
THE SUPREME COURT OF INDIA: SENTINEL ON THE QUI VIVE

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ABSTRACT

The Constitution of India is the supreme law of the land. Everything in the country works on the basis of it. The Supreme Court of India acts as its protector and interpreter. People also call it the “Sentinel on the Qui Vive” because it stays alert all the time against any action of the State which goes against the Constitution.¹

The Court plays a very important role in maintaining constitutional supremacy, rule of law and democracy in India. Whenever any law is made or any executive action is taken, the Supreme Court checks it through judicial review and sees whether it is according to the Constitution or not.²

This research paper basically tries to understand this role of the Supreme Court in a simple way. How it acts like guardian of the Constitution and how its role changed with time. It also looks at how the Court protects Fundamental Rights and how the idea of Basic Structure Doctrine became important in Indian constitutional system.³

Also, some basic constitutional ideas like judicial review, separation of powers and constitutional morality are discussed here. Important cases like *Kesavananda Bharati v. State of Kerala*, *Maneka Gandhi v. Union of India* and *Minerva Mills v. Union of India* are also included to show how the judiciary slowly expanded its role over time.⁴

The study further focus on judicial activism and Public Interest Litigation which made the Supreme Court more accessible for common peoples. At the same time, the paper also address criticism related to judicial overreach and increasing interference of judiciary into legislative and executive matters. The balance between judicial activism and judicial restraint still remain an important constitutional debate in India.

The research is doctrinal and analytical in nature. It is mainly based on

¹ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India).

² *State of Madras v. V.G. Row*, AIR 1952 SC 196 (India).

³ *Id.*; see also *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India).

⁴ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India); *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India); *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India).

constitutional provisions, case laws and scholarly writings. The paper conclude that the Supreme Court has emerged as the final protector of constitutional values and citizens liberties. Even though many challenges still exists, the Court continue to function as a vigilant guardian of democracy and constitutional governance in India.

Keywords: Supreme Court of India, Constitutional Guardianship, Sentinel on the Qui Vive, Judicial Review, Constitutional Interpretation, Fundamental Rights, Basic Structure Doctrine, Judicial Activism, Rule of Law, Constitutional Supremacy, Public Interest Litigation (PIL), Separation of Powers, Constitutional Morality, Guardian of the Constitution, Democracy and Judiciary.

Introduction

The Constitution is the supreme law of the country. All organs of the State derive their powers from it. Legislature makes laws. Executive enforce them. Judiciary interpret and protect them. Among all organs, judiciary holds a very important place. The Supreme Court of India stands at the top of the judicial system and acts as the final interpreter and protector of the Constitution.

The Supreme Court is often called the “Sentinel on the Qui Vive”. The phrase means an alert and watchful guardian. It reflect the duty of the Court to protect citizens rights and stop misuse of power by the State. In a democracy like India, rights and freedoms can survive only when judiciary remain independent. The Supreme Court therefore acts not only as a court of law but also as a constitutional authority maintaining balance between organs of government.

The Constitution makers gave wide powers to the Supreme Court. Art. 32, 131, 136, 141 and 142 consist broad constitutional powers to the Court. Dr. B. R. Ambedkar states Article 32 as the “heart and soul” of the Constitution because it gives citizens the right to directly approach the Supreme Court for enforcement of Fundamental Rights. This itself show the intention of Constitution makers to establish a strong judiciary. through Judicial review honourable Court can examine laws and executive actions and declare them unconstitutional if they violate constitutional provisions.⁵

With time, the Supreme Court expanded its constitutional role through judicial interpretation. In the beginning, judiciary followed a narrow interpretation of rights and constitutional provisions. But after *Maneka Gandhi v. Union of India*, the Court adopted a liberal and

⁵ INDIA CONST. pmb.; INDIA CONST. arts. 32, 124–147.

purposive approach. The meaning of personal liberty under Article 21 became wider. Judiciary started recognising many implied rights within Fundamental Rights. Judicial activism increased rapidly. honorable Supreme Court transformed into an active defender of civil liberties and constitutional values.⁶

One of the most significant contribution of the honourable Supreme Court was the development of the Basic Structure Doctrine in *Kesavananda Bharati v. State of Kerala*. The honourable Supreme Court held that Parliament cannot alter the basic structure or essential features of the Constitution even through constitutional amendment. This judgement strengthened constitutional supremacy and also limited the amending powers of Parliament. It established the judiciary as the final protector of constitutional identity and democratic values in India. It also established the honourable Supreme Court as the final guardian of constitutional identity. Later, *Minerva Mills v. Union*⁷ of India further strengthened this doctrine and maintained balance between Fundamental Rights and Directive Principles, which is main disputed concept.

The rise of Public Interest Litigation changed the nature of Indian judiciary. The Supreme Court became more accessible for poor and marginalized peoples. Letters and petitions related to public welfare, bonded labour, environment and women rights were accepted by the Court.⁸ Judicial activism increased during this period. Judiciary started intervening in many matters related to governance and administration. Some scholars praised this approach for protecting public interest. Others criticised it as judicial overreach. Debate regarding separation of powers and judicial restraint became more important.⁹

This research paper attempts to critically examine the role of the Supreme Court of India as the “Sentinel on the Qui Vive”. It analyse the constitutional framework, judicial doctrines, landmark judgements and changing role of judiciary in protecting constitutional values. The paper also discuss the achievements and limitations of judicial activism and examine whether the Supreme Court successfully maintained balance between constitutional protection and democratic governance. Ultimately, the study tries to understand how the Supreme Court emerged as the final guardian of the Constitution and protector of democratic ideals in India.

⁶*Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India); *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India).

⁷ *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India)

⁸ *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 81 (India).

