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# **JUDICIAL ACTIVISM, OVERREACH & CONSTITUTIONAL BALANCE: A COMPARATIVE CONSTITUTIONAL ANALYSIS**

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## **ABSTRACT**

In all constitutional democracies, the judiciary is placed in a contradictory position, entrusted with the special task of keeping the excesses of the other branches in check, but at the same time the court is also subject to constitutional constraints. In Indian context, The Supreme Court has grown into a largely interpretive body to become a body that actively influences public policy, protects rights and fills in the gaps of legislative gaps. Whilst judicial activism has encouraged social equity and strengthened constitutional stability, it has also raised concerns about overstepping constitutional boundaries, especially when courts seem to involve themselves into the functional territory of the legislature/executive. The threshold between these two tendencies is currently ambiguous at a theoretical level, and is the subject of normative debate.

The present research sets out to do an in-depth study of this ambiguous line. The paper aims to make a logical attempt to distinguish between acceptable judicial innovation and illegitimate encroachment by examining the theory of the constitution, historic knowledge of jurisprudence, and comparative lessons from the United States and the United Kingdom. It strictly examines the instruments like public interest litigation (PIL) and the basic-structure doctrine in order to ascertain the role they play in the expansion of judicial authority and also to see if adequate safeguards are in place to prevent their abuse.

The proposed L.I.N.E. framework, i.e., Legal Integrity, Institutional Necessity and Non-Encroachment, is a normative and evaluative paradigm to assess judicial activity. The concept asserts that the intervention of courts must be based on the language and intent of the law of the country, it is allowed only where there has been institutional failure and must always maintain the balance of the powers. An understanding of the judgments of contemporary judges provides a middle course which validates conscientious activity while prevents or restrains democratic excesses.

This research seeks to contribute to the debate about judicial responsibility, ethical boundaries and the changing role of codes in the governance of the

21st century by stating that judicial power within the framework of principled boundaries strengthens, rather than undermining democracy.

**Keywords:** Judicial Activism, Judicial overreach, L.I.N.E. Framework, Constitutional Democracy, Separation of powers, Public Interest litigation, Basic Structure Doctrine, Comparative Law.

## 1. Literature Review

- **“Judicial Activism in India:An Empirical Analysis of Landmark Cases and Their Socio-Legal Impact” -Dr. S.Gajendra Raj,International Journal of Food and Nutritional Sciences,Vol.13 Issue 04, 2024 (IJFANS).**

This research paper particularly examines how landmark judgements from Kesavananda Bharti to Shreya Singal, have expanded the scope of constitutional rights through proactive judicial interpretation. While on one side the study aligns with scholars who view judicial creativity as essential to social equity, on the other hand, it contrasts with critiques that warn against courts assuming legislative functions.The paper’s strength lies in its empirical mapping of cases yet it offers limited engagement with the question of when activism becomes overreach, leaving constitutional boundaries underexplored.

- **“Judicial Activism in Comparative Perspective”- Lori Hausegger & Raul Urribarri, Peter Lang Publishers,2024**

This book provides a broad comparative study of judicial activism across various countries examining role of judiciary in the U.S, U.K, Canada etc. It is highlighted how activism varies widely by political context and institutional design, showing both its democratic value and its risks in polarized or authoritarian settings. While this book maps diverse patterns of judicial intervention, it notes that debates often lack a consistent conceptual framework. This absence of a unified standard strengthens the relevance of the present research study’s effort to develop a principled model for distinguishing activism from overreach.

- **“Judicial Activism: A comparative study between Indian Judicial Activism and UK,US Judicial Activism” – Adwait Dwivedi & Asst. Prof. Aditi Mishra, International Journal for Research Publication and Reviews(IJRPR),Vol.5, Issue 4, April 2024.**

This Research paper purpose provides an extensive comparative examination between judicial activism in India, the United Kingdom and the United States and particularly examines how the courts of each country identify the limits of the constitution and exercise judicial power. The authors argue that judicial activism has been gradually introduced in India in the form of expansive interpretation of constitution and public interest litigation, whereas courts in the United Kingdom, although in the early years, followed a philosophy of judicial restraint, only in recent decades expelled it, and a similar development has taken place in the United States Supreme Court's activism has fluctuated with political changes. Although this research paper effectively compares institutional approaches and discusses the virtues and hazards of proactive judicial behaviour, yet it is mostly descriptive and fails to provide a principled framework to differentiate judicial activism from overreach.

- **“Judicial Activism VIS-À-VIS Judicial Overreach: A Comparative Study”-Perna Sharma, International Journal for Multidisciplinary Research(IJFMR), Vol. 5, Issue 3, 2023.**

This research paper draws a boundary between judicial activism and judicial overreach, stating that activism happens as a result of shortcomings in legislative and executive operations, and overreach occurs when the judicial institution steps into policy or executive areas. The paper examines the precedents in India, viz., the NJAC case, the Anoop Baranwal judgment, PIL jurisprudence, and high-profile intervention cases, identifying both the value of an assertive judiciary and the risks it poses to democracy. While this research paper thoroughly elucidates the tension among the organs of the government, it fails to provide a principled framework to distinguish activism from overreach.

- **“Judicial Activism and Overreach in India” – Prof. Vijayalakshmi K. Koradhanyamath & Dr. Sandeep C. Desai, IJAR(2023).**

This research cites how Public interest litigation, Article 21 expansion, and substantive due process made India's pro-active judiciary. It looks at how constitutional constraints on judicial authority relate to remedial actions like Vishaka Guidelines and environmental rulings and verdicts. They flag concerns about judicial insulation, contempt misuse and limited accountability. Their discussion reinforces this study's focus on identifying principled markers that separated valid activism from judicial excess.

## **2. Research Gap**

A detailed examination of the existing literature shows that most of the research is focused on judicial activism and judicial overreach in isolation from the historical development of activism, misuse of PIL, expansion of article 21, or from critiques of judicial intervention in policy issues. No substantive analytical framework has been developed to distinguish in systematically legitimate activism from unconstitutional overreach in Indian constitutional setup. Existing research is largely descriptive, case-based or doctrinal and does not offer a coherent evaluative model.

Secondly, the recent developments between 2023-2025 (Electoral Bonds judgment 2024, Governor's Assent case 2025, climate justice, and Judicial Processes on AI) have not formed part of the prior studies, leaving a significant lacuna by not considering how the contemporary governance challenges have shaped the activism overreach debate.

Thirdly, though a few scholars have studied judicial behaviour, the benefits of comparative constitutional concepts from the U.S. and U.K. have not been assimilated in any meaningful way to indicate how India can balance creative and interpretative behaviour with restraint. Consequently, there is a dearth of a comparative principle-based approach to the judicial boundaries in the literature.

Finally, there is no corresponding research that examines how new types of fields for which no prior precedent to rely upon exist -- AI governance, digital rights adjudication, algorithmic bias, and climate constitutionalism -- require new rules to limit judicial intervention. This modern weakness highlights the need for a new academic framework.

Thus, the current prevailing research vacuum which includes a lack of a principled evaluation model, a lack of interest in recent constitutional developments, lack of comparative synthesis and the lack of attention to new frontiers such as the technological and environmental domains form the crux of the problem for which this research seeks to provide an answer through the suggested L.I.N.E. framework.

## **3. Hypothesis of the Study**

It is hypothesised that the growing role of the Indian judiciary in the last few decades is due to the continued institutional weaknesses and executive reluctance and the need to maintain

fundamental rights in the rapidly changing socio-political change. These factors might have promoted the use of innovative approaches to interpretation by the courts, thus enhancing judicial activism. On the other hand, judicial overreach is likely to occur when such interventions step beyond constitutional limits and interfere with areas left to the legislature or executive. Therefore, it is assumed that the absence of an explicit evaluative framework plays a huge role in the evaporation of the line between activism and over-reach in India's Constitutional system.

#### **4. Statement of Research Problem**

The problem of research lies in the lack of a clear and transparent and comprehensive scheme that demarcates judicial activism from judicial overreach in India. While there exists a large body of scholarship dealing with these concepts independently of each other, very little systematic analysis has been made that analyses the limits of judicial power especially in the framework of the evolving contours of India's constitutional space.

This gap breeds the kind of misconceptions about the role of the judiciary, as well as an inconsistent evaluation of judicial interventions, and sows confusion among policy makers, legal practitioners, academicians, and the general public. Without an organized evaluative model, it becomes problematic to say whether a judiciary decision in question is a legitimate exercise of the power of constitutional review or an encroachment on an area of the legislature and executive branches.

Consequently, this research tries to fill this gap by taking a look into landmark judgments, current and later judgments (including the judgments in 2023-2025), and comparative constitutional approaches from the United States and the United Kingdom. The general goal is to resolve the ambiguity adjoining the manifestation and identification of judicial activism and judicial overreach for achieving constitutional clarity, democratic accountability, and judicial integrity.

#### **5. Objectives**

1. Identify core factors and triggers that have the potential to introduce the distinction between judicial activism and overreach in the current constitutional settings.
2. Analyse the effectiveness of Indian judicial instruments such as public interest litigation and

basic structure doctrine.

3. Recommend policies to promote judicial accountability initiatives such as extensive training programmes and the establishment of robust ethical frameworks as a measure to curb cases of judicial overreach.

4. Derive comparative lessons from U.S. and U.K. Judicial System for stronger approach in India.

5. Propose the L.I.N.E. framework as a tool for assessing the rulings, adaptable to the issues of AI governance and sustainability.

