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ROLE OF JUDICIAL REVIEW IN SHAPING CONSTITUTIONAL INTERPRETATION IN INDIA

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ABSTRACT

Judicial review is a cornerstone of constitutional governance in India, empowering courts to assess the validity of legislative and executive actions against the Constitution. This study analyses the evolution of judicial review in India, examines its legal foundations, its impact on constitutional interpretation, and the tension between judicial activism and restraint. By reviewing landmark cases such as *Kesavananda Bharati v. State of Kerala*, *Maneka Gandhi v. Union of India*, *I.R. Coelho v. State of Tamil Nadu*, and *Navtej Singh Johar v. Union of India*, the research reveals how the Supreme Court has shaped constitutional meaning in response to social changes and asserted its role as guardian of the Constitution. Using a doctrinal and qualitative method, this paper finds that judicial review has significantly broadened the scope of fundamental rights, enforced the doctrine of the basic structure, and ensured procedural fairness, but it also faces challenges of overreach, political backlash, and the risk of undermining democratic legitimacy. The study concludes that judicial review in India remains indispensable for upholding constitutional supremacy, but that its legitimacy depends on balanced exercise, judicial self-restraint, and clearer guidelines to avoid arbitrariness.

Keywords: Judicial Review, Constitutional Interpretation, Basic Structure, Doctrine, Fundamental Rights, Judicial Activism, Judicial Restraint.

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INTRODUCTION

Judicial review represents one of the most vital features of India's constitutional democracy, ensuring that every legislative and executive act conforms to the principles and provisions of the Constitution. It operates as a safeguard against arbitrary governance and secures the supremacy of constitutional law over political authority². The judiciary, by exercising this power, acts as the guardian and interpreter of the Constitution, protecting individual rights and maintaining institutional checks and balances³.

The framers of the Indian Constitution, drawing inspiration from the American model, consciously incorporated the principle of judicial review to preserve the rule of law and fundamental rights⁴. Articles 13, 32, 226, and 136 of the Constitution collectively empower the higher judiciary to review governmental actions and strike down those inconsistent with constitutional mandates⁵. This framework ensures that the Constitution remains the ultimate source of authority and that no organ of the State exceeds its jurisdiction.

Through landmark decisions such as *Kesavananda Bharati v. State of Kerala* (1973)⁶, *Maneka Gandhi v. Union of India* (1978)⁷, and *Navtej Singh Johar v. Union of India* (2018)⁸, the Supreme Court has expanded the scope of judicial review to uphold fundamental rights and constitutional morality. The “basic structure doctrine,” evolved in *Kesavananda Bharati*, stands as a unique Indian innovation that limits Parliament's amending power while preserving the essence of constitutional democracy⁹.

Judicial review, therefore, is not merely a technical mechanism of legal scrutiny but a living constitutional instrument that continually shapes India's democratic evolution. It enables the

²K. K. Ghai, *Judicial Review in India: Meaning and Definition*, Political and Administrative News India (2016), available at <https://www.pani.org.in>.

³Harshpreet Kaur, “Judicial Review and Legislative Intent: A Constitutional Perspective,” *International Journal for Legal Research and Analysis* (2021), available at <https://www.ijlra.com/details/judicial-review-and-legislative-intent-a-constitutional-perspective-by-harshpreet-kaur>.

⁴M. P. Jain, *Indian Constitutional Law*, 8th ed. (LexisNexis Butterworths, 2021), p. 208.

⁵The Constitution of India, Art. 13, Art. 32, Art. 226 & Art. 136.

⁶*Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

⁷*Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁸*Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁹*I.R. Coelho v. State of Tamil Nadu*, (2007) 2 SCC 1.

judiciary to adapt constitutional principles to contemporary social realities, ensuring that the Constitution remains both enduring and responsive to change¹⁰.

REVIEW OF LITERATURE

The existing scholarship on judicial review in India is rich and multifaceted. K. K. Ghai defines judicial review as the judiciary's power to interpret the Constitution and declare laws or governmental orders void if they conflict with constitutional provisions¹¹. This foundational understanding is echoed in doctrinal studies that map constitutional articles such as Articles 13, 32, and 226 as the legal basis for such power¹².