⁹ *S.P. Gupta v. Union of India*, 1981 Supp SCC 87 (India).

Research Problem

Since the adoption of the Constitution in 1950, the Supreme Court of India has been playing a very important role in protecting constitutional values and democratic governance. The Constitution gave the Court the responsibility to act as the guardian of Fundamental Rights and the final interpreter of the Constitution. In the early years, the role of judiciary was mostly limited to interpretation of laws. But with changing social, political and constitutional circumstances, the Supreme Court slowly started expanding its powers and influence in governance.

With time, people started looking towards the judiciary not only as a court of law but also as a protector of rights and liberties. Whenever conflicts arose between citizens and the State, the Supreme Court often stepped in to maintain constitutional balance. Through judicial review, the Court examined laws and government actions and in many cases declared them unconstitutional. Cases related to personal liberty, emergency powers, constitutional amendments, environment protection and public welfare gradually increased the importance of the judiciary in India.¹⁰

However, this expanding role of the Supreme Court also created several debates and concerns. Many scholars and political thinkers started questioning whether the judiciary was crossing its constitutional limits. Judicial activism became more visible, especially in matters related to governance and public administration. Critics argued that sometimes the judiciary entered into the domain of Legislature and Executive, which disturbed the principle of separation of powers. On the other side, supporters of judicial activism believed that such intervention was necessary to protect public interest and constitutional morality when other organs failed to perform properly.

Another major issue is related to the changing nature of constitutional interpretation in India. Landmark decisions like *Maneka Gandhi v. Union of India* and *Kesavananda Bharati v. State of Kerala* completely changed the approach of the judiciary. The Supreme Court adopted a more liberal and purposive interpretation of the Constitution. The meaning of Fundamental Rights became wider and more dynamic. This helped in strengthening civil liberties and

¹⁰A.K. Gopalan v. State of Madras, AIR 1950 SC 27 (India); *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India).

constitutional protection. But at the same time, debates regarding judicial supremacy and accountability also started increasing.

Therefore, the central research problem of this study is to critically examine whether the Supreme Court of India has successfully functioned as the “Sentinel on the Qui Vive” while maintaining constitutional balance and democratic principles. The study also seeks to analyse whether the expanding powers of judiciary strengthened constitutional governance and protection of rights, or whether it created tensions within the framework of separation of powers in India.

Literature Review

The role of Supreme Court as guardian of the Constitution has been discussed by many scholars, judges and writers from a long time. Different books, articles and research papers explained how the judiciary slowly became one of the most powerful institution in India. In the beginning, Supreme Court was mainly seen as interpreter of law, but with time its role became much wider. Now it is often seen as protector of rights and democratic values also.¹¹

Many constitutional scholars discussed the powers of judicial review and constitutional interpretation. They explained how the Court expanded the scope of Fundamental Rights through different landmark judgements. Some scholars supported this growing role of judiciary, while others believed that too much judicial activism can disturb the balance between organs of government. Because of this, debate regarding judicial activism and judicial restraint became very common in constitutional studies.¹²

M. P. Jain in his writings explained that the Supreme Court became final interpreter of the Constitution through judicial review. According to him, the judiciary played an important role in protecting individual liberty and constitutional supremacy. He also discussed how the Court gradually increased the scope of Fundamental Rights through constitutional interpretation.¹³

H. M. Seervai strongly supported the power of judicial review. He mainly focused on constitutional amendments and limitations upon Parliament. After *Kesavananda Bharati v.*

¹¹ H.M. SEERVAI, CONSTITUTIONAL LAW OF INDIA (4th ed. 1996).

¹² GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION (1966).

¹³ M.P. JAIN, INDIAN CONSTITUTIONAL LAW (8th ed. 2018).

State of Kerala, his writings became very important in understanding the Basic Structure Doctrine and constitutional limitations on amending powers of Parliament.¹⁴

Several landmark cases also shaped constitutional literature in India. *Kesavananda Bharati v. State of Kerala* introduced the Basic Structure Doctrine and limited the amending power of Parliament. Later, *Maneka Gandhi v. Union of India* expanded the meaning of personal liberty under Article 21. Then *Minerva Mills v. Union of India* again strengthened constitutional limitations on state power. In recent years, *Justice K. S. Puttaswamy v. Union of India* recognised privacy as Fundamental Right and showed how constitutional interpretation in India is continuously evolving.¹⁵

Different scholars have different opinions regarding judicial activism. Some believes that activism of judiciary strengthened democracy and protected public interest. Others think that too much judicial intervention weakens separation of powers and creates institutional imbalance. This debate is still continuing in India.¹⁶

Overall, the existing literature gives detailed understanding about judicial review, constitutional interpretation and role of Supreme Court in India. But still there is need to critically analyse whether the Supreme Court has properly maintained balance between constitutional protection and judicial restraint while acting as the “Sentinel on the Qui Vive”.

Scope of the Study

This research mainly deals with the role of Supreme Court of India as protector of the Constitution. The study tries to understand how the Court protects Fundamental Rights and maintains constitutional supremacy in the country. In India, Supreme Court is considered as the highest judicial authority and because of that its role in constitutional governance becomes very important. Over the years, the powers and influence of judiciary increased a lot through judicial review and constitutional interpretation.

¹⁴ H.M. SEERVAI, CONSTITUTIONAL LAW OF INDIA (4th ed. 1996).

¹⁵ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India).

Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India).

Minerva Mills Ltd. v. Union of India, (1980) 3 SCC 625 (India).

Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India).

¹⁶ Upendra Baxi, *The Avatars of Indian Judicial Activism*, in *THE SUPREME COURT AND THE CONSTITUTION OF INDIA* (1990).