## **6. Research Methodology**

This research takes a qualitative and doctrinal approach based on constitutional analysis and judicial interpretation. Primary sources include the provisions of the Constitution, decisions of the Supreme Court and relevant legislation. Examples of secondary sources include books, journal articles, policy papers and comparative legal analyses. The methodology is analytical and comparative, inspecting to what extent the laws of the various codes rationalise the judicial involvement and analysing if such rationalisations matched and to what extent these deviated from the constraints of the constitution.

Doctrinal analysis is complemented by normative inquiry, which aims to establish the L.I.N.E. framework as a pragmatic paradigm to guide judicial behaviour. This methodological fusion between theoretical insights and so-called institutional practice enhances the dialogue on the responsibility of the judiciary and the constitutional equilibrium.

## **7. Significance of the Study**

This research has a significant relevance to the emerging constitutional democracy in India, in which the judiciary has experienced a marked expansion that often causes confusion between the protection of rights and invasions of other organs of government. By introducing the L.I.N.E. framework - a construct based on Legal Integrity, Institutional Necessity, and Non-Encroachment of Individual Rights, this study offers a principled framework for the categorization of judicial activism in comparison to judicial overreach that fills one of the obvious gaps in legal scholarship and jurisprudence practice. The framework provides judges, policymakers, and academics with a nonpartisan evaluative paradigm for scrutinising the

interventions of judges in prominent cases such as Kesavananda Bharati (1973) and recent 2025 ruling on gubernatorial assent thus ensuring that judicial positions subdivide foundation to the rays of democratic accountability instead of hindering them. The framework promotes constitutional resiliency by preventing arbitrary power expansion that can happen and circumvent public confidence in institutions in an era characterised by complex issues like AI Governance, Climate justice and Digital Rights.

Ultimately, the study is conducive to separation of powers that is balanced (the judiciary has to be a corrective organ without jumping to the position of a "super-legislature") and so fortify the basic pillars of justice and governance in India. In addition to its theoretical contributions, this research has major practical implications for judicial reform and the formulation of public policies, providing guidance for practical action, for example, in reinforcing mechanisms of accountability such as ethical training and deliberations within and across branches. Through the addition of comparative views from context of the United States and the United Kingdom, the analysis throws light on context-adaptable methods for India, in this scenario notably of using the principles of proportionality to buttress overreach without compromising the critical function of judicial activism in correcting systemic deficiencies.

This relevancy is enhanced by the modernity marked by symmetrizing pendency, crossing 53 million cases, and continuing criticizing of Judiciary overarching in year 2025 by issue and debate of invocation over Article 142. The importance lies in the potential impact that the study can have in defining tangible consequences, from the articulation of safeguards in Public Interest Litigation, to the interpretation of emerging doctrines such as digital privacy under Article 21. Consequently, the research contributes to the academic discourse on constitutionalism and provides the relevant stakeholders, such as the bar associations, academic institutions and civil society, with tools to promote a judiciary that supports democratic governance and ensures equitable justice for a diverse and changing population.

## **8. Introduction**

In every constitutional democracy judiciary is the Guardian of the rights or the moral compass of the government. In India this duty is beyond the conventional dispute resolution and the Supreme Court becomes a dynamic institution which plays an active role in framing the policy for the country, interprets the morality of the constitution and also guards public interest. This phenomenon - popularly called judicial activism - has expanded the ambit of basic rights and

guaranteed accountability in cases of legislative/ executive inaction. Nevertheless, its dynamism has remained subject to critiques which try to draw a clear distinction between legitimate activism and judicial overreach and creates an important constitutional dilemma: when does judicial intervention, in the interest of preserving justice infringe upon democratic governance?

Landmark rulings over the last decades have highlighted this tension. The court has intervened in the area of policy-making, which would normally be left to the legislature, in numerous instances, from the emergence of public interest litigation to abrogation of the National Judicial Appointments Commission, environmental directives and electoral reformation measures. Proponents of such interventions believe they are called for when other branches of government are failing to act ethically and constitutionally, detractors believe they are infringements that undermine the delicate balance envisioned in the separation of powers doctrine. This discourse is not one of the most theoretical and bears on the legitimacy, accountability, and democratic principles of the judicial institution itself.

Similar questions have arisen under constitutional systems in the United States and the United Kingdom. Comparative experiences teach that if the power of the judiciary goes unchecked, it will over time assume a quasi-legislative role, which would compromise the basic principle of checks and balances. In India, this problem is heightened by the broad interpretive philosophy of the judicial arm of government and its unrivalled moral control over public affairs.

Against this backdrop, the present study focuses on issues of distinction between judicial activism and judicial overreach by engaging in a principled and objective approach. The research focuses on the examination of constitutional theory, the survey of current accountability systems, and the propositional framework of a systematic model, namely L.I.N.E., which stands for Legal Integrity, Institutional Necessity, Non-Encroachment for the evaluation of judicial action. The paper argues that judicial power, although necessary for the protection and performance of rights and justice, must work within well-defined limits so as to maintain institutional balance.

## **9. Judicial Activism in India: The Historical and Theoretical Roots of Judicial Activism**

The course followed by the Indian judiciary has, down the years, been a complex one and has



frequently intervened in a situation where other organs of government have been falling short of performing their functions, and this has required an inquiry into its limitations. This section examines the genesis and development of judicial activism, set in the Indian peculiarities of the constitutional structure and external trends. By looking at its definitions, philosophies, and important developments, we aim at making sure we explain the court's progression from passive interpreter to proactive protector of rights.

### **10.1 Definition, Evolution and Jurisprudential origin of Judicial Activism**

Judicial activism in India is not merely a catch-phrase it is a dynamic response to the demands of the society. It holds fundamental meaning of the judiciary's intrepid interpretation of laws and Constitution for promoting justice and particularly addressing gaps constitute by omissions on a part of legislature/ administrator. This is not the same as judicial overreach as in that case it is the judges filling the gaps in governance through the expansion of rights and the enforcement of accountability. The idea was made prominent during the mid-20th century and in India grew out of the post-independence era inspired by the American legal system (more specifically the U.S. Supreme Court under Chief Justice Earl Warren and the court's advocacy of civil rights reforms).

In retrospect, then, the transition began gradually after 1947, with the Supreme Court beginning initially to follow a literal reading of statutes. However, during the 1970s, in the context of political upheaval such as the emergency, the judges started to express themselves more audaciously. The notion is informed by jurisprudential ideas such as legal realism, which claims that judges must consider social conditions as opposed to just following strict law. Academics frequently identify Justice P.N.Bhagwati and V. R. Krishna Iyer as pioneers who brought activism and human rights focus together and made the judiciary a 'People's Court'. This foundation is based on article 32 of the Constitution<sup>1</sup>, which authorises the court to protect basic rights, which made activism a mechanism for democratic rectification instead of mere judgment. It has evolved over time to become a jurisprudence that balances individual rights with collective welfare despite the fact that critics express fears about it blurring the boundaries between policymaking and individual liberties<sup>2</sup>.

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<sup>1</sup> The Constitution of India.

<sup>2</sup> J.A.Smith, "Deepfakes in Domestic and International Perspective"(2023)

The jurisprudential foundation lies essentially in interpretive flexibility through the technique of purposive construction by which judges make the constitution a dynamic text. This transition was not sudden; It was based on colonial traditions of judicial review but it was amenable to the Indian socialist inclination for the first decades. Currently, it is regarded as necessary in a multifaceted country that has challenges such as as inequality and corruption, however its development continues to spark discussions over legitimacy.

## **10.2 Theoretical Perspectives: Constitutional Interpretation and The Division of Powers**

A comprehensive examination of the theoretical perspectives concerning the judicial activism in India reveals the conflict between the assertive interpretation and observing the separation of powers. Activism is related to living constitutionalism, where a judge is altering the text to accommodate the current situation, ensuring that rights such as equality and liberty move with the times as society changes. Philosophers like Ronald Dworkin argue that this is essential to the integrity of the law in which principles are relevant to decisions that are not simply adhering to rigid rules<sup>3</sup>.

This goes against the principle of separation of powers established in the Constitution of India through Article 50 and following which aims at preventing dominance of any branch. Critics using Montesquieu's concepts, see activism as an intrusion - judges encroaching onto legislative domains such as establishing environmental regulations or election changes. In India, this outlook in public interest delegation emerged in the 1980s when the courts were praised for remedying executive deficiencies and criticised for creating a "Super-Legislature". Another view is derived from positivism, which emphasizes adherence and faithfulness to the text in contrast to the transformational approach of activism. Indian academician such as Upendra Bakshi argues that in emerging democracies, such strict division ignores facts such as problems in governance, hence legitimising activism as a means to check abuses of power. The court frequently uses the "basic structure" theory to rationalise interventions to ensure that activism does not violate constitutionalism, but respect democracy. This theoretical tug-of-war is in India's favour because what makes India's model unique is the combination of constraint and engagement to bring about resilient government.

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<sup>3</sup> Ronald Dworkin, *Taking Rights Seriously* (Gerald Duckworth & Co., London, 1977)

### 10.3 The Emergence of Public Interest Litigation as A Tool of Activism

Public Interest Litigation (PIL) emerged as a revolutionary tool during the late 1970s and it changed the way in which common man receives justice. Prior to this, strict locus standi laws only allowed those who are directly affected by an issue to bring suits to court, thus ignoring systemic issues. The turning point was in the time of emergency when some judges such as P.N.Bhagwati and V.R.Krishna Iyer relaxed these fetters and allowed "epistolary jurisdiction"<sup>4</sup> -- that is, petitions in the form of letters from persons mentioning public grievances. This transformation had sprung from the principles of judicial activism, the objective being to safeguard underprivileged populations. The seminal example of public interest litigation is *Hussainara khatoon v. State of Bihar*<sup>5</sup> brought the issue of the predicament of undertrial detainees in the limelight, leading to the establishment of rights to a speedy trial. The history of public interest litigation is associated with the social justice movements, the judiciary viewed the public interest litigation as a mechanism to enforce the directive principles of the state policy guaranteed under the Indian Constitution, such as environmental preservation and labour rights.