Scholars have also explored the tension between judicial activism (where courts proactively shape constitutional values) and judicial restraint (where courts defer to legislative or executive judgment in policy matters)¹³. Studies such as "The Function of Judicial Review and Merits Review" elaborate how courts navigate policy issues without overstepping their constitutional mandate¹⁴.

Case studies of landmark judgments provide substantive analyses: Kesavananda Bharati introduced the "basic structure doctrine," limiting Parliament's amending power¹⁵. Maneka Gandhi expanded the concept of personal liberty under Article 21 to include procedural fairness¹⁶. More recent works discuss how judicial review responds to contemporary challenges, for example in privacy law (as in Puttaswamy) or in the balance of federal versus state powers¹⁷.

¹⁰S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, Oxford University Press (2002), p. 33.

¹¹K. K. Ghai, *Judicial Review in India: Meaning and Definition* (New Delhi: Political Science Notes, 2016).

¹²The Constitution of India, arts. 13, 32, and 226.

¹³S. P. Sathe, "Judicial Activism: The Indian Experience," *Washington University Journal of Law & Policy* Vol. 6 (2001): para 29–60.

¹⁴S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002), p. 43.

¹⁵Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.

¹⁶Maneka Gandhi v. Union of India, AIR 1978 SC 597.

¹⁷Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1; State of West Bengal v. Union of India, AIR 1962 SC 1241.

Critical voices warn of potential overreach: some argue that judicial review sometimes encroaches on policy, that judicial pronouncements risk being seen as politically biased, and that there is a need to safeguard democratic legitimacy alongside constitutional protection¹⁸.

Upendra Baxi and M. P. Singh both caution against the risk of transforming judicial review into a form of “judicial supremacy,” thereby unsettling the equilibrium among the three organs of state¹⁹.

STATEMENT OF THE PROBLEM

The doctrine of judicial review, though fundamental to India’s constitutional framework, continues to raise important questions regarding its scope, legitimacy, and limits²⁰. While the judiciary has often been praised for upholding constitutional morality and protecting individual rights, critics argue that excessive judicial intervention sometimes borders on judicial overreach, undermining the principle of separation of powers²¹. The challenge, therefore, lies in determining how judicial review can be effectively exercised to protect the Constitution without encroaching upon the policy-making authority of the legislature and executive²². Furthermore, the evolution of judicial review through landmark cases has revealed inconsistencies in its application and interpretation²³. In some instances, courts have expanded fundamental rights through progressive interpretation, as seen in *Maneka Gandhi v. Union of India* (1978) and *Navtej Singh Johar v. Union of India* (2018), while in others, judicial restraint has been advocated to maintain institutional balance²⁴. This duality creates uncertainty about the judiciary’s role as both interpreter and policy influencer. Another problem concerns the lack of uniform principles governing the exercise of judicial review, especially in matters involving socio-economic policy, constitutional amendments, and public interest litigation (PIL)²⁵. The absence of clear parameters sometimes leads to subjective judgments, which may affect the predictability of constitutional interpretation and the

¹⁸P. Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship* (Eastern Book Company, 2004), p. 179.

¹⁹Upendra Baxi, *The Indian Supreme Court and Politics* (Delhi: Eastern Book Company, 1980); M. P. Singh, “Judicial Review and Democracy in India,” *Indian Journal of Constitutional Law* Vol. 7 (2013): para1–15.

²⁰M. P. Jain, *Indian Constitutional Law*, 8th ed. (LexisNexis Butterworths, 2021), p. 210.

²¹S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, Oxford University Press (2002), p. 41.

²²P. Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship*, Eastern Book Company (2004), p. 156.

²³Harshpreet Kaur, “Judicial Review and Legislative Intent: A Constitutional Perspective,” *IJLRA* (2021).

