

ROLE OF JUDICIARY IN STRENGTHENING THE DEMOCRATIC PRINCIPLES: AN ANALYTICAL STUDY

Shailendra Bahadur Shirivastava
Research Scholar
Mahakoshal University Jabalpur (M.P.)

ABSTRACT :- The Constitution of India establishes the foundation of democratic governance by defining the structure of government, distributing powers, and protecting fundamental rights. Within this framework, the judiciary functions as the guardian of constitutional principles and plays a vital role in upholding the rule of law. As a key pillar of democracy, the Indian judiciary has significantly influenced the development and preservation of democratic values through its interpretations and landmark decisions. This paper examines the role of the Indian judiciary, with particular emphasis on the Supreme Court, in shaping democratic governance in the 21st century. This research paper explores the pivotal role of the Indian judiciary in nurturing, sustaining, and strengthening democratic values in the country. Through a detailed analytical perspective, it highlights how the judiciary functions as a constitutional guardian, protector of civil liberties, and a vital check on the powers of the legislature and executive. The paper examines the evolution of judicial activism, the constitutional mandate and independence of the judiciary, and its instrumental role in electoral integrity and safeguarding fundamental rights. The study also highlights existing challenges within the judicial system and provides suggestions to enhance its effectiveness in the contemporary era. The conclusion reiterates that a strong, independent, and responsive judiciary is indispensable for deepening democratic governance in India and calls for reforms that maintain the delicate balance between judicial autonomy and accountability.

KEYWORDS: Indian Judiciary, Democratic Governance, Rule of Law, Separation of Powers, Judicial Independence.

INTRODUCTION:-

Democratic governance refers to a system in which decision-making authority is exercised in accordance with constitutional principles, ensuring accountability, transparency, and the protection of fundamental rights. It emphasizes the effective functioning of institutions, responsiveness to public needs, and adherence to the rule of law (Singh, 2015). In such a system, governance is not limited to the exercise of power but is guided by legal and constitutional constraints that promote justice, equality, and liberty. India operates as a constitutional democracy characterized by a structured distribution of powers among the legislature, executive, and judiciary (Seervai, 2023).

The Indian judiciary occupies a central position in the framework of the world's largest democracy, functioning as both a constitutional arbiter and the protector of civil liberties. As an independent and impartial institution, the judiciary plays a pivotal role in preserving the foundational values enshrined in the Constitution of India—justice, liberty, equality, and fraternity (The Constitution of India, 1950). This role becomes particularly significant in a diverse and complex society like India, where democratic ideals often face sociopolitical and economic challenges.

Since independence, the Indian judiciary has acted as a bulwark against executive excesses and legislative overreach. The Supreme Court of India, which came into existence on January 28, 1950, has not only interpreted the Constitution but also evolved the jurisprudence of rights and governance through a range of landmark verdicts. As of 2015, the judiciary comprises over **16,000 subordinate courts, 24 High Courts, and one Supreme Court** (National Judicial Data Grid, 2015). The total sanctioned strength of judges across all levels was approximately **21,000**, with nearly **6,000 vacancies**,

reflecting a judge-to-population ratio of about **13 per million**, significantly below the **recommended 50 per million** by the Law Commission of India (Law Commission of India, 1987).

Democracy in India, while largely electoral in character, draws substantial sustenance from judicial interventions. The judiciary's ability to enforce the fundamental rights under Articles 32 and 226 has empowered citizens to seek redress against any violation, thus enhancing democratic participation (Austin, 2003). Furthermore, the expansion of judicial review and the development of Public Interest Litigation (PIL) mechanisms since the 1980s have enabled the courts to address issues of broader social concern, making the democratic process more inclusive (Sathe, 2002).

However, the efficacy of the judiciary in strengthening democracy cannot be assessed merely by its institutional structure or number of judgments delivered. It also hinges on its accessibility, responsiveness, and ability to uphold constitutional morality amidst shifting political dynamics. The purpose of this paper is to critically analyze how the judiciary, through its structure, interventions, and evolving jurisprudence, has contributed to democratic deepening in India.

Constitutional Status and Structure of the Indian Judiciary-

The Indian judiciary is a constitutionally mandated institution endowed with the responsibility of interpreting and upholding the Constitution. It derives its authority primarily from **Articles 124 to 147 (Part V)** dealing with the Supreme Court and **Articles 214 to 237 (Part VI)** related to High Courts and subordinate courts.