By the 1980s, PIL had become iconic in the field of activism and it provided an opportunity for NGOs and activists to challenge policies. However, its growth was not without controversy - some regarded it as an overextension of the court, flooding it with petty issues. It democratised justice and the court had been transformed into a legal guardian to watch against governmental apathy, and the principles derived from its empathetic jurisprudence remain a part of the international setting.

### 10.4 Stages of Judicial Transformation in India: Restraint To Engagement

The trajectory of the Indian judiciary is not linear but linearity is characterised by successive stages reflective of accompanying political and social transformation. During the early period (1950-1970) judicial caution prevailed, when the court deferred to Parliament, as it did in *A.K. Gopalan v. State of Madras*<sup>6</sup> of which rights have been interpreted narrowly. This "formalist" era focused more on stability than innovation. The year 1970s was a turning point of the Emergency and it was typified by the *Kesavananda Bharati case*<sup>7</sup> of 1973, which laid down the

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<sup>4</sup> Sunil Batra v. Delhi Administration, AIR 1978 SC 1675.

<sup>5</sup> AIR 1979 SC 1369

<sup>6</sup> AIR 1950 SC 27

<sup>7</sup> AIR 1973 SC 1461

doctrine of basic structure, which works as the constraint to the amendments of the Constitution and also marked the budding judicial activity. Following the Emergency (1980s-1990s) the role of the judiciary in public interest was expanded with the help of public interest litigation (PIL) touching issues of environment and human rights e.g. Vellore Citizens Welfare Forum vs. Union of India<sup>8</sup>. The 2000s saw bold interventions; however in the next decade (2010 onwards) the ambience is one of caution and a critique of excesses (e.g. their concerns over Electoral Bonds). The people's entry into the active engagement rather than passive is a product of the democratization of India as court has showed resistance against populism and deterioration of the phenomenon and remains vigilant for possibilities of over-reach.

### 10.5 Pivotal Rulings Demonstrating Judicial Activism

Certain decisions became the outstanding examples of judicial activism where Indian law and society were transformed by functioning judicial administration which expanded the scope of the constitutional interpretation to the need of the society. The case that proved to be a milestone was of **Kesavananda Bharati vs. State of Kerala**<sup>9</sup> 1973 was historic, forming the "basic-structure doctrine" for protecting the basic elements of the Constitution same as federalism, secularism, and fundamental rights from arbitrary amendments of parliament applying under article 368<sup>10</sup>. Delivered by a 13-justice bench, where there had been some political tension the decision was a major declaration of judicial review, making sure amendment does not destroy the fundamental nature of the Constitution.

In **Maneka Gandhi v. Union of India**<sup>11</sup>, the Supreme Court revolutionised the interpretation of Article 21<sup>12</sup> by adding the touch of due process and reasonableness on the concept of personal liberty not only with reference to procedural safeguards but also substantive justice and fairness. The case emerged due to the impoundment of the petitioner's passport without any reason, the Court widened the scope of fundamental rights and the interlink Articles 14, 19, and 21 which broadens the scope to protect oneself from any arbitrary state action.

In the perspective of PIL, **Vishaka v. State of Rajasthan**<sup>13</sup> rendered an example of proactive

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<sup>8</sup> AIR 1973 SC 1461

<sup>9</sup> Supra note 7.

<sup>10</sup> Supra note 1, art. 368.

<sup>11</sup> 1978 AIR 597

<sup>12</sup> Supra note 1, art. 21.

<sup>13</sup> AIR 1997 SC 3011

judicial intervention in which the Court laid down detailed guidelines to prevent sexual harassment in the workplace because no specific laws are in place for the same. Triggered by the gang-raped social worker, Bhanwari Devi, for her fight against child-marriage, the judgement relied on international conventions like CEDAW<sup>14</sup> for the enforcement of gender equality and safety in the workplace till the Parliament enacted the POSH Act<sup>15</sup> in 2013.

Furthermore in **Navtej Singh Johar vs Union of India**<sup>16</sup>, the Supreme Court held that a person's gender identity is a fundamental trait essential for forming a person's identity. Union of India (2018), due to a progressive interpretation of privacy, dignity and equality under Articles 14, 15, 19, and 21, the Supreme Court decriminalised consensual same sex relations by striking down certain parts of the IPC, 1872 of Section 377 as unconstitutional in furthering the right of the Left-Winged Prides. The decisions, made unanimously, overruled prior precedent committee emphasized the fact that sexual orientation is innate and in turn, protected, as to promote for inclusivity with a diverse society.

Most recently, from State of **Tamil Nadu v. Governor of Tamil Nadu**<sup>17</sup> (2025) to the **16<sup>th</sup> Presidential Reference**<sup>18</sup>

The constitutional issue on the question of assent of the Governor was triggered by the case of State of Tamil Nadu v. Governor of Tamil Nadu (2025). In that case the Supreme Court invoking Article 142<sup>19</sup> had imposed strict time-frames on both the Governors and the President to give assent to the bills and also recognised the justiciability of their actions and in some cases sanctioned "deemed assent" where the constitutional authorities had remained sitting ducks. The judgment has widely been interpreted as an example of judicial assertiveness designed to fill administrative vacuums created by long term gubernatorial inaction. Nonetheless, it did, at the same time, serve to trigger concerns about judicial overreach, since it seemed to set deadlines not expressly provided for in Articles 200(2) - 201(2)<sup>20</sup> and to impinge on the latitude of discretion customarily given to the executive. This controversy led to the President, Droupadi Murmu, invoking Article 143 leading to the 16<sup>th</sup> Presidential

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<sup>14</sup> Convention on the Elimination of All Forms of Discrimination against Women, 1979.

<sup>15</sup> The Sexual Harassment of Women at Workplace (Prevention, prohibition and Redressal) Act, 2013 (Act 14 of 2013).

<sup>16</sup> AIR 2018 SC 4321

<sup>17</sup> 2025 INSC 481

<sup>18</sup> In Re Special Reference 1 of 2025, (2025) SCC OnLine SC 1832 (20<sup>TH</sup> November 2025).

<sup>19</sup> Supra note 1.

<sup>20</sup> Supra note 1.

Reference on the Powers of the Governor and President, 2025. In this advisory opinion, a five-judge Constitution Bench made significant changes to the position arrived at in the Tamil Nadu Governor decision. The Bench held that:

1. Under Article 200, the Governor may (a) assent; (b) reserve for the President; or (c) return the bill in question for reconsideration;
2. Governors have discretion in addition to just assenting to the aid and advice of the Council of Ministers;
3. No judicially mandated time limits can be devised into Articles 200 and 201;
4. Courts have been barred from validating assent because such action violates the principle of separation of powers; and
5. Most acts of Governor and President under Articles 200-201 are non-justiciable barring exception of inaction being indefinite in nature, unexplained and there is an opportunity for judicial intervention.

The two decisions, taken together, form a key case study on drawing the line between judicial activism and judicial overreach. The judgment in Tamil Nadu 2025 exemplifies the activism instinct of judiciary to correct executive's dysfunction and preserve the legislative process, thus fitting in with the thesis that activism can be indispensable aspect in ensuring constitutional governance. On the other hand, the 2025 Advisory Opinion is an institutional corrective measure, a vindication of federalism, constitutional discretion and separation of powers, and a warning to the Court against usurping functions against the political executive.

These cases mentioned above highlight the immense potential of judicial activism to bring about societal changes and address wrongs but also raise the issue of where the lines must be drawn to prevent judicial activism from turning into a scenario of judicial overreach above the other branches so that it exercises judgmental activism as a tool for Constitutional improvement but not overreach.

### **11.The Dilemma of Judicial Overreach: Boundaries and Critiques**

In the richly textured constitutional system of India, the Judiciary often finds itself at a fork

looking down the two paths between fearlessly upholding the rights and the dangers of infringing upon what is generally reserved for other branches. This section explores the problems caused by judicial overreach, analysing what it is, the consequences and real-life examples of judicial overreach. A close look at it shows how over-reach doesn't just test institutional limits but raises wider issues of the distribution of power in a democracy that is faced with rapid change.

### **11.1 Conceptual Understanding and Threshold for Overreach**

At its simplest, judicial overreach is when courts make law well beyond their prescribed area of jurisdiction, extending into decisions which should be made by lawmakers or administrators. In contrast to activism that acts to fill the gaps in maintaining justice, overreaching ignores the boundaries of jurisdiction and turns judges into unelected policy makers. The issue of a court striking down legislation without explicit constitutional support has changed from fear of the courts invalidating laws without an express finding of constitutionality (augmented in the Indian context by the advent of PIL throughout the 1980s). According to academics, Ethnicity and Class, The threshold is that brought on by judicial creativity to the point where what is no longer the product of legislative authority is what judges do instead of interpreting statutes. For instance, although it is legitimate to scrutinize laws under Article 13, it is when executive actions (an example of which is budget allocation) are specifically enforced that we move into the territory of overreach.

This boundary is not static, but it moves along with the context. In a country struggling with governance failures, however, some people are seeing overreach as a needed counterbalance to inaction, with other people arguing that overreach undermines the legitimacy of democratic systems by subserving elected bodies. The dividing line is in most cases going to include whether the shift by the court is to align with constitutional principles or into policy areas that are subjective to the concept of law, something the lines are blurred by as India's jurisprudence has evolved. Understanding this is important in order to appreciate why overreach elicits heated discussion particularly in the context of populist pressures.