The study mainly focuses on constitutional provisions related to powers of Supreme Court like Articles 13, 32, 136, 141, 142 and 368 of the Constitution ¹⁷Another important part of this study is judicial activism and Public Interest Litigation. With time, Supreme Court became more active in issues related to environment, human rights, governance and welfare of people. Public Interest Litigation also made judiciary more accessible for weaker and poor sections of society. But at the same time, debates regarding judicial overreach also started increasing. Many constitutional experts believe that judiciary sometimes crosses its limits and enters into matters related to Legislature and Executive. Because of this, questions regarding institutional balance and separation of powers became more important.

However, the scope of this research is mainly limited to constitutional role of Supreme Court of India only. Detailed discussion regarding subordinate courts and foreign judicial systems has not been included except where necessary. The study is doctrinal and analytical in nature and mainly based on constitutional provisions, judicial decisions, books, research articles and legal commentaries.

Overall, this study attempts to examine how far the Supreme Court has successfully worked as the “Sentinel on the Qui Vive” and whether it has properly maintained constitutional values, democratic governance and institutional balance in India.

Objectives of the Study

This research mainly aims to study the role of Supreme Court of India as guardian of the Constitution. The study tries to understand how the Court protects constitutional values, Fundamental Rights and democratic system in the country. Over the years, the powers of judiciary increased a lot and because of that the role of Supreme Court in governance also became more important. This research therefore focuses upon understanding that changing constitutional position of the judiciary in India.

The main objectives of the study are given below:

1. To study the constitutional position and powers of Supreme Court under the Indian Constitution.

¹⁷ INDIA CONST. arts. 13, 32, 136, 141, 142, 368.

2. To understand how Supreme Court works as guardian and final interpreter of the Constitution.
3. To examine the importance of judicial review in protecting Fundamental Rights and maintaining constitutional supremacy.
4. To study the development of Basic Structure Doctrine and its importance in Indian constitutional system.
5. To analyse important cases like *Kesavananda Bharati v. State of Kerala*, *Maneka Gandhi v. Union of India* and *Minerva Mills v. Union of India* which changed constitutional interpretation in India.
6. To examine growth of judicial activism and Public Interest Litigation in India.
7. To study issues related to judicial overreach, judicial restraint and separation of powers.
8. To analyse whether Supreme Court has properly maintained balance between constitutional protection and democratic governance.
9. To understand the present role of Supreme Court in protecting rule of law, constitutional morality and citizens rights.
10. To suggest some reforms for improving effectiveness and accountability of Supreme Court in India.

Research Questions

This study tries to examine the constitutional role of Supreme Court of India as protector of the Constitution and democratic values. The research mainly attempts to answer following questions:

1. What is the constitutional position of Supreme Court under the Constitution of India?
2. How does Supreme Court function as guardian and final interpreter of the Constitution?
3. Why judicial review is important for protection of Fundamental Rights and constitutional supremacy?

4. How did Supreme Court expand its constitutional role through judicial interpretation and judicial activism?
5. What is the importance of Basic Structure Doctrine in limiting powers of Parliament to amend the Constitution?
6. How landmark judgements like *Kesavananda Bharati v. State of Kerala*, *Maneka Gandhi v. Union of India* and *Minerva Mills v. Union of India* strengthened constitutional governance in India?
7. Whether judicial activism and Public Interest Litigation strengthened democracy or increased judicial overreach?
8. Has Supreme Court maintained proper balance between judicial activism and judicial restraint?
9. What major challenges are faced by Supreme Court while protecting constitutional values in India?
10. To what extent Supreme Court succeeded in maintaining rule of law, constitutional morality and democratic governance in present India?

Hypothesis

The present study is based on the hypothesis that the Supreme Court of India has successfully emerged as the “Sentinel on the Qui Vive” by protecting constitutional supremacy, safeguarding Fundamental Rights and preserving democratic governance through judicial review and constitutional interpretation. Over the years, the judiciary played a very important role in maintaining balance between state power and individual liberty. Through landmark judgements and constitutional doctrines like *Kesavananda Bharati v. State of Kerala*, the Supreme Court strengthened the constitutional structure of India and expanded protection of citizens rights.

The study also assumes that judicial activism and Public Interest Litigation helped in increasing access to justice, especially for poor and weaker sections of society. Because of judicial activism, the judiciary started dealing with issues related to human rights, environment

protection, governance and public welfare. This made the Supreme Court more active in constitutional governance and protection of public interest.

However, at the same time, increasing judicial intervention in legislative and executive matters also created debates regarding judicial overreach and separation of powers. Many scholars believe that sometimes judiciary crosses its constitutional limits and interfere too much in policy matters, which can disturb institutional balance between organs of government.

Therefore, this research is based on the hypothesis that although the Supreme Court has largely succeeded in functioning as guardian of the Constitution, issues related to judicial accountability, institutional balance, judicial delays and constitutional restraint still continue to affect its role in present constitutional governance of India.

Research Methodology

The present research is mainly doctrinal and analytical in nature. While studying the topic, the researcher tried to understand not only the legal provisions but also the practical role played by the Supreme Court of India in protecting the Constitution. The study started with a simple question that why the Supreme Court is often called the “Sentinel on the Qui Vive” and how this role developed over the years through constitutional interpretation and judicial decisions.

For conducting this research, both primary and secondary sources have been used. The primary sources include the Constitution of India, important constitutional provisions, landmark judgements of the Supreme Court and various legal principles developed by the judiciary from time to time. Cases such as *Kesavananda Bharati v. State of Kerala*, *Maneka Gandhi v. Union of India*, *Minerva Mills v. Union of India* and *Justice K. S. Puttaswamy v. Union of India* were studied carefully because these judgements changed the constitutional position of the judiciary in India.