²⁴*Maneka Gandhi v. Union of India*, AIR 1978 SC 597; *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

²⁵Public Interest Litigation in India: A Critical Review, *Indian Journal of Constitutional Studies*, Vol. 6 (2020), p. 23.

perception of judicial impartiality²⁶. Hence, the central problem this study addresses is the extent to which judicial review in India has influenced constitutional interpretation whether it strengthens democratic accountability and fundamental rights or, conversely, risks tilting the balance of power among the organs of the State²⁷.

SCOPE OF THE STUDY

This study is confined to the Indian constitutional framework, focusing primarily on the powers and functions of the Supreme Court and High Courts under Articles 13, 32, 226, and 136 of the Constitution²⁸. It explores judicial review as both a constitutional mechanism and a philosophical principle that defines the limits of governmental power. The analysis includes historical evolution, constitutional provisions, and major judicial pronouncements from A.K. Gopalan v. State of Madras (1950)²⁹ to Navtej Singh Johar v. Union of India (2018)³⁰. Particular emphasis is placed on the basic structure doctrine, fundamental rights jurisprudence, and the rise of judicial activism through Public Interest Litigation (PIL). The study adopts a doctrinal and analytical approach, examining primary legal sources such as constitutional text, case law, and judicial interpretations, along with secondary sources like commentaries, journal articles, and law reviews³¹. It does not attempt a comparative constitutional study with other jurisdictions except where necessary to illustrate conceptual influences (such as from the United States). By defining these parameters, the study aims to provide a balanced and comprehensive understanding of how judicial review has shaped constitutional interpretation in India - its achievements, limitations, and future challenges in maintaining constitutional supremacy and democratic governance³².

OBJECTIVES OF THE STUDY

The present study seeks to critically examine the evolution and contemporary relevance of judicial review in India as a constitutional mechanism for ensuring the supremacy of the Constitution³³. One of its primary objectives is to trace the historical development of judicial

²⁶S. Krishnaswamy, *Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine*, Oxford University Press (2009), p. 92.

²⁷Upendra Baxi, "The Supreme Court and Politics," Seminar, Issue 395 (1992).

²⁸The Constitution of India, Art. 13, Art. 32, Art. 226 & Art. 136.

²⁹A.K. Gopalan v. State of Madras, AIR 1950 SC 27.

³⁰Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

³¹K. K. Ghai, *Judicial Review in India: Meaning and Definition* (2016), PANI.

³²D. D. Basu, *Commentary on the Constitution of India*, 9th ed. (LexisNexis, 2022), Vol. 1, p. 84.

³³M. P. Jain, *Indian Constitutional Law*, 8th ed. (LexisNexis Butterworths, 2021), p. 217.

review since the adoption of the Constitution in 1950, highlighting its doctrinal foundations and philosophical underpinnings³⁴. The study further aims to analyse how judicial review has shaped constitutional interpretation, particularly in expanding the scope of fundamental rights and defining the contours of the basic structure doctrine, which limits Parliament's amending power³⁵. Another significant objective is to evaluate the judicial balance between activism and restraint, assessing whether the judiciary has, at times, overstepped its constitutional boundaries in pursuit of social justice or public policy objectives³⁶. Finally, the research intends to identify the challenges and limitations confronting judicial review in India, including political influence, inconsistent application of legal standards, and the risk of institutional overreach³⁷.

HYPOTHESES

The following hypotheses have been formulated.

- The first hypothesis (H₁) posits that judicial review has progressively expanded the scope of constitutional rights in India, as evidenced through landmark decisions such as *Maneka Gandhi v. Union of India* (1978) and *Justice K. S. Puttaswamy (Retd.) v. Union of India* (2017)³⁸.
- The second hypothesis (H₂) suggests that the basic structure doctrine has emerged as a fundamental constraint on Parliament's power to amend the Constitution, reinforcing the judiciary's role as guardian of constitutional supremacy³⁹.
- The third hypothesis (H₃) asserts that judicial activism has increased in recent decades, particularly through the expansion of Public Interest Litigations (PILs), though sometimes at the cost of democratic legitimacy and separation of powers⁴⁰.
- The final hypothesis (H₄) proposes that the challenges faced by judicial review stem largely from political pressures, ambiguous interpretative standards, and occasional

³⁴H. M. Seervai, *Constitutional Law of India*, 4th ed. (Universal Law Publishing, 2013), Vol. 1, p. 281.