### **11.2 Implications of Judicial Overreach: Institutional and Constitutional**

When courts overstep their limits, the consequences affect the basic pillars of the Indian system of government. A major effect is a blurring of the separation of powers because the courts reach

into the executive and legislative offices, causing institutional disharmony and policy paralysis. For example, by enacting individual legislative reforms without legislative input, courts could subvert equitable decision making, and force other branches to resort to reactive rather than proactive forms of governing. Such excess threatens the integrity of basic precepts, such as those in Articles 50 and 121<sup>21</sup>, that seek to preserve separate authorities. Over time, it might foster a culture of dependence, in which judges are allowed to make hard decisions for the executive, thereby hindering institutional development. Critics highlight that these interventions set incompatible precedents, create complications in how they are adjudicated on a future basis and burden limited systems already. Judicial overreach might generate a response in the form of counter-measures, which might weaken the court's powers. Thus, instead of correcting the disparities, overreach contributes to the problem and smashes the strong foundation that is needed for tackling the challenges of the 21st century.

### 11.3 Legislative and Executive Perspectives Critiques

Judicial overreach faces strong criticism from Parliament and government officials in disturbing the balance between democracy and law. Legislators have argued that when courts discard legislation or impose policies, they could circumvent the intentions of elected legislators and turn the judiciary into an unaccountable "super-legislature." Executives agree, pointing to cases where court mandates have hindered swift administrative responses, especially in the management of a crisis, describing such intervention as "underreach" due to such judicial intrusion by other branches.

These critiques often revolve around Article 142<sup>22</sup> as it specifically grants the Supreme Court an overwhelming authority to administer "complete justice," that some believe has become an overreach instrument whenever it is used to bypass parliamentary procedures. Legislators complain that this reduces their power to make decisions on policy and executives focus on operational disruptions, such as delayed projects due to the need for court-initiated evaluations. Nonetheless, such views are diverse; others do recognize overreach as the result of legislative flaws, and recommend better law-making to keep the judicial overreach in check. The need for reciprocal constraint in order to keep the constitutional ship in balance is emphasised by the resistance.

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<sup>21</sup> Supra note 1, arts. 50, 121.

<sup>22</sup> Supra note 1, art. 142.



### **11.4 The Impact on Democratic Accountability and the Public Confidence**

Judicial overreach is not only a burden on institutions, but also is a drain on the foundation of democracy by blurring the lines of accountability. When appointed judges pursue policy action, accountability is taken from the elected representatives and put on a body that will not always be subject to scrutiny for poor decisions, the judiciary. This potentially tends to public scepticism, where voters are left to question who actually rules, cutting the confidence in a system where responsibility must come from the electorate towards rather than from the courts.

Public trust is undermined if prejudice or excess perceptions create scepticism in public opinion of judicial impartiality. In India, where the judiciary enjoys the prestige of being considered a protector of rights, judicial overreach undermines the value of the judiciary and creates a sense and a perception that courts are remote from the realities of ground level action. Research shows that this deterioration could weaken democratic institutions: as a discredited court finds it hard to forcefully enforce verdicts. Rebuilding trust demands changes that focus on openness and moderation to ensure that the judiciary continues to be a cornerstone of trust as opposed to a cause of discord.

### **11.5 Judicial Overreach Case Studies**

#### **Supreme Court Advocates-on Record Association v. Union of India<sup>23</sup>**

In this landmark verdict, the Supreme Court repealed the National Judicial Appointments Commission (NJAC) Act and corresponding 99th Constitutional Amendment, arguing that they had made it impossible for an independent judiciary by providing scope for unseemly intrusion from the government in appointments of judges. Critics perceived the ruling to be an escape-hatch into abominable judicial overreach, insofar as the court virtually remains its own collegium in that, besides shielding judge selection from oversight by elected lawmakers, it ostensibly reflected a fear of its own power becoming self-sustaining and uncontested in a democracy. The decision aimed to maintain the primacy of the Judiciary and challenged comments on the bench's potential overreaching while conversing judicial supremacy when it should have kept a balance in government as well as reinforcing the impression of judicial supremacy at the macrocosmic government organization's expense.

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<sup>23</sup> AIR 2016 SC 117.

The unanimous decision of the **Supreme Court in Association for Democratic Reforms v. Union of India**<sup>24</sup> held that electoral bond scheme was unconstitutional because it infringes the right of information of the elector under Article 19(1)(a) and opens the door to anonymous donation of money which may lead to unethical political influence. Critics viewed this intervention to be an overreach because the court has gone beyond conventional limits: Legislation's role in this situation is to confront legislative policies such as campaign finance reform (and those of less startling provenance), and in doing so, legislators may, for example, have particularized legislative intent. The verdict not only required the publication of previous bond information but also outlawed issuance of bonds in the future, hence changing the political financing dynamics. It also triggered thoughts about judicial overreach especially because it happened close to national elections, which could alter democratic processes without the electoral sanction. This incident helps to highlight the fine line between action to advance openness and intrusions on executive authority, and thus the importance of the courts finding the right balance in areas of sensitive policy.

**M.C. Mehta v. Union of India**<sup>25</sup> (Pollution case in Delhi, 2015 judgement)

In a string of orders, the Supreme Court laid down some stringent environmental laws in Delhi and in orders such as banning diesel cars with capacity of more than 2000 cc, introducing an entry fee for commercial trucks, which were taking up an acute crisis in the air-pollution levels in the capital not being tackled by the executive. Although these measures were a response to certain sharp public-health crises, they were criticized for overreach for exerting too much control over city policymaking, such as regulating vehicle use and managing pollution, which were icebreakers for legislative or administrative control. The active approach of the court, the setting up of oversight committees etc, in their fight for sustainability aimed to ensure sustainability but also brought into the conflict with the separation of powers because these requirements threatened to be unevenly implemented and sneak through comprehensive policy frameworks. The case underscores the danger to judicial encroachment on executive domains stemming from environmental mandates, and suggest the need of precise dictatorship in terms of order to avoid prudish interventions from morphing into ongoing overreach.

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<sup>24</sup> 2024 INSC 113.

<sup>25</sup> 2002(2) SCR 963.

## 12. Comparative Constitutional Analyses

A look at the methods of other democracies to deal with the role of the judiciary offers a lot for India to learn from, since the courts are often treading complex social and political landscapes. This section is a comparison of the judicial power - management techniques in the United States and the United Kingdom with a special reference to the response of each of the nation's legal regimes to changing social needs. Through the analysis of these models, perhaps we will be able to discern measures that could be used to improve the framework in India, so that the courts still have a role to play in producing justice, while at the same time upholding a balance in the democracy.

### 12.1 Judicial Activism and Judicial Restraint in the United States: Doctrinal Shifts and Landmark cases

The role of the judiciary in the United States has varied between assertive intervention and judicious avoidance, due to political cycles and pressures of various sections of the society representing fundamental ideological conflicts. Judicial activism is the practice of judges reading into the Constitution the "spirit" of the law and furthering rights and rectifying injustice, usually in cases of deficiency left on the part of other forms of government. This is in contrast to restraint, where courts defer to elected authorities, and are sensitive to keeping very much with the original purpose and not give policy preference, such as with respect to maintaining the separation of powers. Over time, these ideas have shifted as much along party lines as they did: early 20th century progressives supported restraint against conservative courts protecting property rights, but mid century, liberals moved toward activity for civil freedoms, and conservatives moved away from it. In the past few decades this trend has flipped and conservatives have advocated for a form of "judicial engagement" as a means of curbing government over-reach, while liberals have condemned it as unrestrained acquisition of power. Significant changes are associated with historical time periods for example, the Warren Court (1953-1969) that exemplifies a peak point of activism as it expanded the concept of rights through innovative interpretation. Prior to it, the period of New Deal demonstrated prudence within instances contesting Cornerstone government extension; be that as it may, the calls for equality after the Second World War catapulted the transformation. And significant activism cases include **Brown v. Board of Education**<sup>26</sup> (1954), one of the greatest examples, in which

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<sup>26</sup> 347 U.S 483 (1954).

the Supreme Court abolished the practice of segregation in the schools by broadly interpreting the Equal Protection Clause, so as to overturn long-standing precedent to remedy the injustice of the situation for the race. Likewise, **Roe v. Wade**<sup>27</sup> (1973), provided a broader understanding of private rights in that of abortion, vests the power of the court of interpreting social policy in the absence of legislative action. In accordance of constraint, through, **Plessy v. Ferguson**<sup>28</sup> (1896) deferred to state authority on the issue of segregation by giving approving the "separate but equal" doctrine in order to avoid upsetting societal norms. **A.L.A. Schechter Poultry Corp. v United States**<sup>29</sup> (1935): Invalidated New Deal legislation because too much is delegated in the economy has a limit as to how much the government has authority during economic distress.

Prominent people, like the Chief Justice in the case of Earl Warren, supported human rights activism and the judges like Antonin Scalia redefined the originalism to favor conservative involvement. These movements highlight the sovereignties of U.S. courts to face regime changes through nomination of affiliates by the dominant parties, thus changing the dockets and precedents. However, activity may politicise the judiciary and restraint may reproduce inequities, proceedings that have many parallels in the Indian conversations of the judiciary authority today.

