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CONSTITUTIONAL COURTS AND THE EVOLUTION OF CONSTITUTIONALISM: A GLOBAL PERSPECTIVE

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ABSTRACT

Constitutional courts play a pivotal role in safeguarding constitutionalism by ensuring the supremacy of the Constitution, protecting fundamental rights, and maintaining the balance of power among state organs. From the Indian Supreme Court's doctrine of basic structure to the German Federal Constitutional Court's proportionality jurisprudence and the U.S. Supreme Court's judicial review, constitutional courts have shaped modern democratic governance. This paper undertakes a doctrinal analysis of constitutional courts from a global perspective, emphasizing Indian constitutional philosophy as envisioned by Dr. B. R. Ambedkar. By examining national and international jurisprudence, the study highlights how constitutional courts have evolved as guardians of constitutional morality, democratic values, and the rule of law.

Keywords: Constitutional Courts, Constitutionalism, Judicial Review, Dr. B. R. Ambedkar, Basic Structure Doctrine, Comparative Constitutional Law.

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INTRODUCTION

Constitutionalism represents the foundational principle that governmental power must be exercised within the limits prescribed by a supreme constitution, ensuring accountability, separation of powers, protection of fundamental rights, and the rule of law. The emergence of constitutional courts is intrinsically linked to the growth of constitutionalism, as these institutions act as guardians of constitutional supremacy and democratic values. Constitutional courts perform the critical function of interpreting constitutional texts, resolving disputes between organs of the state, and protecting individual liberties against arbitrary state action. In modern democracies, constitutional courts have evolved beyond mere adjudicatory bodies and have become active participants in shaping constitutional governance.

In India, constitutionalism was consciously designed as a transformative instrument to address historical injustices and establish social, political, and economic democracy. Dr. B. R. Ambedkar, the chief architect of the Indian Constitution, emphasized that constitutional morality rather than mere textual compliance is the soul of constitutional governance. He cautioned that even the best-written constitution could fail if those entrusted with its operation lacked constitutional morality². Ambedkar envisioned a strong and independent judiciary with the power of judicial review as an essential safeguard to prevent the tyranny of the majority and to protect fundamental rights³. The Supreme Court of India, through Articles 32 and 226, has emerged as a powerful constitutional court, entrusted with enforcing constitutional limitations on state power.

Indian constitutional scholars such as Granville Austin have described the Indian Constitution as a “social revolution” document, wherein constitutional courts play a pivotal role in harmonizing individual freedoms with collective goals of justice and equality⁴. Similarly, Upendra Baxi characterizes the Indian Supreme Court as a site of “transformative constitutionalism,” where judicial interpretation actively reshapes the relationship between the state and citizens⁵. Through doctrines such as the Basic Structure Doctrine, the Supreme Court has ensured that constitutional amendments do not destroy the core values of the Constitution, thereby reinforcing constitutional supremacy and continuity.

² B.R. Ambedkar, Constituent Assembly Debates, Vol. VII (1948).

³ H.M. Seervai, Constitutional Law of India, Vol. I, Universal Law Publishing.

⁴ Granville Austin, The Indian Constitution: Cornerstone of a Nation, Oxford University Press.

⁵ Upendra Baxi, The Future of Human Rights, Oxford University Press.

At the international level, constitutional courts have developed distinct models of judicial review. The American model of decentralized judicial review, established in *Marbury v. Madison*, laid the foundation for constitutional adjudication worldwide⁶. In contrast, the European model, influenced by Hans Kelsen's theory of centralized constitutional courts, led to the creation of specialized constitutional courts such as the Austrian and German Federal Constitutional Courts⁷.⁶ Scholars like Mauro Cappelletti and Mark Tushnet have observed that constitutional courts across jurisdictions increasingly engage in rights-based adjudication and democratic oversight, often acting as counter-majoritarian institutions⁸.

Comparative constitutional experiences further demonstrate that constitutional courts have become crucial in preserving democratic stability, especially in societies undergoing political and social transformation. The German Federal Constitutional Court's emphasis on proportionality, the South African Constitutional Court's enforcement of socio-economic rights, and the Indian Supreme Court's expansive interpretation of fundamental rights collectively illustrate the global evolution of constitutionalism⁹. These developments highlight that constitutional courts are not merely interpreters of law but are also protectors of constitutional values, human dignity, and democratic legitimacy.