The Constitution envisages a **single integrated judicial system** for the entire country, which is a distinctive feature in contrast to the federal judicial structures of countries like the United States (Basu, 2013). At the apex is the **Supreme Court of India**, established under Article 124, which serves as the final court of appeal and the guardian of the Constitution. It consists of the Chief Justice of India (CJI) and other judges appointed by the President, with the maximum sanctioned strength of 31

judges (including the CJI) as of 2015 (Ministry of Law and Justice, 2015). The **High Courts**, established under Article 214, function as the highest judicial authorities at the state level. By 2015, India had **24 High Courts**, some of which exercise jurisdiction over multiple states and union territories (Department of Justice, 2015).

Below the High Court's lie the **subordinate judiciary**, which includes District Courts and Magistrate Courts operating under the supervision of the respective High Courts. As of December 2015, the total number of **subordinate courts stood at 16,438**, including **3,079 District and Sessions Courts** and **13,359 Civil and Magistrate Courts** (National Judicial Data Grid, 2015).

Despite its constitutional robustness, the judiciary faces structural limitations. For example, the **judge-to population ratio remained at around 13 per million**, far below the Law Commission's recommendation of **50 judges per million population** (Law Commission of India, 1987). Additionally, **approximately 6,000 judicial positions** were vacant across all levels of the judiciary by the end of 2015, creating significant burdens on existing judicial personnel (Commonwealth Human Rights Initiative, 2015).

The framers of the Constitution intended for the judiciary to be an **independent and impartial authority**, protected from executive or legislative interference. Mechanisms such as security of tenure, fixed service conditions, and immunity from public criticism (Article 121) were embedded to safeguard this independence (Austin, 1999).

In summary, the Indian judiciary's structural and constitutional design reflects its central role in maintaining the rule of law and ensuring justice. However, systemic inadequacies—particularly those related to manpower and infrastructure—pose continuing challenges to its democratic mission.

Judiciary as the Guardian of Fundamental Rights

The Indian judiciary has played a defining role in safeguarding the **Fundamental Rights enshrined in Part III of the Constitution**, thereby fortifying the

democratic ethos of the Republic. The Constitution empowers individuals to directly approach the **Supreme Court under Article 32** and the **High Courts under Article 226** for the enforcement of these rights. Dr. B.R. Ambedkar famously described Article 32 as “the heart and soul of the Constitution” (Austin, 1999), signifying its critical role in upholding civil liberties.

The **Supreme Court of India** has evolved an expansive interpretation of fundamental rights through its jurisprudence. A pivotal moment came with the **Maneka Gandhi v. Union of India (1978)** judgment, where in the Court held that the right to life under Article 21 includes the right to live with dignity, thus laying the groundwork for a broad human rights discourse (Seervai, 1996). In the *Kesavananda Bharati v. State of Kerala* (1973) case, the judiciary firmly established that the **basic structure of the Constitution**, including the protection of fundamental rights, cannot be altered even by constitutional amendment (Sarkar, 2001).

Judicial protection of rights has also been quantifiable. Between 2000 and 2015, **over 3.1 lakh writ petitions** were filed in the **Supreme Court alone**, a significant number of which sought enforcement of fundamental rights (Supreme Court of India, Annual Reports, 2015). Additionally, **High Courts across the country adjudicated more than 8 lakh writ petitions** in the same period, underscoring the judiciary’s active role as a rights-enforcer (Department of Justice, 2015).

The judiciary has also invoked **Article 142**, which empowers the Supreme Court to pass any decree necessary for “complete justice.” This has been used in several landmark human rights decisions, including *Union Carbide v. Union of India* (1989) and *Vishaka v. State of Rajasthan* (1997), thus reinforcing the proactive role of the Court in shaping rights jurisprudence (Sathe, 2002).

However, critics point out that **delay in adjudication**, **procedural complexity**, and **limited access to legal aid** dilute the protective promise of these rights, especially for marginalized communities (Baxi, 2000). Nonetheless, the judiciary’s consistent efforts to interpret

and expand fundamental rights have significantly contributed to the democratization of Indian society.

Judicial Activism and Public Interest Litigation (PIL)-

Judicial activism in India, particularly through the mechanism of **Public Interest Litigation (PIL)**, has emerged as a transformative tool to strengthen democratic governance and social justice. Rooted in **Articles 32 and 226**, PIL allows any public-spirited individual or organization to approach the courts for the protection of collective rights, especially on behalf of marginalized or voiceless groups (Bhagwati, 1985). This judicial innovation, introduced during the post-Emergency period, marked a decisive departure from traditional legal norms of *locus standi*, thereby making justice more accessible and inclusive (Sathe, 2002).