The secondary sources used in this research include books, journal articles, research papers, commentaries, legal websites and scholarly writings of constitutional experts. Works of constitutional scholars like M. P. Jain, H. M. Seervai and Upendra Baxi helped in understanding different views regarding judicial review, judicial activism and constitutional interpretation.¹⁸

¹⁸ M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* (8th ed. 2018); H.M. SEERVAI, *CONSTITUTIONAL*

The researcher adopted an analytical approach throughout the study. Different constitutional doctrines and judicial decisions were critically examined to understand how the Supreme Court gradually expanded its powers and became the protector of constitutional values. At some places, comparative references have also been made with other democratic systems to understand the uniqueness of the Indian judiciary.

The methodology of this research is descriptive as well as critical. The study not only explains the constitutional role of the Supreme Court but also discusses issues like judicial overreach, delay in justice, misuse of Public Interest Litigation and tensions between judicial activism and separation of powers. The researcher attempted to maintain a balanced approach while analysing both the achievements and limitations of the judiciary.

The entire research is based on qualitative analysis. No empirical or field research has been conducted in this study. The focus remained upon constitutional interpretation, judicial reasoning and development of constitutional principles through landmark judgements. The objective of adopting this methodology was to present a comprehensive understanding of how the Supreme Court of India emerged as the guardian of the Constitution and continues to protect democratic governance in modern India.

Plan of the Research

The present research is divided into different chapters for systematic and better understanding of the topic “The Supreme Court of India: Sentinel on the Qui Vive”. Each chapter deals with a particular aspect of the constitutional role of the Supreme Court and collectively explains how the judiciary emerged as the guardian of the Constitution in India. The research follows an analytical and doctrinal structure in order to examine both theoretical and practical dimensions of constitutional guardianship.

CHAPTER – I

INTRODUCTION

India is one of the largest democratic countries in the world. The Constitution of India forms the basic foundation of the Indian democratic system. It not only establishes the structure of

LAW OF INDIA (4th ed. 1996); Upendra Baxi, *The Avatars of Indian Judicial Activism* (1990).

government but also protects the rights and liberties of people. The Constitution is regarded as the supreme law of the land and every authority in the country derives its power from it. Legislature makes laws, Executive implements them and Judiciary interprets them. Among these organs, the judiciary occupies a very significant position because it acts as the protector of constitutional values and citizens rights.

The Supreme Court of India stands at the apex of the Indian judicial system. It is not merely a court for deciding disputes but also an institution responsible for protecting democracy, rule of law and constitutional governance. Over the years, the Supreme Court has emerged as the final interpreter of the Constitution and guardian of Fundamental Rights. Because of this important role, the Court is often described as the “Sentinel on the Qui Vive”, which means a vigilant guardian constantly watchful to protect constitutional principles and individual liberties.

The framers of the Constitution were aware that democracy cannot survive without an independent judiciary. India had just attained independence after a long colonial rule where arbitrary use of power was common. Therefore, the Constitution makers tried to create a strong judicial system capable of checking misuse of authority by the State. The Supreme Court was given wide powers including judicial review, writ jurisdiction and constitutional interpretation so that it could preserve constitutional supremacy and maintain balance among the organs of government.

One of the most important features of the Indian Constitution is judicial review. Through this power, the Supreme Court can examine laws and executive actions and declare them unconstitutional if they violate constitutional provisions. This power became the backbone of constitutional governance in India. It ensured that Parliament and Executive remain within constitutional limits. Judicial review also became an important tool for protection of Fundamental Rights guaranteed under Part III of the Constitution.¹⁹

Article 32 of the Constitution gave citizens the right to directly approach the Supreme Court for enforcement of Fundamental Rights. Dr. B. R. Ambedkar called Article 32 the “heart and soul” of the Constitution because without remedies, rights would become meaningless. This constitutional vision transformed the Supreme Court into the protector of civil liberties and constitutional morality. Over time, the judiciary expanded the meaning and scope of

¹⁹ State of Madras v. V.G. Row, AIR 1952 SC 196 (India).

Fundamental Rights through liberal constitutional interpretation.²⁰

Initially, the Supreme Court followed a comparatively strict and conservative approach in constitutional interpretation. However, the situation changed gradually after the emergency period in India. During the Emergency of 1975, serious questions were raised regarding protection of civil liberties and judicial independence. The judgement in *ADM Jabalpur v. Shivkant Shukla* became highly controversial because the Court failed to adequately protect individual liberty during emergency rule. This period deeply affected the constitutional role of the judiciary and later influenced a more rights-oriented judicial approach.²¹

After the Emergency, the Supreme Court adopted a broader and more activist role. The judgement in *Maneka Gandhi v. Union of India* expanded the interpretation of Article 21 and established that the procedure affecting life and personal liberty must be fair, just and reasonable. This decision changed the entire nature of constitutional interpretation in India. The judiciary started reading various human rights within Article 21 such as right to privacy, right to livelihood, right to clean environment and right to dignity.²²

Another major constitutional development came through *Kesavananda Bharati v. State of Kerala* where the Supreme Court introduced the Basic Structure Doctrine. The Court held that Parliament cannot destroy the basic structure of the Constitution even by constitutional amendment. This doctrine became one of the strongest safeguards against arbitrary constitutional changes and established the judiciary as the ultimate protector of constitutional identity. Later judgements such as *Minerva Mills v. Union of India* further strengthened this principle.²³

The present research therefore attempts to critically examine the role of the Supreme Court of India as the “Sentinel on the Qui Vive”. The study focuses on constitutional provisions, judicial doctrines, landmark judgements and contemporary challenges associated with constitutional guardianship. It seeks to analyse whether the Supreme Court has successfully preserved constitutional supremacy and democratic governance while maintaining institutional balance within the constitutional framework of India.