Thus, the study of constitutional courts from a global perspective is essential to understanding the evolution of constitutionalism in both established and emerging democracies. By examining Indian and international constitutional jurisprudence, and by situating Dr. B. R. Ambedkar's constitutional vision within a comparative framework, this research seeks to analyze how constitutional courts have shaped, strengthened, and sometimes challenged the ideals of constitutional democracy.

REVIEW OF LITERATURE

At the state level, High Courts in India act as vital instruments for the enforcement of constitutional provisions, particularly under Articles 226 and 227 of the Indian Constitution. The regional High Courts, such as the Bombay High Court at Goa Bench, have played a significant role in protecting fundamental rights, maintaining administrative accountability,

⁶ *Marbury v. Madison*, 5 U.S. 137 (1803).

⁷ Hans Kelsen, *Pure Theory of Law*, University of California Press.

⁸ Mauro Cappelletti, *Judicial Review in the Contemporary World*, Bobbs-Merrill; Mark Tushnet, *Weak Courts, Strong Rights*, Princeton University Press.

⁹ Dieter Grimm, *Constitutionalism: Past, Present, and Future*, Oxford University Press.

and promoting constitutional governance. Scholars argue that state-level courts often function as “constitutional courts” within their territorial jurisdictions, ensuring that regional governance aligns with constitutional principles¹⁰.¹ For instance, in *Goa Foundation v. Union of India*, the Bombay High Court reinforced environmental rights by mandating state accountability, reflecting the broader constitutional ethos envisioned by Dr. B. R. Ambedkar¹¹.² High Courts also serve as accessible forums for citizens seeking protection of their fundamental rights, thereby strengthening the federal structure and decentralizing the judicial oversight of constitutional norms.

2.2 National Level (Indian Supreme Court) The Indian Supreme Court is recognized as the apex constitutional court of India, tasked with safeguarding the Constitution, protecting fundamental rights, and maintaining the separation of powers. Extensive scholarship has focused on the transformative role of the Supreme Court in shaping Indian constitutionalism. Granville Austin describes the Court as an essential instrument for realizing the socio-economic objectives of the Constitution, particularly in light of India’s post-colonial challenges¹².³ Upendra Baxi emphasizes the Court’s transformative potential, describing judicial interpretation as a tool for ensuring social justice, equality, and human dignity¹³.⁴ The conceptual framework of constitutional morality, as articulated by Dr. B. R. Ambedkar, underpins the Supreme Court’s jurisprudence, especially in landmark decisions such as *Kesavananda Bharati v. State of Kerala* (1973), which established the Basic Structure Doctrine, and *Navtej Singh Johar v. Union of India* (2018), which reinforced the constitutional protection of individual liberty and equality¹⁴. H.M. Seervai highlights that these judicial interventions have prevented arbitrary amendments that threaten the core constitutional framework¹⁵, reflecting Ambedkar’s vision of a dynamic and morally anchored constitutional order¹⁶.⁷ National scholarship also notes the Court’s proactive stance in expanding the scope of fundamental rights through Public Interest Litigation (PIL), which has brought justice closer to marginalized communities and ensured accountability of the executive¹⁷.⁸

2.3 International Level (Global Constitutional Courts) At the international level, constitutional courts serve as key institutions for preserving constitutionalism and democratic governance in diverse political systems. The U.S. Supreme Court pioneered decentralized judicial review in *Marbury v.*

¹⁰ R.K. Mehta, *High Courts and Constitutional Governance in India*, Eastern Book Company, 2016.

¹¹ *Goa Foundation v. Union of India*, Bombay High Court (Goa Bench), 2019.

¹² Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, 1966.

¹³ Upendra Baxi, *The Future of Human Rights*, Oxford University Press, 2002.

¹⁴ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

¹⁵ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

¹⁶ H.M. Seervai, *Constitutional Law of India*, Vol. 1, Universal Law Publishing, 2012.

¹⁷ M.P. Jain, *Indian Constitutional Law*, LexisNexis, 2020.