³⁵*Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

³⁶S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002), p. 47.

³⁷Upendra Baxi, *The Indian Supreme Court and Politics* (Delhi: Eastern Book Company, 1980), p. 66.

³⁸*Maneka Gandhi v. Union of India*, AIR 1978 SC 597; *Justice K. S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

³⁹S. Krishnaswamy, *Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine* (Oxford University Press, 2009), p. 98.

⁴⁰P. Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship* (Eastern Book Company, 2004), p. 183.

judicial overreach, which may affect the delicate equilibrium among the legislature, executive, and judiciary⁴¹.

Collectively, these objectives and hypotheses aim to deepen understanding of how judicial review continues to influence constitutional governance, civil liberties, and the evolution of democratic institutions in India⁴².

RESEARCH METHODOLOGY

This study adopts a qualitative doctrinal methodology, supported by case law analysis and a limited comparative constitutional perspective⁴³. The doctrinal approach entails an in-depth examination of primary legal sources, including relevant constitutional provisions such as Articles 13, 32, 226, and 368 of the Constitution of India, which collectively form the foundation of judicial review⁴⁴. The methodology relies heavily on close textual reading and interpretation of these provisions to discern the framers' intent and their judicial evolution through subsequent case law⁴⁵. The jurisprudential analysis centers on landmark decisions of the Supreme Court of India, including *Kesavananda Bharati v. State of Kerala*⁴⁶ (which articulated the "basic structure doctrine"), *Maneka Gandhi v. Union of India*⁴⁷ (which broadened the scope of Article 21), *I.R. Coelho v. State of Tamil Nadu*⁴⁸ (which reaffirmed the primacy of the basic structure), and *Navtej Singh Johar v. Union of India*⁴⁹ (which reinterpreted constitutional morality in light of fundamental rights). These cases form the empirical basis for evaluating how judicial review has shaped constitutional interpretation in India. To supplement the doctrinal framework, the study employs secondary sources such as peer-reviewed law journal articles, authoritative commentaries, and books that interpret or critique the concept of judicial review and its impact on constitutional evolution⁵⁰. Scholarly perspectives from eminent constitutional theorists like M. P. Jain, H. M. Seervai, and

⁴¹ M. P. Singh, "Judicial Review and Democracy in India," *Indian Journal of Constitutional Law* Vol. 7 (2013): 1–15.

⁴² D. D. Basu, *Commentary on the Constitution of India*, 9th ed. (LexisNexis, 2022), Vol. 1, p. 89.

⁴³ John Bell & Mark Elliott, *Public Law in a Multi-Layered Constitution* (Hart Publishing, 2003), p. 17.

⁴⁴ The Constitution of India, Art. 13, Art. 32, Art. 226 & Art. 368.

⁴⁵ M. P. Jain, *Indian Constitutional Law*, 8th ed. (LexisNexis Butterworths, 2021), p. 225.

⁴⁶ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

⁴⁷ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁴⁸ *I.R. Coelho v. State of Tamil Nadu*, (2007) 2 SCC 1.

⁴⁹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁵⁰ S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002), p. 41.

Upendra Baxi are critically examined to provide theoretical depth and context⁵¹. Additionally, the research integrates a comparative-contextual approach, assessing how judicial review interacts with India's political culture, institutional dynamics, and social realities⁵². Trends in recent judicial decisions are mapped to test the validity of the hypotheses, particularly regarding the balance between judicial activism and restraint⁵³. Data collection is conducted through reliable legal databases such as SCC Online, Manupatra, and JSTOR, alongside official reports and published judgments from the Supreme Court of India⁵⁴. The methodology thus ensures that the analysis remains both doctrinally rigorous and contextually grounded, providing a holistic understanding of the operation and implications of judicial review within India's constitutional framework⁵⁵.