## 12.2 The United Kingdom's Approach: Constitutional Discourse and Institutional Equilibrium

The UK, which has no written constitution, relies on a less explicit structure in which judicial review facilitates interactions among the branches, which avoids a situation where one of the institutions dominates while addressing issues of rights and governance. In this context, the courts review public activities from the point of view of legality, logic or justice: but they do not have the ability to annul the original legislation - parliamentary sovereignty wins out. This promotes institutional equilibrium by comparing opposite principles: formal principles such as the distribution of authority are compared to substantive principles such as rights, thus maximising the balance on a case-by-case basis.

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<sup>27</sup> 410 U.S 113 (1973).

<sup>28</sup> 163 U.S 537 (1896).

<sup>29</sup> 295 U.S 495 (1935).

Reforms in the 1990s, such as the Human Rights Act<sup>30</sup> (1998) have strengthened the power of the judiciary by incorporating European rights and making it possible to have compatible interpretations or incompatibility that requires legislative remedies. The devolution to Scotland, Wales, and Northern Ireland creates complications with the Supreme Court (created in 2009) ruling out fights in order to maintain unity without overstepping its bounds.

Constitutional discourse combines the authority - coercive judicial rulings - with debate producing better thinking in the public sphere. In **R (Miller) v. The Prime Minister**<sup>31</sup> (2019), the court declared illegal to prorogue Parliament and thus limited the power of the executive while respecting the sovereignty of Parliament. Additional consideration such proportionality informs varying degrees of scrutiny and as deference is increased by demonstrating expertise in legislation procedures. The Human Rights Act means that involvement with the European Court is easier, as viewed by Horncastle, when UK judgements affected Strasbourg judgements. This contrasts activist regimes by focusing on restraint - courts cancelling out secondary action or judgement on concerns, while Parliament decides on remedies - there is an equilibrium through agreements such as Sewel for delegated consent. This adaptable strategy by the UK reacts to advances without reinforcing power; it relies on conversation for an equilibrium of trust and balance.

### **12.3 Insights for India: Balancing Judicial Innovation with Constitutional Adherence**

By drawing lessons from the US and the UK, India could improve on its judicial process to balance innovation with regulation, reducing over-reach while correcting governance failures in a diverse community. India likes to gain insights from United States on significance of activism in extension of right as seen in case *Brown vs. Board*<sup>32</sup>, which is in parallel with the advancement of India in cases like *Maneka Gandhi case*<sup>33</sup> for better freedoms. The United States warns against political movements, suggesting that the cyclical changes illustrate how politicisation of the judiciary may occur through change, and suggests that India should use procedures like the transparent way of nominations to dispel entrenchment. Lessons in restraint as given by instances like *Schechter*<sup>34</sup> create the need for deferring to policy where it can help

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<sup>30</sup> Human Rights Act, 1988 (UK)

<sup>31</sup> [2019] UKSC 41

<sup>32</sup> Supra note 22.

<sup>33</sup> Supra note 11.

<sup>34</sup> Supra note 25.

India check the excesses of PIL driven interventions.

The UK's system introduces constraint through the sovereignty: courts determine the legality but don't nullify the main legislation as India's basic structure doctrine does when changes are made to the law. India may add elements in the discussion, such as declarations of incompatibility, aimed at encouraging legislative changes without conflict as Japan experienced and UK examples resulted in rights-oriented changes. A balance affected by devolution could contribute to a stronger federalism in India by defining clearer parameters for state - centre conflicts. Harmonising is embracing the dynamism of the US for Social Justice in Congress with UK style proportionality (to judge initiatives), promoting self-restraint (through training and ethics) to overcome "super-legislature" risks and resolving issues such as the AI and climate change. This comparative lens makes India's L.I.N.E. framework more robust in promoting robust resilient governance.

### **13. Assessing Doctrines and Framework of Accountability**

Despite the fact that the Indian judiciary is a fundamental piece of the democratic structure of India, the instruments and protections it utilizes are frequently on a tightrope of giving power and overwhelming the populace. Key doctrines and procedures, which define judicial powers, undergo a critical scrutiny in this part that compares advantages of these doctrines and mechanisms with possible drawbacks. By analysing these components, we are uncovering ways of change to operate concurrently on the L.I.N.E. framework, building accountability and maintaining the very important role the court plays in addressing social needs.

#### **13.1 The Basic Structure Doctrine and the Contribution it Makes in the Origin of Judicial Power**

The basic structure doctrine of India was not a well-thought regulation rather it was a judicial invention and stemmed out of political turbulence. This innovation radically changed the way in which the courts interact with other branches of government when it was brought about. It was mooted for the first time in a landmark case of *Kesavananda Bharati*<sup>35</sup>, which was held in 1973, and says that some essential features of the constitution, namely, federalism, secularism, and judicial review, are inviolable and cannot be tampered with by the parliament, even by way

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<sup>35</sup> Supra note 7.

of constitutional amendments. The power relations were changed as the results of this theory which gave the court the power to act as a watchdog against the excess of the legislature.

This was especially important during the Emergency, as there were numerous attempts to limit the rights. Over many decades it has evolved into a shield for democratic fundamentals, having an impact on judgements, e.g. *Minerva Mills*<sup>36</sup> (1980) in which the Supreme Court struck down amendments that tipped the scales in favour of limitless legislative autonomy.

However, this extension of the judicial authority is not without its share of controversy; critics to this extension feel that it gives unelected judges an undue influence over elected bodies which has the potential of stifling progressive changes. For instance, considering the theory's application to ordinances that are covered by Articles 123 and 213<sup>37</sup>, existing assessments focus on the risks of inconsistency. This is when a temporary executive action gets analyzed as if it is permanent legislation. Due to its twofold character, the theory plays an important role in the development of the judicial power. While it serves the purpose to strengthen the integrity of the Constitution, it has to be done with carekeeping in mind not to make the judiciary the uncontrolled arbitrator. In essence, despite the fact that it has contributed to strengthening the power of the courts in protecting the rights in the face of populist threats, it is seen in current disputes that its boundaries are questioned and a more principled framework is required to avoid too vast an extension.

### **13.2 Public Interest Litigation: Evolution, Achievements, and Misuse**

Courts in India have been converted into venues of social change due to the judiciary's desire to democratise access to justice. Public interest litigation (PIL) in India did not start as a formal system but emerged before as an offshoot of this ambition. In the late 1970s, after the Emergency, judges like P.N. Bhagwati started to loosen the norms that were there since long. This made it possible for anybody to petition on behalf of those who found themselves disadvantaged by sending simple letters or postcards. PIL thus became a powerhouse for successes as a result of this transformation. Some examples of these achievements include environmental safeguards in cases like *M.C. Mehta*<sup>38</sup> where the court ordered cleanup of industry and human rights in *Vishakha v. the State of Rajasthan*<sup>39</sup> where guidelines against anti-

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<sup>36</sup> *Minerva Mills Ltd. & Ors. V. Union of India & Ors.*, Air 1980 SC 1789

<sup>37</sup> *Supra* note 1, arts. 123,213.

<sup>38</sup> *Supra* note 21.

<sup>39</sup> *Supra* note 13.

harassment were laid down. PIL has contributed in the development of justice by dealing with problems like pollution, child labour and bonded labourers. It has also empowered those who cannot speak for themselves and held governments accountable in a way that conventional litigation has not been able to do.

Due to the fact that frivolous files are clogging dockets and drawing resources away from actual issues the abuse of this judicial system has become an increasing problem. Some high profile lawsuits to which unusual attention is paid to media over substantive change, are examples of the kinds of lawsuits to which critics point when they speak of PIL being engaged to serve personal agendas or political vendettas. Because of the fact that it is both innovative and prone to abuse, it is important to put in place some safeguards, such as more rigorous screening, to ensure it continues to serve as a catalyst for equity without compromising the effectiveness of the judicial system. In general, although there is no doubt that PIL has been successful in correcting justice deficits, it is important to check such abuse as to maintain public faith in the public institutions and the balance of power.

### **13.3 Judicial System's Responsibility with respect to Ethical and Institutional Considerations**

The idea of judicial responsibility in India is not only about the issuance of legal decisions, it is also about the enforcement of ethical norms as well as institutional frameworks that ensure impartiality and accountability of judges in the context of a complex democracy. In terms of ethics, codes such as the Bangalore Principles<sup>40</sup> put an emphasis on integrity; and, yet, India's system of self-regulatory function, which is based on in-house enquiries, is often not living up to the expectations because of its lack of openness and external scrutiny. Processes like Judges (Inquiry) Act, 1968<sup>41</sup> are the examples of institutional features; however, these processes have been criticised for their inadequacy and the rare impeachments have demonstrated a culture of protecting. Additional levels of accountability are added by the administrative powers of the Chief Justice e.g. distribution of benches; yet these powers give rise to apprehensions of bias especially if political influences are at work.

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<sup>40</sup> United Nations Economic and Social Council, Bangalore Principles of Judicial Conduct, ECOSOC Res. 2006/23(2002).

<sup>41</sup> The Judges (Inquiry) Act, 1968 (Act 51 of 1968).



An increase in accountability could be realized by promoting codes that fight prejudice and corruption through the implementation of recommendations for an independent organisation including stakeholder involvement. A dynamic sense of responsibility would be developed through the implementation of training programs on ethics, which is indicated in terms of the number of reforms. These programs would be in consonance with the global norms but at the same time be selective to the situations in India. In the end, the increase of this aspect is not about the limitation of authority; rather, it is about establishing a resilience, which makes sure that the judges follow the rule of law without falling into the defects, which are either internal or external.

