Services and Union of India, 1978

The court further enlarged Article 21 (Right to Life and Personal Liberty) and decided that whatever procedure a person is deprived of freedom to must be just, fair and reasonable. The result of such a judgment was the creation of liberal and broad construction of fundamental rights, particularly in Articles 14, 19 and 21.

### 4.3 Hussainara Khatoon v. State of Bihar (1979)

In this PIL, the condition of years long undertrial prisoners was highlighted. The right to speedy trial as an aspect of Article 21 was emphasised in the judgment and it resulted in the changes in procedure in the criminal justice system.

### 4.4 M. C. Mehta Cases (1986 onwards)

The 20-year-old environmental law has been largely driven in India by M.C. Mehta litigation. The right to clean environment is treated as a fundamental right in such situations as the Oleum Gas Leak and Ganga Pollution where the court held that the environment is not a commodity to be degraded or misused. It also formulated the Polluter Pays Principle and came up with an absolute liability concept.

### 4.5 Vishaka v. Rajasthan state (1997)

With no legislation being in place, the court in order to curb sexual harassment in the workplace prescribed the guidelines under which it could be dealt with as a crime as per the Articles 14,

15, and 21 as violating equality and dignity of gender. These guidelines have been there up to the time POSH Act (2013) was established.

#### 4.6 Navtej Singh Johar v. United States of India (2018)

It was a decision of the Supreme Court that decriminalized Section 377 IPC, acknowledging the dignity, identity, and privacy of the LGBTQ + community. It was a historic day in the Indian jurisprudence marking the entry of the judiciary in a bigger mission of constitutional morality, as opposed to that of majoritarian morality.

#### 4.7 Common Cause v. Union of India (2018)

This case sanctioned passive euthanasia and privileged the right to die decently. In this case, the court admitted the importance of personal autonomy as an inherent provision of Article 21 and allowed living wills.

### 5. Judicial Activism vs. Judicial Overreach

Aspect	Judicial Activism	Judicial Overreach
<b>Definition</b>	Proactive role of judiciary in interpreting the Constitution and protecting rights.	When judiciary exceeds its constitutional limits and interferes with legislative/executive domains.
<b>Constitutional Basis</b>	Rooted in Articles 13, 32, and 226; supported by judicial review.	Lacks express constitutional sanction; often seen as violating separation of powers.
<b>Purpose</b>	To uphold fundamental rights, ensure justice, and fill legal/administrative gaps.	To impose judicial preferences on matters best left to elected branches.
<b>Examples</b>	<ul style="list-style-type: none"> <li>• Hussainara Khaton: Right to speedy trial</li> <li>• Vishaka: Sexual harassment guidelines</li> <li>• MC Mehta: Environmental protection</li> </ul>	<ul style="list-style-type: none"> <li>• Court bans on firecrackers</li> <li>• Court prescribing school syllabus</li> <li>• COVID oxygen supply management by judiciary</li> </ul>

<b>Reaction/Impact</b>	Often welcomed as protector of marginalized voices and constitutional values.	Criticized for judicial dominance and undermining democratic institutions.
<b>Role in Governance</b>	Acts as a constitutional check and balances legislative/executive inaction.	Intrudes into governance and sometimes appears to substitute elected decision-makers.
<b>Democratic Legitimacy</b>	Strengthens democracy by ensuring accountability and rights protection.	Risks weakening democracy by overriding the mandate of elected bodies.
<b>Public Perception</b>	Generally positive when rights are upheld and justice is delivered.	Mixed or negative when perceived as undemocratic or excessive.
<b>Judicial Approach</b>	Guided by restraint, constitutional morality, and necessity.	Guided by personal values or public opinion, with less deference to other institutions.
<b>Balance Needed</b>	Encouraged in rights-based contexts and governance failures.	Discouraged where it displaces legislative or policy decisions unnecessarily.

Judicial activism serves as a guardian of constitutional rights, while judicial overreach risks turning courts into policy-making bodies. The key is for courts to maintain judicial restraint even when acting in public interest, to preserve institutional harmony and constitutional balance.

## 6. Impact of Judicial Activism on Society and Governance

The concept of judicial activism has brought change in the Indian society and governance structure. It has broadened the role of judiciary beyond a mere interpreter of the law to an activist in defence of justice where the legislature or the executive has faltered. This influence ranges through various spheres of activity - social justice, environmental, policies change, citizen responsibility.

### 6.1 Advocating Social Justice

The marginalized and voiceless sectors of the society with no power, such as undertrial

prisoners, bonded laborers, slum dwellers, women, children, and the LGBTQ + population have been empowered by judicial activism. With the de-turtling of the generic rules of locus standi by using Public Interest Litigations (PILs), the courts have afforded the citizens and entities an opportunity to take other people not directly involved to a judicial redress. Case laws like Hussainara Khatoon v. Navtej Singh Johar v. (right to speedy trial) (State of Bihar) Union of India (decriminalization of homosexuality) throws light on the work of the judiciary in maintaining essential constitutional safeguards to all and not to the so-called privileged.

### **6.2 Enhancing Environment Protection**

Environmental Jurisprudence in India has greatly reflected through judicial activism. By the example of such a case as M.C. Mehta v. The Supreme Court of Union of India identified the right to healthy and clean environment as an element of Article 21. It is also through the court that other principles such as polluter pays, absolute liability and sustainable development were introduced in which industries and governments were forced to adhere to higher standard of environmental policies. This court initiative has been able to plug loopholes in environmental law enforcement.