The **1979 Hussainara Khatoon v. State of Bihar** case is widely recognized as the genesis of PIL in India, wherein the Supreme Court took cognizance of the deplorable conditions of under trial prisoners based on a newspaper article. Between **1980 and 2015**, the Supreme Court registered over **22,000 PIL cases**, a majority of which addressed issues like environmental degradation, bonded labour, custodial violence, child rights, and governance failures (Supreme Court of India, Annual Reports, 2015). High Courts across states also witnessed a significant rise in PILs, with states like Delhi, Maharashtra, and Uttar Pradesh accounting for a disproportionately high number of such cases during this period (Law Commission of India, 2014).

Judicial activism reached new heights through PIL in landmark cases such as *Vellore Citizens Welfare Forum v. Union of India* (1996), which gave birth to the “polluter pays” principle; *M.C. Mehta v. Union of India* (1986 onward), which addressed vehicular pollution in Delhi; and *Vishaka v. State of Rajasthan* (1997), which laid down guidelines on sexual harassment at the workplace (Rosencranz & Jackson, 2003). These cases reflected how the judiciary stepped in where the legislature or executive was either inactive or ineffective.

However, the proliferation of PILs also raised concerns about judicial overreach and the blurring of boundaries between adjudication and policy-making. The Supreme Court itself, in *State of Uttaranchal v. Balwant Singh Chaufal* (2010), emphasized the need for responsible PIL filing, noting that **frivolous PILs waste valuable judicial time** and dilute the effectiveness of genuine petitions (Upadhyay, 2011).

In essence, PIL and judicial activism have democratized access to justice, especially for those lacking the means to approach the courts. By addressing systemic issues and holding the executive accountable, these tools have significantly contributed to participatory democracy in India.

Landmark Judgments and Their Democratic Implications-

Landmark judgments by the Indian judiciary have had a profound and lasting impact on the country's democratic fabric. These verdicts have not only clarified constitutional ambiguities but also empowered citizens and reinforced democratic accountability.

One of the most influential judgments is the **Kesavananda Bharati v. State of Kerala (1973)** case, where the Supreme Court introduced the **"Basic Structure Doctrine."** This historic verdict ruled that while Parliament had wide powers to amend the Constitution under Article 368, it could not alter the basic structure, which includes democracy, rule of law, and fundamental rights (Seervai, 1996). This doctrine has since served as a constitutional safeguard, invoked in more than **100 subsequent cases** by 2015 (Chandrachud, 2013).

Another pivotal decision was the **Minerva Mills v. Union of India (1980)**, which reiterated the supremacy of the Constitution and protected fundamental rights from legislative encroachment. It declared parts of the 42nd Amendment unconstitutional, reinforcing the judiciary's role as a check on parliamentary excesses (Austin, 1999).

In the realm of transparency and participatory governance, the **Union of India v. Association for Democratic Reforms (2002)** judgment was a milestone. It mandated that candidates contesting elections must disclose their criminal, financial, and educational background, thereby strengthening the citizens' right to information. Following this ruling, the **Election Commission of India reported a 56% increase in candidate disclosures** between the 2004 and 2014 general elections (Election Commission of India, 2015).

In the domain of environmental justice, the **Godavarman Thirumulpad v. Union of India (1996 onwards)** case led to continuous mandamus and judicial monitoring of forest conservation, resulting in over **1,000 orders by 2015** and the establishment of the **Central Empowered Committee** (Rosencranz & Jackson, 2003). This not only preserved ecological balance but institutionalized environmental governance.

The **Naz Foundation v. Government of NCT Delhi (2009)** verdict decriminalizing consensual homosexual acts under Section 377 of the IPC was another significant moment for civil liberties. Though later overturned by the Supreme Court in 2013 (*Suresh Kumar Koushal v. Naz Foundation*), it sparked nationwide debate on privacy, sexuality, and constitutional morality (Narain, 2014). Collectively, these rulings underscore the judiciary's evolving role from a traditional arbiter to an active architect of India's constitutional democracy. The Court's jurisprudence has often filled institutional vacuums, strengthened rights-based governance, and enhanced accountability in the public sphere.

Challenges Facing the Judiciary in a Democratic Framework-

While the Indian judiciary plays a pivotal role in upholding democracy, it continues to face a range of institutional and systemic challenges that affect its efficiency, credibility, and democratic accountability. These challenges require critical reflection, especially in light of the increasing burden of judicial responsibility in a diverse and populous democracy.