### **13.4 Striking a Balance between Judicial Legislation and Judicial Review**

The demarcation that now exists between judicial review - scrutinising statutory instruments to ensure the observance of constitutional mandates - and judicial legislation - creating public policy by judicial pronouncements in a more fundamental way - is something that remains a controversial issue in India. In this regard the judges intervene a lot to fill the gaps in legislative process. The supreme courts have the power to annul unlawful acts through judicial review, which is based on articles 13,32 and 26 of the Constitution of India. The case of *Golaknath*<sup>42</sup>, for example, brought in a ban on amendments to fundamental rights for the first time and therefore highlighted the importance of maintaining equilibrium. Judicial review becomes an antidote against the excesses of democracy; whereas, if it develops into a form of de facto lawmaking, especially in the field of specialization such as environmental regulation or social welfare, then there is a very real danger of simultaneously trampling on parliamentary sovereignty.

It is the argument that expansive judicial review from public interest litigation (PIL) endures the judiciary to enforcement of "good governance," which debauches the power of elected representatives of citizens and results in contradictory policies. To regain the balance, India may borrow from the theories on deference that focus less on aesthetic considerations and more on legal considerations in the assessment of State's conduct. Difficulties such as friction over promulgation of ordinance between the legislature and the judiciary as examples of recent conflict show the need for cooperative controversy engagement to prevent supremacy frictions. In harmonising these tensions, the judiciary needs to seek restraint and use review as an

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<sup>42</sup> I.C.Golaknath & Ors. V. State of Punjab, AIR 1967 SC 1643.

instrument of correction though legislative functions are avoided, enabling it to maintain constitutional discipline in a fast evolving society.

#### **14. The L.I.N.E. Framework: A Methodological Paradigm for Judicial Equilibrium**

Globally courts are increasingly tasked with their duties in the face of faster technology and environmental changes, which requires a systematic methodology of evaluating judicial conduct. The L.I.N.E Framework, which stands for Legal Integrity, Institutional Necessity, and Non-Encroachment, gives a structured solution to consider the difference between constructive activism and detrimental overreach. Drawing on India's rich judicial legacy, and international benchmarks, this model is an attempt to help guide evaluators and ensure that the courts do not become de-facto domination, but democratic anchors themselves.

##### **14.1 Conceptual Framework Overview and Rationale**

The L.I.N.E Framework comes into its own as the response to growing tensions in the field of constitutional adjudication where judges are playing a larger role by filling the gaps that other institutions left behind in the process and gaining allegations of overstepping of powers. It provides a neutral perspective from which to analyse decisions, focusing on compliance to legal principles, the need for intervention and respect for institutional boundaries. This is not pure theory, it is the reality of India, where Supreme Court adjudicated more than 900,000 PILs during a period of 1985-2020, which accounts to an average of 25,000+ every year.<sup>43</sup> Many of these examples demonstrate dual possibilities of accomplishments of justice and stepping over boundaries inherent in activism. Critiques of unchecked authority continue - data show that PILs have helped secure the release of about 40,000 prisoners in landmark ruling cases like *Hussainara Khatoon versus State of Bihar*<sup>44</sup> (1979), constituted at the same time the successes and the abuses by frivolous petitions which waste the judicial resources. Integrating these aspects, L.I.N.E. is a source for encouraging self-restraints and as such referencing cases like *Kesavananda Bharati v. State of Kerala*<sup>45</sup> (1973) which established the basic structure doctrine limiting arbitrary amendments thereby emphasizing need for judicial mechanism for promoting way to progress without stagnating democracy. In a country where millions of people get

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<sup>43</sup> Gauri Kashyap and Ayushi Saraogi, "On an Average, the Court Receives over 25,000 PILs a Year". Supreme Court Observer(July 22,2021),available at <https://www.scobserver.in/journal/on-an-average-the-court-receives-over-25000-pils-a-year/>

<sup>44</sup> Supra note 5.

<sup>45</sup> Supra note 7.

affected with the judicial delays (more than 50 million cases are still pending<sup>46</sup>) the paradigm helps to streamline the interventions for more efficiency, enhancing legitimacy under the impact of populism and global pressures.

## **14.2 Basic Components of L.I.N.E.**

The strength of the framework is that it has inter-linked pillars, which function as criteria for judicial decisions. These components are not checklist and immutable, but rather adaptive arrangements, applicable to different contexts and at the same time grounded in the principles of the Constitution.

### **[A] Legal Integrity - Adherence to Constitutional Text and Intent**

Legal integrity requires that the acts of the court strictly follow the text of the Constitution of India, the intention and the changing purpose of the Constitution, thus omit personally subjective interpretation. This involves a purposive reading of articles such as Article 21 the right to life, as in the case of *Maneka Gandhi versus Union of India*<sup>47</sup> (1978), the court identified that liberty is procedural fairness but did not proceed to make new rights where no textual support was found. Doctrine usage statistics collaborate that if the basic structure doctrine has been since its inception cited in more than 50 significant cases protecting fundamental principles such as secularism still critics have pointed out instances where the basic structure doctrine has weakened leading to some allegations of the doctrine exceeding its limits. Fidelity is not equivalent to liberalism and is rather to harmonise with the intention of the framers, also taking into account the requirements of modern times, for example, *Sunil Batra v. Delhi Administration*<sup>48</sup> (1978) which expanded the right of the prisoners under Article 21<sup>49</sup> without departing from the basic texts. This component mitigates drift by forcing judges to justify variances based on precedent and intent in order to prevent them from being destroyed, which in turn allows the case to be more secure and adds credibility to the public trust.

### **[B] Institutional Necessity--The Intervention in Instances of Institutional Collapse**

Institutional necessity has given legitimacy to judicial actions only when legislative or

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<sup>46</sup> National Judicial Data Grid(NJDG),2023, available at [https://njdg.ecourts.gov.in/njdg\\_v3/](https://njdg.ecourts.gov.in/njdg_v3/)

<sup>47</sup> Supra note 11.

<sup>48</sup> Supra note 4.

<sup>49</sup> Supra note 1,art. 21.

executive deficiencies hindered the achievement of administration of justice which would otherwise lead to habitual overreach. This principle goes back to the genesis of PILs, where interventions targeted the deficiencies in the system, an example of which is *S.P. Gupta v. Union of India*<sup>50</sup> (1981) which reduces standing requirements in case of breakdown of governance. Data helps underline how large the numbers can get: the Supreme Court receives more than 25,000 public interest litigations annually, many of which deal with failure of environmental regulation, leading to the achievement of reforms but also gets into a debate of necessity versus opportunism. Precedents such as *Vishaka v. State of Rajasthan*<sup>51</sup> (1997) represent an example of legitimate necessity, to fill in a legislative vacuum regarding the regulation of harassment in the workplace. This aspect requires that proof of failure is provided - legislative delays or inaction, for instance - before intervention, which protected premature overreach and encouraged fulfilment of responsibilities by other limbs.

### **[C] Non-Encroachment- Preserving Constitutional Equilibrium.**

Non-encroachment: Non-encroachment ensures that the separation of the powers remains intact as judicial decisions do not encroach upon the powers of legislators and executives and thus ensure that an equilibrium is created. This principle criticizes cases such as the national anthem ordinance in *Shyam Narayan Chouksey v. Union of India*<sup>52</sup> (2016), in which the court imposed some measures of patriotism that some have perceived to be foraying into the policy of cultural measures. Judicial review is invoked in thousands of cases every year; as per Supreme Court statistics more than 60% of Public Interest Litigation is in matters of policy directives thus impose the doubtfulness of equilibrium<sup>53</sup>. In *Minerva Mills v. Union of India*<sup>54</sup> (1980) the court reconciled the concept of socialism with rights without legislative intervention; this facet argues in favour of deference where possible, pronouncements to encourage rather than compel changes. It maintains a check on balance by questioning whether choices encourage democratic procedures, hence preventing the court from playing the role of a default policymaker.

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<sup>50</sup> AIR 1982 SC 149.

<sup>51</sup> Supra note 13.

<sup>52</sup> AIR 2018 SC 357.

<sup>53</sup> Poorvi Chitalkar and Varun Gauri, "Recent Evolution of Public Interest Litigation in the Indian Supreme Court". In *A Qualified Hope* (Cambridge University Press, 2019), available at <https://www.cambridge.org/core/books/abs/qualified-hope/recent-evolution-of-public-interest-litigation-in-the-indian-supreme-court/1C267D85579009978BA46F536235761E>

<sup>54</sup> Supra note 32.

### 14.3 Application of Framework in Prominent Indian Judgements

The L.I.N.E. Framework can be usefully used for analyzing landmark Indian judgements on following the constitutional equilibrium in judicial interventions for remedying governance deficiencies.

#### (i) **Kesavananda Bharati v. State of Kerala**<sup>55</sup> (1973)

**Legal Integrity:** The court ensured the supremacy of the constitution through the basic structure doctrine to abide by the basic principles of the constitution.

**Institutional Necessity:** Judicial action was necessary to restrict excessive amendment powers in order to ensure a balance in the constitution.

**Non-Encroachment:** Underlining its power, the court recognised Parliament's right of amending as limitations rather than nullity.

**Outcome:** A paradigm embraced of judicious judicial activism - assertive yet maintaining constitutional restraint.

#### (ii) **Supreme Court Advocates -on -record Association Vs. Union of India (2015) – NJAC Case**<sup>56</sup>

**Legal Integrity:** Firmly upheld the independence of the Judiciary, affirming it as a part of the basic structure of the Constitution.

**Institutional Necessity:** Intervention was required to prevent judicial appointments from executive hegemony.

**Non Encroachment:** By rendering the NJAC unenforceable without proposing reforms to encourage transparency, the court inadvertently reinstated the opacity of the collegium.

**Outcome:** Legal Integrity preserved; institutional equilibrium jeopardised.

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<sup>55</sup> Supra note 7.

<sup>56</sup> Supra note 19.