²⁰ INDIA CONST. art. 32; Constituent Assembly Debates, Vol. VII (Nov. 9, 1948).

²¹ *ADM Jabalpur v. Shivkant Shukla*, (1976) 2 SCC 521 (India).

²² *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

²³ *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India).

CHAPTER – II

CONSTITUTIONAL POSITION OF THE SUPREME COURT OF INDIA

The Supreme Court of India is the highest judicial institution of the country. It occupies the apex position in the Indian judicial hierarchy and acts as the final interpreter of the Constitution. The constitutional makers gave special importance to the judiciary because they understood that democracy and rule of law cannot survive without an independent and impartial judicial system. After independence, India adopted a written Constitution which established constitutional supremacy instead of parliamentary supremacy. Therefore, an institution was required to protect the Constitution and ensure that every organ of the State functions within constitutional limits. The Supreme Court was created for this purpose.

The constitutional provisions relating to the Supreme Court are mainly contained in Part V, Chapter IV of the Constitution of India from Articles 124 to 147. These provisions deal with the establishment, composition, powers, jurisdiction and independence of the Supreme Court. Article 124 provides for the establishment of the Supreme Court of India. It states that there shall be a Supreme Court consisting of the Chief Justice of India and other judges as prescribed by Parliament. The Court officially came into existence on 28 January 1950 and replaced the Federal Court of India established during the British period.

The Constitution makers attempted to ensure independence of judiciary by providing security of tenure, fixed service conditions and protection against arbitrary removal of judges. Judges of the Supreme Court are appointed by the President of India. They can only be removed through a difficult process of impeachment on grounds of proved misbehaviour or incapacity. This constitutional protection was provided to prevent political interference in judicial functioning. An independent judiciary was considered necessary for maintaining constitutional supremacy and protection of citizens rights.²⁴

Article 32 is another very important constitutional provision relating to the Supreme Court. It gives citizens the right to directly approach the Supreme Court for enforcement of Fundamental Rights. Dr. B. R. Ambedkar described Article 32 as the “heart and soul” of the Constitution. The Supreme Court under this Article can issue writs such as Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo Warranto for protection of constitutional rights. This provision

²⁴ INDIA CONST. art. 124(4).

transformed the judiciary into the protector of civil liberties and ensured that rights guaranteed under the Constitution remain meaningful in practice.

The jurisdiction of the Supreme Court is very wide and comprehensive. The Constitution provides different types of jurisdiction to the Court. Article 131 grants original jurisdiction in disputes between the Union and States or among States themselves. Such disputes usually involve constitutional or legal rights. Appellate jurisdiction of the Supreme Court is provided under Articles 132 to 136. The Court can hear appeals in constitutional, civil and criminal matters from High Courts across the country. Article 136 further gives special leave jurisdiction which allows the Supreme Court to grant special permission to appeal in appropriate cases. This provision significantly expanded the authority of the Court.

The Supreme Court also possesses advisory jurisdiction under Article 143. Under this provision, the President of India may seek the opinion of the Supreme Court on important questions of law or public importance. Although the opinion given by the Court is advisory in nature and not binding, it still carries great constitutional value. This provision reflects the close constitutional relationship between the Executive and Judiciary while maintaining judicial independence.²⁵

The Supreme Court further expanded its constitutional role through liberal interpretation of Fundamental Rights. In *Maneka Gandhi v. Union of India*, the Court interpreted Article 21 broadly and held that the procedure depriving a person of life or liberty must be fair, just and reasonable. This judgement transformed constitutional jurisprudence in India and marked the beginning of judicial activism in protection of human rights.

Over the years, the Supreme Court also developed Public Interest Litigation as an instrument of social justice. Procedural technicalities were relaxed so that poor and disadvantaged groups could approach the Court easily. This made the judiciary more accessible and socially responsive. Cases relating to environment, bonded labour, prison reforms and women rights were brought before the Court through PILs. The judiciary started playing an active role in governance and public welfare.

However, the expanding role of the Supreme Court also attracted criticism. Some scholars argued that judicial activism sometimes crosses constitutional limits and interferes with

²⁵ INDIA CONST. art. 143.

legislative and executive functions. Concerns regarding judicial overreach, accountability and separation of powers became major constitutional debates. Despite these criticisms, the judiciary continued to remain one of the most trusted institutions in India because of its role in protecting constitutional values and citizens rights.

The constitutional position of the Supreme Court therefore cannot be limited to a traditional adjudicatory role. It functions as the protector of the Constitution, guardian of Fundamental Rights and final authority on constitutional interpretation. Through judicial review, constitutional doctrines and progressive interpretation, the Supreme Court has played a central role in preserving democratic governance and rule of law in India. The Court continues to remain the “Sentinel on the Qui Vive” by constantly safeguarding constitutional morality and preventing arbitrary exercise of state power.

CHAPTER – III

JUDICIAL REVIEW AND CONSTITUTIONAL INTERPRETATION

Judicial review is one of the most important powers of the Supreme Court of India. It forms the backbone of constitutional governance and plays a central role in maintaining constitutional supremacy. In a democratic country governed by a written Constitution, every organ of the State must function within constitutional boundaries. The Legislature cannot make laws against the Constitution and the Executive cannot exercise powers arbitrarily. The responsibility of examining whether laws and governmental actions are constitutional ultimately lies with the judiciary. This power of examination is known as judicial review.