### **6.3 Affecting Policy Reconstruction**

Where there is no effective legislation, the judges have formulated provisional rules to deal with some exigent societal problems. As an illustration, the Vishaka Guidelines (1997) paved the way to the laws relating to sexual harassment at the workplace which later resulted in the POSH Act of 2013. Reforming in such areas as education, police accountability, and electoral transparency have also been addressed by the courts, and, in many cases, have enforced the legislature to take action.

### **6.4 Enhancing Accountability and Governance**

Transparency and accountability in governance has been enhanced by judicial activism. Courts have mandated enquiries into corruption, given injunctions on the appointment of special monitoring panels and issued guidelines to govern the conduct of the police (D.K. Basu v. Welcome to State of West Bengal). This has helped entrench law obedience amongst state institutions as well as limited abuse of authority.

### **6.5 Enhancement of Democratic Values**

Through defending of fundamental rights, enforcement of constitutional morality and right

enforcement of accountability, judicial activism has enhanced enforcement of democratic ideals. It has also provided credence on the role of the judiciary as the custodian of the Constitution especially when other organs of the state have proven irresponsible or have acted too late.

## **7. Challenges and Criticisms of Judicial Activism**

Although judicial activism has become one of the most effective instruments of justice, a question has always been raised about its constitutional and institutional excess. The critics believe that courts have a lead to perform their constitutionally stipulated role in order to have democratic peace.

### **7.1 Indefinite separation of Powers**

The problem with judicial activism is that it is accused of infringing the principle of separation of power. The judiciary at times has intervened in policy and administrative spheres- i.e. they have intervened in controlling the use of firecrackers or facilitating the supply chain of COVID, which are domains that are not meant to be judged by courts. This weakens the democratic organizations and undermines votes of elected leaders.

### **7.2 Democratic Limitation of Accountability**

Citizens do not decide on the election of judges and do not bear direct responsibility over policy results. Going with broader resolutions affecting the society or the economy, the courts do it without any public oversight and this brings in question the arrangements of legitimacy and openness.

### **7.3 overloading an already overburdened judiciary**

Indian courts are faced with a huge pile of cases. Undue attention to PILs or activist suits can cause loss of time and resources to routine judicial work to the extent that the cause of the ordinary litigant is deprived of justice.

### **7.4 Less Knowledge in the Policy Affairs**

Courts are not policy think tanks, instead, they are legal institutions. They usually have no expertise on the subject when giving wide administrative instructions (e.g. in education, environment or even economics) which may result in impractical or unsustainable results.

### **7.5 Infidelity Selectivity**

Judicial activism does not always apply steadily since it is applied with bias of media pressure or sometimes according to politics. Important cases are handled with speed and others go unattended thus creating a sense of subjectivity in the judicial system.

## **8. The Way Forward: A Balanced Approach**

Although judicial activism is important in enhancing democracy, the future of judicial credibility is resting in the middle ground of restrained judicial activism. Courts have to play a role of guardians of the Constitution but they cannot do it beyond their institutional boundaries.

### **8.1 Secretary of Separation of Powers**

Judges should make sure that their activities do not infringe the sphere of legislation or executive activity. Activism only has its place on real constitutional violations and not on a policy vacuum. There should be a definite demarcation between judicial governance and judicial review.

### **8.2 Promotional Institutional Conversation**

Instead of operating in a vacuum, the courts ought to have positive discussions with the legislature and the executive. This would foster cooperative constitutionalism where there would be no inter-institutional friction as the rights would be safeguarded.

### **8.3 Reinforcing the Inner Accountability**

The courts ought to be more transparent in ways and means of making decisions and set some ethical standards in place so as to avoid over-utilization of activism. More rationality, consistency and the important interest of people should be considered rather than personal belief and popularity.

### **8.4 Restraining Suo Moto Availability**

Although in some cases a suo moto may be required in cases of pending urgent matters of the common good, they must be minimized. They may become ineffective when overused or redundant and attract the judiciary to be part of daily politics.

### **8.5 Concentrating on Judicial Reforms**

Not only should activism be increased; judicial reforms should also be considered, i.e.,

declaring backlog of cases in court, provision of better justice, and computerization of courtroom. A more effective judiciary is the one that is active in its mandate of addressing operations within its mandate.

## 9. Conclusion

One of the most vibrant activities of the Indian constitutional governance is judicial activism. Whether issues that concern increasing the extent of the definition of fundamental rights or occasion to accommodate the underprivileged groups, the judicial system has frequently come to the rescue where the other structures have failed. The courts have been very crucial in maintaining justice, creating accountability and advancing democracy through Public Interest Litigations, liberal interpretation of Article 21 and suo moto actions. But there are equally grave problems connected with the emergence of judicial activism. Issues of overreaching of the courts, contravention of separation of powers and accountability cannot be dismissed. Although courts are trusted entities, they lack the capacity to make detailed policy decisions and enforce them at the grass-root levels. The main concept of checks and balances that are included in the Constitution is endangered once judges start to act as the administrators or even legislators.

The way to go is the route of calibrated judicial activism-which is model of judges unhesitatingly protecting the rights and justice but within the constitutional mandate. There should be judicial intervention as a supplement to the working of the elected bodies and not the supersession of such entities. Simultaneously, the legislature and the executive should be more sensitive to the needs of the people so that the gaps cannot be left to be plugged by the courts. India being a rambunctious democracy, all the three arms of the government shall operate harmoniously with the other with each being sensitive to the other. Activation by the judiciary, keeping constitutional principles in mind and balanced by constraint, can be a force of social justice and popular responsibility. Not any activism will save the spirit of the Constitution and the faith of the people but responsible activism.

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