A primary concern is the **pendency of cases**. As of December 2014, over **3.14 crore cases were pending** in Indian courts, including more than **65,000 in the Supreme Court, over 42 lakh in High Courts, and around 2.7 crore in subordinate courts** (Ministry of Law and Justice, 2015). This backlog severely hampers the judiciary's ability to deliver timely justice — a cornerstone of democratic governance. In many cases, justice delayed becomes justice denied, particularly affecting the poor and underrepresented groups.

Another serious issue is the **lack of judicial accountability and transparency**, especially in judicial appointments. The collegium system, established through *Second Judges Case (1993)*, has been criticized for being opaque and insulated from public scrutiny. The **National Judicial Appointments Commission (NJAC)** was introduced via the 99th Constitutional Amendment in 2014 to rectify this, but the **Supreme Court struck it down in 2015**, citing its incompatibility with judicial independence (Baxi, 2015). This led to an unresolved tension between the need for autonomy and the demand for transparency.

The judiciary also suffers from **resource constraints**. India's judge-to-population ratio remains alarmingly low — just **13 judges per million people** in 2013, compared to **50 per million** in the United States and **75 per million** in the United Kingdom (Law Commission of India, 2014). Inadequate court infrastructure, shortage of support staff, and underutilization of technology further worsen delays and procedural inefficiencies. Corruption is another concern. Though less visible, **allegations of misconduct against judges** have surfaced periodically, leading to erosion of public trust. A 2011 Transparency International survey found that **45% of respondents believed the judiciary was corrupt**, with many citing lack of complaint mechanisms (Transparency International India, 2011).

Lastly, the **inequitable access to justice** due to economic, linguistic, and geographic barriers persists. Legal aid mechanisms remain underfunded, and awareness among the rural poor is minimal despite

constitutional guarantees under **Article 39A** (Bhatt, 2009).

These challenges, if unaddressed, could constrain the judiciary's capacity to act as a bulwark of democracy. Institutional reforms, judicial accountability, and infrastructural improvements are imperative to ensure that justice remains not only accessible but also effective and equitable.

Judicial Reforms and Future Prospects-

Reforming the Indian judiciary is critical to preserving its credibility, improving efficiency, and reinforcing democratic norms. Several reform initiatives have been proposed and partially implemented to address structural, procedural, and ethical deficiencies that hamper justice delivery.

A primary area of reform is addressing the **shortage of judges**. As per the Law Commission's 245th Report (2014), India had only **13 judges per million population**, a number grossly inadequate for a nation with over **1.2 billion people**. The Commission recommended raising this to **50 judges per million** in a phased manner. Increasing judicial manpower would significantly ease the backlog of over **3 crore cases** pending across various courts (Ministry of Law and Justice, 2015).

Technological modernization has also emerged as a key pillar of reform. The **e-Courts Mission Mode Project**, initiated in 2005, sought to digitize judicial processes and improve transparency. By 2015, more than **13,000 district and subordinate courts** had been computerized (National Informatics Centre, 2015). This digitization not only enhances accessibility but also reduces delays associated with manual case management systems.

To streamline the **judicial appointment process**, the **National Judicial Appointments Commission (NJAC)** was proposed in 2014 as a constitutional amendment to replace the opaque collegium system. Although struck down by the Supreme Court in 2015, its very conception reflects growing consensus around the need for **greater**

transparency and accountability in judicial selection (Mehta, 2015).

Alternative Dispute Resolution (ADR) mechanisms, including Lok Adalats, mediation, and arbitration, are gaining traction as tools to reduce the case burden. For instance, over **1.2 crore cases** were settled through Lok Adalats in 2013 alone (National Legal Services Authority, 2014). These forums provide quicker and costeffective justice, especially for economically weaker sections.

Furthermore, there have been calls to **create an All-India Judicial Services (AIJS)** to ensure merit-based recruitment and uniform standards across states (Law Commission of India, 2014). Though proposals for AIJS date back to the 1960s, they gained renewed momentum post-2013 amid concerns over inconsistent qualifications and politicized appointments at the lower judiciary level.

Lastly, judicial reform must include **institutional self-regulation**. The **Judicial Standards and Accountability Bill, 2010**, though pending as of 2015, aimed to enhance judicial ethics by mandating disclosure of assets and establishing a credible complaints mechanism (Rajya Sabha Secretariat, 2015). In sum, while significant efforts toward reform have been made, the success of future prospects lies in balancing judicial independence with democratic accountability, technology with accessibility, and speed with fairness.