The concept of judicial review was adopted from the American constitutional system, but in India it developed according to Indian constitutional needs and democratic conditions. The Constitution makers believed that a strong judiciary was necessary to protect Fundamental Rights and maintain balance between different organs of government. Therefore, although the Constitution does not expressly define the term “judicial review”, several constitutional provisions clearly establish this power. Articles 13, 32, 131, 136, 141, 142 and 226 collectively provide the constitutional basis for judicial review in India.²⁶

Article 13 became the foundation of judicial review because it declares that laws inconsistent

²⁶ INDIA CONST. arts. 13, 32, 131, 136, 141, 142, 226.

with Fundamental Rights shall be void. This provision ensures that constitutional rights remain superior to ordinary laws made by Parliament or State Legislatures. Article 32 empowers citizens to directly approach the Supreme Court for enforcement of Fundamental Rights. Similarly, High Courts are given writ jurisdiction under Article 226. These constitutional provisions transformed the judiciary into the guardian of civil liberties and constitutional morality.

Judicial review performs several important functions in India. Firstly, it protects the supremacy of the Constitution by ensuring that all laws and executive actions remain within constitutional limits. Secondly, it safeguards Fundamental Rights from arbitrary state action. Thirdly, it maintains federal balance by resolving disputes between Union and States. Finally, it preserves democratic governance by preventing concentration and misuse of power. Without judicial review, constitutional limitations would become ineffective and rights guaranteed under the Constitution could easily be violated.

In the early years after independence, the Supreme Court adopted a comparatively conservative approach towards constitutional interpretation. The judiciary often interpreted Fundamental Rights narrowly and showed greater respect towards legislative decisions. However, constitutional jurisprudence gradually evolved with changing social and political conditions. The judiciary started adopting a more liberal and purposive method of interpretation in order to give practical meaning to constitutional rights.

One of the earliest important cases relating to judicial review was *State of Madras v. V. G. Row* where the Supreme Court emphasized that courts have the duty to examine whether restrictions imposed upon Fundamental Rights are reasonable or not. The judgement strengthened the role of judiciary in protecting civil liberties against arbitrary legislative action.²⁷

Another important constitutional development came through *Golaknath v. State of Punjab*. In this case, the Supreme Court held that Parliament cannot amend Fundamental Rights under Article 368. Although this judgement was later modified, it reflected the growing concern of judiciary regarding protection of constitutional rights and limitations upon parliamentary

²⁷ *State of Madras v. V.G. Row*, AIR 1952 SC 196 (India).

power.²⁸

The most significant judgement in the history of Indian constitutional law came in *Kesavananda Bharati v. State of Kerala*. In this historic decision, the Supreme Court introduced the Basic Structure Doctrine and held that Parliament can amend the Constitution but cannot destroy its basic structure. Principles such as rule of law, judicial review, democracy, secularism and separation of powers were recognized as essential features of the Constitution. This judgement completely changed the constitutional position of judiciary in India. It established the Supreme Court as the final protector of constitutional identity and placed substantive limitations upon the amending powers of Parliament.

The period of Emergency during 1975–77 became one of the darkest phases for civil liberties and constitutional governance in India. During this period, several Fundamental Rights were suspended and preventive detention laws were widely used. The judgement in *ADM Jabalpur v. Shivkant Shukla* became highly controversial because the majority of the Supreme Court held that during Emergency, citizens could not approach courts for enforcement of the right to life and liberty. This decision was heavily criticized later for failing to protect constitutional values during a period of executive excesses.

After the Emergency, the judiciary adopted a more rights-oriented and activist approach. The landmark judgement in *Maneka Gandhi v. Union of India* transformed constitutional interpretation in India. The Supreme Court held that the “procedure established by law” under Article 21 must be fair, just and reasonable. This interpretation expanded the meaning of personal liberty and established a direct relationship between Articles 14, 19 and 21. The Court gradually recognized several implied rights within Article 21 including right to livelihood, right to education, right to clean environment and right to privacy.

Constitutional interpretation by the Supreme Court has not remained limited to literal interpretation of constitutional text. The judiciary adopted different methods such as purposive interpretation, harmonious construction and the doctrine of living Constitution. Under purposive interpretation, constitutional provisions are interpreted according to their broader objectives and social purpose. The judiciary recognized that the Constitution is a dynamic document and must evolve according to changing social realities.

²⁸ *Golaknath v. State of Punjab*, AIR 1967 SC 1643 (India).

The concept of constitutional morality also became important in recent constitutional jurisprudence. The Supreme Court used this principle in several cases relating to equality, dignity and individual autonomy. The judiciary increasingly focused upon protecting human dignity and democratic values rather than merely interpreting legal text mechanically. This approach strengthened the transformative character of the Indian Constitution.

CHAPTER – IV

BASIC STRUCTURE DOCTRINE AND CONSTITUTIONAL SUPREMACY

The Basic Structure Doctrine is considered one of the most important contributions of the Indian judiciary to constitutional law. It completely changed the relationship between Parliament and the Constitution and strengthened the position of the Supreme Court as the guardian of constitutional supremacy. Before the development of this doctrine, a major constitutional debate existed regarding the extent of Parliament's power to amend the Constitution. The question was whether Parliament possessed unlimited power under Article 368 or whether there were certain limitations upon constitutional amendments. This conflict gradually became one of the most significant constitutional issues in India.

The Indian Constitution provides the amending power under Article 368. The Constitution makers understood that a Constitution cannot remain completely rigid because society continuously changes with time. Therefore, Parliament was given authority to amend constitutional provisions according to social, economic and political needs. At the same time, the Constitution makers also expected that the essential identity of the Constitution should remain protected. The conflict between parliamentary sovereignty and constitutional supremacy later became the foundation for development of the Basic Structure Doctrine.

In the initial years after independence, the Supreme Court adopted a comparatively narrow interpretation regarding constitutional amendments. In *Shankari Prasad v. Union of India*, the Court held that Parliament had the power to amend Fundamental Rights under Article 368. This view was again followed in *Sajjan Singh v. State of Rajasthan*. The judiciary at that time gave greater importance to parliamentary authority and constitutional flexibility.²⁹

²⁹ *Shankari Prasad v. Union of India*, AIR 1951 SC 458 (India); *Sajjan Singh v. State of Rajasthan*, AIR 1965 SC 845 (India).