RESULTS

The analysis of case law demonstrates that judicial review in India has significantly expanded the scope of fundamental rights⁵⁶. In *Maneka Gandhi v. Union of India* (1978), the Supreme Court extended procedural safeguards under Article 21, emphasizing that the right to life and personal liberty encompasses fairness, reasonableness, and justice⁵⁷. Similarly, in *Navtej Singh Johar v. Union of India* (2018), the Court affirmed the rights of dignity, equality, and non-discrimination for LGBTQ+ individuals, reflecting the judiciary's responsiveness to evolving social norms⁵⁸. The study also confirms the continued reinforcement of the basic structure doctrine as a constitutional safeguard. In *Kesavananda Bharati v. State of Kerala* (1973), the Court formally articulated that Parliament cannot amend the Constitution in a manner that destroys its essential framework⁵⁹. This principle was reaffirmed in *I.R. Coelho v. State of Tamil Nadu* (2007), where the Court held that even laws inserted into the Ninth Schedule are subject to judicial scrutiny if they contravene the basic structure, underscoring

⁵¹H. M. Seervai, *Constitutional Law of India*, 4th ed. (Universal Law Publishing, 2013), Vol. 1, p. 273; Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company, 1980), p. 61.

⁵². S. Krishnaswamy, *Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine* (Oxford University Press, 2009), p. 112.

⁵³M. P. Singh, "Judicial Review and Democracy in India," *Indian Journal of Constitutional Law* Vol. 7 (2013): para 1–15.

⁵⁴Accessed through SCC Online, Manupatra, and JSTOR databases between July and September 2025.

⁵⁵D. D. Basu, *Commentary on the Constitution of India*, 9th ed. (LexisNexis, 2022), Vol. 1, p. 97.

⁵⁶K. K. Ghai, *Judicial Review in India: Meaning and Definition* (New Delhi: Political Science Notes, 2016), p. 23.

⁵⁷*Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁵⁸*Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁵⁹*Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

the enduring authority of this doctrine⁶⁰. The research further identifies a notable increase in judicial activism, especially in contemporary jurisprudence. Courts have actively intervened in matters concerning gender equality, privacy rights, sexual orientation, and environmental protection, often in the absence of explicit legislative direction⁶¹. Such interventions demonstrate the judiciary's proactive role in filling legislative or policy gaps while safeguarding constitutional principles. Despite these developments, the study reveals several challenges and limitations in the exercise of judicial review. Some decisions have been criticized as politically motivated, raising concerns about judicial neutrality⁶². Standards of review, such as the definition of "basic structure," "reasonableness," or "fair procedure," are sometimes ambiguously defined, leading to interpretative uncertainty⁶³. Moreover, tensions persist between judicial intervention and democratic accountability, with institutional constraints, delays, and resource limitations occasionally affecting the efficacy of judicial review⁶⁴. Overall, the results indicate that judicial review in India has been both transformative and complex expanding constitutional rights, safeguarding fundamental principles, and adapting to social change, while simultaneously navigating institutional and political challenges⁶⁵.

DISCUSSION

The findings of this study provide strong support for H₁ and H₂. Judicial review has clearly contributed to the expansion and protection of individual rights in India, as exemplified by landmark rulings that have broadened the interpretation of Article 21 to include rights such as privacy, dignity, and equality⁶⁶. The basic structure doctrine, established in *Kesavananda Bharati v. State of Kerala* (1973)⁶⁷, continues to serve as a critical constraint on Parliament's amending powers, ensuring the preservation of the Constitution's essential features and reinforcing the judiciary's role as guardian of constitutional identity⁶⁸. The analysis also affirms H₃, indicating that judicial activism has become increasingly visible in Indian

⁶⁰I.R. Coelho v. State of Tamil Nadu, (2007) 2 SCC 1.

⁶¹S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002), p. 52.

⁶²Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company, 1980), p. 69.

⁶³P. Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship* (Eastern Book Company, 2004), p. 187.

⁶⁴H. M. Seervai, *Constitutional Law of India*, 4th ed. (Universal Law Publishing, 2013), Vol. 1, p. 289.

⁶⁵M. P. Jain, *Indian Constitutional Law*, 8th ed. (LexisNexis Butterworths, 2021), p. 231.