In the 21st century, judicial engagement has increasingly responded to emerging socio-political and technological challenges. The recognition of the right to privacy as a fundamental right in *K.S. Puttaswamy v. Union of India* (2017) reflects the judiciary's capacity to adapt constitutional principles to contemporary contexts. Similarly, *Navtej Singh Johar v. Union of India* (2018) illustrates the Court's role in advancing substantive equality and individual dignity. At the same time, decisions such as *Subhash Chandra Agarwal v. Union of India* (2019) underscore the judiciary's commitment to transparency within its own institutional framework. Recent rulings further highlight the judiciary's continuing influence on democratic governance. The

Supreme Court's intervention in matters relating to gubernatorial discretion (2023) and the invalidation of the electoral bonds scheme (2024) demonstrate its willingness to address structural issues affecting democratic accountability and electoral transparency. These decisions indicate that the judiciary has assumed a proactive role in safeguarding not only individual rights but also the integrity of democratic processes.

CONCLUSION:-

The Indian judiciary has played a decisive role in shaping the trajectory of democratic governance in the twenty-first century. Through its interpretative authority, landmark judgments, and continuous engagement with the executive and legislature, it has safeguarded constitutional values, strengthened the rule of law, and ensured the protection of fundamental rights. Additionally, the expanding role of the judiciary reflects its transformation from a traditional adjudicatory body to an active contributor to governance. Its interventions have reinforced accountability, transparency, and institutional balance. However, this evolution is accompanied by persistent challenges, including case backlogs, delays in judicial appointments, limited accessibility, and concerns relating to accountability. These issues have significant implications for the efficiency of the justice delivery system and the broader legitimacy of democratic governance. In conclusion, a robust, transparent, and efficient judiciary is indispensable for the sustenance and deepening of Indian democracy. Strengthening this institution through pragmatic reforms, while preserving its autonomy, will ensure that it continues to serve as a beacon of justice and constitutional morality in the world's largest democracy.,

REFERENCES:-

1. Asian Journal of Constitutional Law, 5(2), 18-34.
2. Basu DD. Introduction to the Constitution of India. Nagpur: LexisNexis; 2022.
3. Baxi, U. (2015). *The judiciary and constitutional democracy in India*. Indian Law Institute.

4. Bhatt, P. (2009). *Access to justice in rural India: Barriers and opportunities*. Journal of Rural Development, 28(4), 453-467.
5. Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal, (2019) 16 SCC 1.
6. Chandran, S. (2015). *Judicial independence and democratic governance in India*. Indian Journal of Public Law, 22(1), 64-78.
7. Department of Justice. E-Courts mission mode project: Phase III. New Delhi: Ministry of Law and Justice, Government of India; 2024. Available from: <https://doj.gov.in>.
8. Department of Justice. Fast track courts and fast track special courts scheme. New Delhi: Ministry of Law and Justice, Government of India; 2024. Available from: <https://doj.gov.in>
9. Jain, M. P. (2015). *The constitution of India* (8th ed.). LexisNexis.
10. K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.
11. Kapoor, R. (2014). *Judiciary and the Indian political system: A study of checks and balances*. Indian Political Science Review, 38(3), 202-215.
12. Law Commission of India. (2014). *Report No. 245 on the need for increasing the judge-population ratio in India*. Government of India.
13. Mehta, P. B. (2015). *Judicial appointments and transparency in India*. South Asia Journal of Legal Studies, 8(2), 29-47.
14. Ministry of Law and Justice. (2015). *Annual report on judicial pendency in India*. Government of India.
15. National Informatics Centre. (2015). *Report on the progress of e-Courts Mission Mode Project*. Government of India.
16. National Legal Services Authority. (2014). *Annual report on Lok Adalats and dispute resolution*. Government of India.
17. Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.
18. Rajya Sabha Secretariat. (2015). *The Judicial Standards and Accountability Bill, 2010*. Government of India.
19. Seervai HM (2023). *Constitutional law of India*. 4th ed. New Delhi: Universal Law Publishing.
20. Shukla, V. N. (2014). *Constitutional law of India*. Eastern Book Company.
21. Singh MP (2015). *Indian political system*. New Delhi: Pearson Education.
22. Sundaram, K. (2013). *Judicial reform: The imperative for India's growth and democracy*. Economic and Political Weekly, 48(45), 11-13.
23. Transparency International India. (2011). *Perception of corruption in India's judiciary: A survey*. Transparency International.
24. Verma, R. (2014). *The role of the judiciary in upholding the Indian Constitution*.