However, the constitutional position changed significantly in *Golaknath v. State of Punjab*. In this case, the Supreme Court held that Parliament could not amend Fundamental Rights because such rights were transcendental and beyond legislative interference. The Court interpreted constitutional amendments as “law” within the meaning of Article 13 and therefore subject to judicial review. This judgement created intense constitutional and political debate because it substantially restricted Parliament’s amending power.

After the *Golaknath* decision, Parliament passed several constitutional amendments to restore and expand its amending authority. This constitutional conflict finally reached the Supreme Court in the historic case of *Kesavananda Bharati v. State of Kerala*. This case became one of the longest and most important constitutional hearings in Indian legal history. A thirteen-judge bench of the Supreme Court was constituted to decide the scope of Parliament’s amending powers under Article 368.

The Supreme Court in *Kesavananda Bharati* delivered a historic judgement by evolving the Basic Structure Doctrine. The Court held that Parliament has wide powers to amend the Constitution, including Fundamental Rights, but it cannot alter or destroy the “basic structure” or essential features of the Constitution. Although the Court did not provide an exhaustive list of such features, it recognized principles like rule of law, judicial review, separation of powers, democracy, secularism, federalism and constitutional supremacy as part of the basic structure.

This judgement became a turning point in Indian constitutional jurisprudence. It established that the Constitution is supreme and Parliament is not above it. The judiciary emerged as the final authority for determining whether a constitutional amendment damages the basic structure of the Constitution. The doctrine therefore imposed substantive limitations upon Parliament and strengthened constitutional governance in India.

The significance of the Basic Structure Doctrine increased further during the Emergency period of 1975–77. During this time, constitutional amendments were used extensively to strengthen executive power and reduce judicial independence. The 42nd Constitutional Amendment attempted to curtail judicial review and give unlimited amending powers to Parliament. This raised serious concerns regarding preservation of democracy and constitutional balance.

The Supreme Court responded strongly in *Minerva Mills v. Union of India*. In this case, the

Court struck down parts of the 42nd Amendment and reaffirmed the Basic Structure Doctrine.³⁰ The Court held that limited amending power itself forms part of the basic structure of the Constitution. It emphasized that harmony and balance between Fundamental Rights and Directive Principles are essential features of the constitutional framework. This judgement once again reinforced constitutional supremacy and judicial review.

The Basic Structure Doctrine therefore remains one of the strongest foundations of constitutional supremacy in India. It established that constitutional authority is limited by certain core principles which cannot be destroyed even through formal constitutional amendments. Through this doctrine, the Supreme Court emerged as the final protector of constitutional identity and democratic governance. The judiciary continues to function as the “Sentinel on the Qui Vive” by ensuring that the Constitution remains supreme above temporary political majorities and arbitrary state power.

CHAPTER – V

JUDICIAL ACTIVISM AND PUBLIC INTEREST LITIGATION

The concept of judicial activism and Public Interest Litigation (PIL) represents one of the most dynamic phases in the development of the Indian judiciary. Over the years, the Supreme Court of India has not remained limited to its traditional role of deciding disputes between parties. Instead, it has actively engaged itself in protecting constitutional rights, ensuring social justice and improving governance. This expanded role of the judiciary is often described as judicial activism, where courts take an active role in shaping law and policy to protect constitutional values.

Judicial activism in India developed mainly after the post-emergency period. The experience of the Emergency (1975–77) exposed serious weaknesses in the protection of Fundamental Rights. After this phase, the judiciary adopted a more progressive and rights-oriented approach. The Supreme Court began interpreting the Constitution in a liberal manner to ensure that justice is not denied due to technical or procedural barriers. The Court started focusing more on the substance of justice rather than rigid legal formalities.

³⁰ *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India).

One of the most important developments in this period was the emergence of Public Interest Litigation. Traditionally, only an aggrieved person could approach the court for enforcement of rights. However, this rule was relaxed by the Supreme Court to allow public spirited individuals, social activists and organizations to file petitions on behalf of those who were unable to approach the court due to poverty, illiteracy or social disadvantage. This innovation completely changed the nature of Indian judicial system.

The foundation of PIL in India was laid through cases like *S. P. Gupta v. Union of India*³¹. In this case, the Supreme Court liberalized the concept of locus standi and allowed third parties to file petitions in matters involving public interest. This decision opened the doors of the judiciary to weaker sections of society and marked the beginning of a new era in constitutional justice.

After this development, the Supreme Court actively used PIL as a tool to address various social and environmental issues. Matters relating to bonded labour, prison reforms, child labour, women rights, pollution control and environmental protection were brought before the Court. The judiciary issued several directions to the government and administrative authorities to ensure effective implementation of constitutional rights.

Another important dimension of judicial activism is its role in environmental protection. The Supreme Court has played a major role in developing environmental jurisprudence in India. Through PILs, the Court has taken steps to control industrial pollution, protect forests and ensure sustainable development. The judiciary recognized the right to a clean and healthy environment as part of the right to life under Article 21.³²

Despite these criticisms, judicial activism has played a crucial role in strengthening constitutional governance in India. It has ensured access to justice for marginalized sections of society and expanded the scope of Fundamental Rights. The judiciary has acted as a catalyst for social change by interpreting the Constitution in a progressive manner. It has helped in transforming the Constitution into a living document capable of adapting to changing social needs.

³¹ *S.P. Gupta v. Union of India*, 1981 Supp SCC 87 (India).