**(iii) Association for Democratic reforms v. Union of India<sup>57</sup> (2024) - Electoral Bonds Case**

**Legal Integrity:** Based on the constitutional principle of free and fair elections.

**Institutional Necessity:** Intervention justified by using the fact that undisclosed donations more than at least Rs. 16,000 Crore of rupees compromised election transparency.

**Non-Encroachment:** Required exposures in the middle of electoral activities compromised the descent of electoral procedures.

**Outcome:** A necessary although somewhat intrusive exercise of judicial power.

**(iv) M.C. Mehta v. Union of India<sup>58</sup>, Environmental Jurisprudence (on-going)**

**Legal Integrity:** Protects the right to life, and a clean environment of the citizens as provided in Article 21.

**Institutional Necessity:** Judicial intervention emerged out of the executive's failure to follow environmental regulations.

**Non-Encroachment:** Comprehensive court orders - ban, environmental regulations, vehicular standards, occasionally, policy framework are influenced by these.

**Outcome:** A case of the justified necessity constrained by the excess of detail; highlights the thin line of divergence between activism and administration.

**14.4 Advancing the Framework to New/Emerging Areas (AI Governance, Climate Justice, Digital Rights)**

L.I.N.E.'s flexibility is reflected in new areas where change is occurring at a rapid rate requiring a judiciary to be proactive but not hasty. Recent recommendations in AI governance like Kerala High Court's policy<sup>59</sup> on AI tools in judiciary in 2025, focus on the aspect of integrity with the requirement of human verification, necessity for efficiency with the current backlog of cases

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<sup>57</sup> Supra note 20.

<sup>58</sup> Supra note 21.

<sup>59</sup> High Court of Kerala, Policy Regarding Use of Artificial Intelligence Tools in the District Judiciary (July 19, 2025), available at [https://images.assettype.com/theleaflet/2025-07-22/mt4bw6n7/Kerala\\_HC\\_AI\\_Guidelines.pdf](https://images.assettype.com/theleaflet/2025-07-22/mt4bw6n7/Kerala_HC_AI_Guidelines.pdf)

beyond five crore, and non encroachment with a ban on use of AI in final judgement. M.K. Ranjit Singh v. Union of India<sup>60</sup> (2024) verdict employs a paradigm for climate justice, integrity links climate protection to article 21 of the constitution, it acknowledges the extensive effects of climate variability in millions and stresses non-encroachment by promoting policy facilitation instead of imposing direct court requirements. In Amar Jain v. Union of India<sup>61</sup> (2025) Supreme Court of India recognised right to digital access as a fundamental right under Article 21, integrity rooted in equity, necessity addressing disparities when 40% lack reliable access to Internet and non-encroachment mandating inclusion of KYC without system overhauls. These modifications make L.I.N.E. a forward-looking paradigm that ensures that judicial responses to AI biases, climate vulnerability and digital exclusions work for increased resilience without overly intervening responses.

## 15. Reforms and Policy Recommendations

It is imperative to have targeted reforms to reduce these overreach and at the same time augment the corrective duties of the judiciary so that its role as the bedrock of democracy is preserved in India. Using the L.I.N.E. framework to build on, this section provides practical processes based on recent analysis and perspectives from the global perspective. In order to encourage a balanced system in light of challenges like digital governance and climate imperatives, these recommendations focus on accountability gaps, transparency concerns and the necessity for continuing education, involving numerous stakeholders.

### 15.1 Strengthening Judicial Accountability and Ethical Standards

Enhancing judicial accountability in India requires going beyond self-regulation to enforce effective systems that ensure accountability of judges without sacrificing independence. Recent studies have shown the presence of structural flaws, such as a lack of objective criteria in appointment and disciplinary procedures and a lack of public trust. For example, the India Justice Report 2025<sup>62</sup> reveal that as the number of judicial vacancies in the High court is more than 25% resulting in expansive delays and a perception of inefficiency. Further, the rates of pendencies in India exceed 50 million cases across the entire country. According to the

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<sup>60</sup> 2024 INSC 280.

<sup>61</sup> W.P (C) No. 49 of 2025

<sup>62</sup> India Justice Report 2025: Ranking States on the Capacity of Police, Judiciary, Prisons and Legal Aid ((Tata Trusts et al., April 2025).

International Commission of Jurists' 2025<sup>63</sup> report on judicial independence, strengthening ethical safeguards requires adopting a revised judicial code of conduct that incorporates the Bangalore Principles of Judicial Conduct and mandates thorough asset disclosure by judges. Precedents showing the importance of external scrutiny such as the in-house enquiry in the Justice C.S. Karnan case<sup>64</sup> in 2017 show that the absence of supervision can bring extended controversy resulting into initiation of contempt proceedings against him. Revival of dead provisions of Judicial Standards and Accountability Bill (2010) may result in establishment of National Judicial Oversight Committee which will conduct annual performance audits will also venture into giving ethical training to prevent and reduce the risk of judicial misconduct. While the 2010 bill lapsed, the introduction of the Judicial Standards and Accountability bill, 2022 (Bill No. 171 of 2022) revives efforts to establish National Judicial Oversight committee for annual audits and ethical training, though it remains to be passed into law. By ensuring accountability – which serves as one of the best buffers against the overreach – these proactive measures are in line with L.I.N.E.'s focus on legal integrity.

## 15.2 Institutional Reforms for Transparency & Self-Regulation

In order to rebuild public confidence, institutional reforms will need to consider accountability first. This includes correcting the opacity in appointments and operations that made allegation of bias. The absence in the collegium system of pre-defined criteria has been identified as the major drawback and the International Court of Justice has made calls for structural changes that engage various stakeholders. Although as per the recent statistics of E-courts mission over 5.2 crore cases would be digitised by the month of May 2025<sup>65</sup>, there are deficient accountability in the allocations of bench that has led to allegations of partiality in the sensitive cases. Self-regulation can be strengthened by establishing an independent judicial commission modelled on the Judicial Appointments Commission in the United Kingdom. The way the Supreme Court handled the NJAC strike-down in 2015<sup>66</sup> was a classic example of the dangers inherent in unrestrained self-government; the court brought the collegium back into place without any meaningful or substantive reforms, leading to calls for a hybrid model of government. Recommendations include live streaming of all hearings – trialled recently in

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<sup>63</sup> “Judicial Independence in India: Tipping The Scale”-International Commission of Jurists(ICJ), January 2025.

<sup>64</sup> 2017 INSC 455.

<sup>65</sup> E-Courts Project, Progress Report: Phase III Implementation-Department of Justice, Ministry of Law & Justice, Government of India (2024).

<sup>66</sup> Supra note 19.



Gujarat High Court - mandatory grounds for transfers and reduction of arbitrariness and compliance to the non-encroachment principle through respect of institutional limits. By adopting these measures, the "fortress of opacity" criticised in recent expose would be reduced and this will foster robust self regulation.

### **15.3 Educational and Training Measures on Judicial Boundaries**

Helping give judges the tools they need to determine the difference between activism and overreach requires extensive educational efforts. These initiatives must set clear limits in the form of structured curricula. The National Judicial Academy has trained about 2000 judges since its inception, which provides emphasis on constitutional restrictions and ethical issues, although coverage is lacking. Specialized Training on Human Trafficking and Digital Evidence and addition of Evidence-Based Frameworks to improve Boundary Assessment Skills. Precedents like the Vishakha guidelines serve in demonstrating that the training lacunae provide ad hoc interventions; ongoing programmes should use case studies to inculcate restraint. Policy proposals call for mandatory annual seminars to be held through state academies in association with international organisations such as the CEELI Institute<sup>67</sup>, which has organised the training of Indian judges in their fight against human trafficking. According to the reports of the NJA<sup>68</sup>, such methods would help enhance institutional efficacy by focusing interventions on real failures as pendency data clearly indicate that judicial training reduces disposal times by 15-20%. Engagement with comparative jurisprudence will ultimately help judges in dealing with new challenges such as artificial intelligence to adjudicate fairly.

### **15.4 The Role of the Bar, the Academic Institutions, Civil Society and Judicial Equilibrium in the Administration of Justice**

When it comes to monitoring and promoting judicial balance, the bar, academic and civil society all play important roles. They are external checks to complement the reforms that are being implemented within. For example, the Bar Council of India representing over 1.7 million lawyers has the power to be voiced on rules of ethics and to be involved in monitoring committees. This was proved by their intervention during the press conference that was held for judges in 2018<sup>69</sup>. A contribution is made by the academic community through institutions

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<sup>67</sup> CEELI Institute.(2023,June 14).”Training Indian Judges to Tackle Human Trafficking”

<sup>68</sup> National Judicial Academy,Annual Report 2021-22(National Judicial Academy,Bhopal,2022)

<sup>69</sup> Press Trust of India,’Bar Council Delegation Meets Cji After Judges’ Press Conference’ The Hindu(New Delhi, 13 January 2018),available at <https://www.thehindu.com>.

such as NLSIU which have articles on accountability that influence the legislation such as the National Judicial Commission which is being proposed. Through the use of campaigns, civil society organisations such as the Centre for Civil Society have argued in favour of transparency. In 2024 alone such organisations<sup>70</sup> filed more than 500 Right to Information (RTI) regarding judicial assets. Precedents such as the PILs of the PUCL<sup>71</sup> show the manner in which these groups make sure to balance against such overreach in areas such as privacy rights under Aadhaar. Recommendations include the establishment of a formal partnership (ethical audits by academia and bar civil society forums for feedback on verdicts to promote credibility as is the case in other countries around the world). For the cooking of a collaborative ecosystem for judicial resilience, these stakeholders are ensuring non-encroachment by raising the voices in causing like electoral bonds.