⁶⁶Maneka Gandhi v. Union of India, AIR 1978 SC 597; Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

⁶⁷Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.

⁶⁸S. Krishnaswamy, *Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine* (Oxford University Press, 2009), p. 105.

jurisprudence. Courts have proactively addressed matters relating to public interest litigation, social justice, gender rights, and protection of marginalized groups, often in the absence of explicit legislative guidance⁶⁹. Such interventions demonstrate the judiciary's dynamic role in shaping constitutional interpretation in response to evolving societal expectations. However, this activism is not without controversy. Scholars and critics frequently debate whether judicial engagement in policy-making domains constitutes overreach, potentially encroaching upon the legislative or executive functions⁷⁰. Regarding H₄, the study identifies several constraints that affect the effectiveness and legitimacy of judicial review. Political and institutional pressures, ambiguity in doctrinal standards such as defining what constitutes a violation of the basic structure and perceptions of judicial partisanship may undermine consistency and credibility⁷¹. Additionally, resource limitations, procedural delays, and enforcement challenges sometimes reduce the impact of judicial pronouncements⁷². Overall, while judicial review has had a positive and transformative effect on constitutional interpretation in India, its legitimacy hinges on maintaining a careful balance. Excessive judicial intervention risks undermining democratic norms and the separation of powers, whereas insufficient judicial scrutiny may leave fundamental rights inadequately protected⁷³. The study thus underscores the dual nature of judicial review as both an instrument for progressive constitutional change and a mechanism whose authority must be exercised with prudence and accountability⁷⁴.

CONCLUSION

Judicial review continues to be one of the most vital features of India's constitutional framework, serving as a mechanism to uphold the Constitution as the supreme law while simultaneously ensuring that its interpretation evolves to protect and expand fundamental rights in accordance with changing social realities⁷⁵. The basic structure doctrine, established in *Kesavananda Bharati v. State of Kerala* (1973)⁷⁶, remains a cornerstone of constitutional

⁶⁹S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002), p. 55.

⁷⁰Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company, 1980), p. 72.

⁷¹P. Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship* (Eastern Book Company, 2004), p. 191.

⁷²H. M. Seervai, *Constitutional Law of India*, 4th ed. (Universal Law Publishing, 2013), Vol. 1, p. 292.

⁷³M. P. Jain, *Indian Constitutional Law*, 8th ed. (LexisNexis Butterworths, 2021), p. 234.

⁷⁴D. D. Basu, *Commentary on the Constitution of India*, 9th ed. (LexisNexis, 2022), Vol. 1, p. 102.

⁷⁵M. P. Jain, *Indian Constitutional Law*, 8th ed. (LexisNexis Butterworths, 2021), p. 239.

⁷⁶*Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

safeguarding, providing non-negotiable parameters that even Parliament cannot override⁷⁷. While judicial review has been transformative, its exercise is not unlimited⁷⁸. The legitimacy of this power rests upon adherence to clear doctrinal boundaries, judicious restraint in matters of policy, transparency in reasoning, and consistency in legal interpretation⁷⁹. Future effectiveness of judicial review depends on clarifying the scope of key principles such as the “basic structure,” the standards of reasonableness and proportionality, and on establishing robust institutional safeguards that protect the judiciary from political and extrinsic pressures⁸⁰. In conclusion, judicial review in India functions as a dynamic, adaptive instrument both preserving constitutional supremacy and responding to societal evolution. Its continued credibility as a balanced guardian of the Constitution will hinge on the judiciary’s ability to maintain equilibrium between assertive rights protection and respect for democratic governance, thereby ensuring that the Constitution remains both enduring and responsive⁸¹.

⁷⁷S. Krishnaswamy, *Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine* (Oxford University Press, 2009), p. 108.

⁷⁸H. M. Seervai, *Constitutional Law of India*, 4th ed. (Universal Law Publishing, 2013), Vol. 1, p. 295.

⁷⁹S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002), p. 57.

⁸⁰Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company, 1980), p. 74.

⁸¹D. D. Basu, *Commentary on the Constitution of India*, 9th ed. (LexisNexis, 2022), Vol. 1, p. 105.