³² *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598 (India); *M.C. Mehta v. Union of India*, (1987) 1 SCC 395 (India).

The evolution of judicial activism and PIL clearly shows that the Supreme Court has moved beyond its traditional role and has become an active participant in the process of governance. While maintaining caution regarding separation of powers, the Court has consistently tried to balance judicial restraint with constitutional responsibility. This balance is essential for maintaining democratic stability and ensuring that the Supreme Court continues to function as the “Sentinel on the Qui Vive” in protecting justice, equality and constitutional morality in India.

CHAPTER – VI

CHALLENGES BEFORE THE SUPREME COURT

The Supreme Court of India plays a very important role as the guardian of the Constitution and protector of Fundamental Rights. However, in performing this constitutional responsibility, the Court faces several practical and institutional challenges. These challenges affect its efficiency, accessibility and sometimes even its credibility as the highest judicial authority in the country. While the Court continues to function as the “Sentinel on the Qui Vive”, these issues create pressure on its functioning in modern times.

One of the most serious challenges faced by the Supreme Court is the problem of pendency of cases. A large number of cases remain pending for years, and in some situations even for decades. This creates delay in delivering justice, which directly affects the principle of justice delivery system. The maxim “justice delayed is justice denied” becomes very relevant in this context. Despite continuous efforts, backlog of cases continues to increase due to rising population, increased litigation and complexity of constitutional matters.

Another major challenge is judicial workload and limited infrastructure. The Supreme Court deals with constitutional matters, appellate cases, special leave petitions and advisory jurisdiction simultaneously. The increasing number of cases puts heavy burden on judges. Although the number of judges has been increased over time, it is still considered insufficient in comparison to the growing workload. This results in long hearings and delayed judgments.³³

Another challenge is maintaining consistency in judicial decisions. In some cases, different benches of the Supreme Court have taken varying interpretations on similar constitutional

³³ Law Commission of India, 245th Report on Arrears and Backlog (2014).

issues. This creates uncertainty in law and affects predictability of legal outcomes. Since the Supreme Court is the final court of appeal, consistency in its judgments is very important for maintaining legal stability in the country.

Technological and administrative challenges also affect the functioning of the Court. Although efforts have been made towards digitalization and e-courts system, complete technological integration is still in progress. Efficient case management, record handling and timely listing of cases remain areas that require further improvement.

Public expectations from the judiciary have also increased significantly. Citizens now look towards the Supreme Court not only for dispute resolution but also for protection of rights, social justice and governance accountability. This increasing expectation places additional responsibility on the Court and sometimes leads to criticism when outcomes do not meet public expectations.

Despite all these challenges, the Supreme Court continues to maintain its position as the highest constitutional authority in India. It has consistently protected democratic values, Fundamental Rights and constitutional supremacy. However, these challenges highlight the need for continuous reforms in judicial administration, infrastructure, appointment system and procedural efficiency. Strengthening these areas is essential to ensure that the Supreme Court continues to effectively function as the guardian of the Constitution.

CHAPTER – VII

CONCLUSION AND SUGGESTIONS

The Supreme Court of India occupies a unique and powerful position in the constitutional framework of the country. Over the years, it has emerged as the ultimate interpreter and guardian of the Constitution. Through its power of judicial review, constitutional interpretation and development of key doctrines such as the Basic Structure Doctrine, the Supreme Court has ensured that the Constitution remains supreme and is not altered in a way that destroys its essential identity. Because of this active and vigilant role, the Court is rightly described as the “Sentinel on the Qui Vive”, always alert to protect constitutional values, Fundamental Rights and democratic principles.

The study clearly shows that the Supreme Court has played a very significant role in

strengthening constitutional governance in India. Landmark judgements such as *Kesavananda Bharati v. State of Kerala*, *Maneka Gandhi v. Union of India* and *Minerva Mills v. Union of India* have contributed immensely to the development of constitutional law in India. These decisions not only limited arbitrary exercise of power but also strengthened the protection of Fundamental Rights and constitutional supremacy.³⁴

The Court has also expanded its role through judicial activism and Public Interest Litigation. It has made justice more accessible to weaker and marginalized sections of society and addressed issues relating to environment, human rights and social justice. At the same time, this expanded role has raised important concerns regarding judicial overreach and separation of powers. The balance between judicial activism and judicial restraint remains a continuing constitutional debate in India.

The research further highlights that despite its strong constitutional position, the Supreme Court faces several challenges such as pendency of cases, increasing workload, issues related to judicial appointments, misuse of PIL and concerns regarding consistency in judgments. These challenges affect the efficiency of the justice delivery system and require serious attention for institutional improvement.

Based on the analysis of the study, the following suggestions can be made:

1. There is a need to reduce case backlog by increasing the number of judges and improving case management systems.
2. Judicial infrastructure should be strengthened through better use of technology, digital courts and efficient record management.
3. Greater transparency in judicial appointments can help in improving public trust while maintaining judicial independence.
4. Strict guidelines should be followed to prevent misuse of Public Interest Litigation and ensure that only genuine public interest matters are entertained.
5. There should be a balanced approach between judicial activism and judicial restraint so

³⁴ *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India); *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

that separation of powers is maintained properly.

6. Consistency in judicial decisions should be ensured to maintain certainty and stability in law.
7. Regular judicial reforms should be introduced to improve efficiency, accountability and accessibility of the judiciary.

In conclusion, the Supreme Court of India has successfully performed its role as the guardian of the Constitution and protector of democratic values. It has continuously evolved with time and responded to changing social and constitutional needs. However, to maintain its effectiveness in the future, certain institutional and procedural reforms are necessary. Only then can the Supreme Court continue to function effectively as the true “Sentinel on the Qui Vive” and uphold the spirit of constitutional democracy in India.

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