## 16. Findings and Discussion

This section reflects the essence of the research by making the connections between comparative perspectives, proposed reforms, and doctrinal analysis. Amid the ongoing tensions, it explains the evolution of Indian judicial processes with time and provides a certain level of reflective understanding about the wider implications of such practices in the domain of governance. Consequently, the judiciary is not presented as a mere creature with law interpretation as its business, but rather as a vibrant force in the constitution building its resilient outlook in an increasingly unsafe world.

### 16.1 An Analytical Overview of Doctrinal and Comparative Perspectives

The study of certain seminal doctrines such as the basic structure and public interest litigation (PIL) shows a judiciary that is skillful in preying upon the governance lacunae and often in a position to cross a boundary too far. Since its inception the basic structure doctrine, having its origin in *Kesavananda Bharati v. State of Kerala* (1973) and has been invoked more than 50 times in important decisions and has been a great check on arbitrary alteration of the constitution and has reaffirmed the importance of judicial review. Public Interest Litigation has had a significant impact on access to justice; between 1985 and 2020, the Supreme Court had received in excess of 25,000 PIL petitions on an average and has led to results like the release

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<sup>70</sup> Commonwealth Human Rights initiative, Transparency in the judiciary: An assessment (CHRI 2024) and Centre for Civil Society, Annual Report 2023-24 (CCS 2024)

<sup>71</sup> *People's Union for Civil Liberties v. Union of India*, AIR 2013 SC 1

of almost 40,000 under-trials in *Hussainara Khatoon v. State of Bihar* (1979). Recent data indicate that PILs account for less than 1% of the total caseload which suggests that, against their impact being phenomenal in essence, the misuse through piling up of frivolous filings is overwhelming the resources. Critiques of overreach, at the same time like the ruling of NJAC in 2015 and the Electoral Bonds decision of 2024, highlight such judicial overreach raises important questions on how judicial intervention asserts primacy, while inviting the charges of policy intrusion.

Comparatively speaking, the United States provides doctrinal lessons. Activism in *Brown v. Board of Education* (1954) eliminated segregation in a similar way to the expansion on rights in India, however, the fact that in 2022, *Roe v. Wade* (1973) is a cautionary tale from the frailty of established precedents in the face of political cycles. United Kingdom's constitutional dialogue model like that in *Miller v. The Prime Minister* (2019) emphasises proportionality and deference which suggests hybrid procedures could overreach, but not too much. These understandings reconcile to the utility of the L.I.N.E. Framework; the application of the framework to recent judgments issued, *Man Singh Verma*<sup>72</sup> (2025) where the Supreme Court overruled an order of the High Court in order to stem the judicial overreach and in *Bhushan Power and Steel Ltd. (BPSL) Case*<sup>73</sup> where the application of article 142 was held, highlight the necessity of balanced assessments to avoid excess while dealing with failures. Overall, while India's doctrinal strengths promote accountability, there is no room for disagreement, via a comparative vista, to underscore the role of restraint to protect legitimacy. This is especially relevant in light of the fact that according to pendency statistics till September 2025, more than 53 million cases are pending across the country, out of which 88,000 cases are heard before the Supreme Court itself.<sup>74</sup>

## 16.2 Reflections on Judicial Function, Legitimacy, and Constitutional Resilience

The mission of judiciary in India does not just limit itself to adjudication of cases but also includes a corrective function against democratic erosion; however, the legitimacy lies in self-imposed restraint to prevent people's perception of a "super legislature". Cases such as *Vishakha v. State of Rajasthan* (1997) which addressed legislative voids on harassment is an

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<sup>72</sup> 2025 INSC 2992

<sup>73</sup> 2025 INSC 1165

<sup>74</sup> National Judicial Data Grid, Case Statistics (Department of Justice, Ministry of Law and Justice, Government of India, September 2025), available at [https://njdg.ecourts.gov.in/njdg\\_v3/](https://njdg.ecourts.gov.in/njdg_v3/)

example of the activism towards resilience as it protects the marginalized groups. Recent interventions and thus judgment assenting to 2025 governor and president within fixed timelines to act on bills<sup>75</sup> has raised concern on the encroachment into executive prerogative.

In response to this ruling, President Droupadi Murmu invoked Article 143(1) to seek an advisory opinion from the supreme court on the constitutional limits of Gubernatorial and presidential powers regarding legislative assent. On November 20<sup>th</sup> 2025, A 5-Judge bench of the supreme court while delivering the advisory opinion on 16<sup>th</sup> presidential reference stated that governors and the president cannot be bound by rigid timelines when assenting to bills, and that courts do not have power to “deem assent” under article 142 of the constitution of India.

Legitimacy is further challenged by the pendency crisis as the Supreme Court disposed of 46,309 out of 52,630 cases against the judiciary in 2025, in turn, signifying systemic pressures that destroy public trust in case of non-intervention. The verdicts in emerging areas-e.g. MK Ranjit Singh vs. Union of India (2024) on Climate Justice as it relates to Article 21 and 2025 West Bengal Violence Proceedings broadly indicates the thin line the judiciary is walking on - between striking for landmark climate justice, while affirming executive oversteps.

But, at the end, constitutional persistence is best expressed by judicial innovation at the core of democratic accountability, like the dialogue model in the United Kingdom, or the precedents of restraint in the United States. To make sure that efforts like Kerala High court's 2025 AI policy<sup>76</sup> focuses the necessity and not domination, L.I.N.E. Framework is a constructive way. In an age of populist pressures in which the credibility of the court is essential for maintaining the life of the persuasion of the constitution, this reflective equilibrium is indispensable.

## 17. Conclusion

This in-depth research concludes with the judicial authority's central yet fragile position in the democratic structure of India, with active actions being taken to advance and other instances of being looked by the eye for limitations. Synthesising doctrinal studies, comparative lessons, and the developed L.I.N.E. Framework, however, draws a clearer picture for how courts could

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<sup>75</sup> State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481.

<sup>76</sup> The High Court of Kerala, “Policy Regarding Use of Artificial Intelligence Tools in District Judiciary” (High Court of Kerala, 19 JULY 2025).

get involved in activism without going outside the bounds and instead help strengthen constitutional governance in the face of future challenges.

### **17.1 Important Inferences and Theoretical Contributions**

The study indicates that there are basic differences between judicial activism and overreach and that activism is usually the result of institutional failures, such as inaction by the executive on environmental matters or the violation of rights, whereas overreach occurs when the judicial branch implements specific policies with no regard for the elected branches of government. Significant conclusions emerge the continued significance of the basic structure doctrine as a protective instrument brought to play in more than 50 crucial decisions after 1973 and which have managed to preserve the constitutional basics while at times increasing judicial power, as was the case of the 2015 NJAC case. The PIL has brought about significant results; over tens of thousands of under trial persons have been released, social justice has been promoted; however, the fact that the PIL receives more than 25,000 petitions annually points to a potential for abuse and congestion of its docket. Comparative analysis from the United States and the United Kingdom place emphasis on proportionality and deliberation as remedies to excess, with decisions such as *Brown v. Board of Education* catalysing advancement of rights in India, UK's *Miller* ruling, restraining judicial overreach of India in most cases:

Theoretically, the framework of the L.I.N.E. is a major contribution of academic circles in terms of practical model including the elements of Legal Integrity by stringent textual accuracy, the Institutional Necessity for discrete procedural actions, and Non-Encroachment for keeping the ball in equilibrium. This approach is a critical reading of the achievement of historical jurisprudence, of for example, due to the 2024 election bond ruling justifying the disclosure on the grounds of the existence of 16,000 crore in form of anonymous funds, at the same time adapting to novel legal terrains and inadequacies in prevailing theories often dismissive of empirical evaluation mechanisms. Looking at the precedents of *Vishaka v. State of Rajasthan* (1997) to promote necessity driven activism and cites the arbitration decision dated 2025 which criticizes overreach in revision of awards thereby creating a nuanced approach that requires both self-restraint and protects judicial inventiveness; These inferences contribute the development of constitutional scholarship by calling for measures to be taken to increase accountability, such as development of ethical codes, targeted training programmes and ensure the codified framework works as a robust corrective mechanism in various contexts.

## **17.2 The Future of Judicial Activism in the Constitutional Democracy of India**

In the foreseeable future, the judicial activism in India must develop in the direction of addressing the challenges of the 21st century such as governance of artificial intelligence, the enforcement of the mandates of climate change and the issue of digital rights, while keeping itself sensitive to the warning of 'judicial terrorism' sounded by the Supreme Court during the presidential reference proceedings in August 2025. Recent adjudications, including the most important one, namely *State of Tamil Nadu v. Governor of Tamil Nadu*, This judgment was an example where judicial activism worked as a corrective tool preventing gubernatorial accountability from paralyzing the legislative process. However, subsequent 16th Presidential Reference (2025), which provided for overturning the timelines judicially imposed and rejected the judiciary-enforcement of "legislative functions" and "assent functions" and again reaffirmed the non-justiciability of the "assent functions" revealing that there were inherent tensions therein when the intervention of the courts incurs within the executive-legislative interface..The credibility of the judiciary thus depends on the implementation of the self-regulation inspired by the L.I.N.E. framework to overcome the pressures created by over 53 million pending cases and 25 per cent vacancy in high courts.

Within this context, activism has an opportunity to strengthen democracy by resisting the decline of populism and the problems that face the world, such as sustainable development programs, through collaborative changes that include the legal profession, academia, and civil society. As India faces the challenging changes of societal transformation, the role of a principled judiciary with ethical standards and institutional transparency will lead to good governance, making any over-reach a path to justice.

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