Madison (1803), establishing the principle that courts can declare legislative acts unconstitutional^{18,9}. Hans Kelsen's theory of centralized constitutional courts influenced the establishment of specialized constitutional courts in Austria and Germany, emphasizing that such courts serve as independent guardians of constitutional supremacy^{19,10}. Comparative scholars such as Mauro Cappelletti and Mark Tushnet argue that constitutional courts across the globe increasingly adopt rights-based adjudication and engage in "counter-majoritarian" interventions to protect vulnerable groups and maintain democratic stability^{20,11}. For example, the German Federal Constitutional Court's proportionality analysis ensures that state actions are reasonable, necessary, and minimally restrictive of rights^{21,12}. The South African Constitutional Court, in *Minister of Health v. Treatment Action Campaign* (2002), enforced socio-economic rights, demonstrating the capacity of constitutional courts to address structural inequalities^{22,13}. These examples illustrate that constitutional courts are not only judicial arbiters but also proactive agents in shaping constitutional morality, reinforcing democratic principles, and protecting human dignity worldwide.

Synthesis of Literature The literature at the state, national, and international levels collectively indicates that constitutional courts are central to the evolution of constitutionalism. While state-level High Courts operationalize constitutional values in regional governance, national apex courts, such as the Indian Supreme Court, safeguard fundamental rights and uphold constitutional morality as envisioned by Dr. B.R. Ambedkar. Internationally, diverse models of constitutional courts reveal common trends of judicial activism, rights protection, and counter-majoritarian oversight. This review demonstrates that constitutional courts are indispensable in preserving constitutionalism, maintaining the rule of law, and advancing democratic governance in both established and emerging democracies.

PROBLEMATISATION OF THE STUDY

The contemporary rise of constitutional courts as central actors in democratic governance has necessitated a critical problematisation of their role, authority, and legitimacy within constitutional systems. While constitutional courts are institutionally designed to act as guardians of constitutional supremacy and protectors of fundamental rights, their expanding

¹⁸ *Marbury v. Madison*, 5 U.S. 137 (1803).

¹⁹ Hans Kelsen, *Pure Theory of Law*, University of California Press, 1967.

²⁰ Mauro Cappelletti, *Judicial Review in the Contemporary World*, Bobbs-Merrill, 1971; Mark Tushnet, *Weak Courts, Strong Rights*, Princeton University Press, 2008.

²¹ *Lüth Case*, BVerfGE 7, 198 (1958).

²² *Minister of Health v. Treatment Action Campaign*, 2002 (5) SA 721 (CC).

interpretative and remedial powers have generated complex constitutional tensions. In India, the Supreme Court's evolving constitutional jurisprudence—through doctrines such as judicial review, the Basic Structure Doctrine, and expansive rights interpretation—has fundamentally reshaped the relationship between the judiciary, legislature, and executive. This development has prompted scholarly debate on whether constitutional courts are fulfilling their constitutional mandate or encroaching upon the democratic domain of elected institutions^{23.1}

Dr. B. R. Ambedkar's constitutional philosophy provides a crucial normative lens for this problematisation. While advocating for a strong and independent judiciary, Ambedkar underscored that constitutional governance must be guided by constitutional morality rather than institutional supremacy. He warned that constitutional failure could occur not due to defects in constitutional text, but because of the misuse of constitutional authority by those entrusted with its operation^{24.2} The contemporary expansion of judicial power raises the question of whether modern constitutional courts continue to reflect Ambedkar's vision of principled restraint and moral responsibility, or whether they risk undermining democratic accountability through excessive judicial intervention.

At the international level, constitutional courts across jurisdictions confront similar challenges despite structural and procedural differences. The American model of decentralized judicial review, the European centralized constitutional court model inspired by Hans Kelsen, and the transformative constitutionalism of South Africa each present distinct approaches to constitutional adjudication^{25.3} Nevertheless, comparative constitutional scholarship reveals recurring concerns regarding judicial politicization, institutional overreach, and resistance from political branches. The absence of a uniform normative framework for evaluating constitutional courts complicates the assessment of their effectiveness in sustaining constitutionalism across diverse legal systems.

The problematisation undertaken in this study, therefore, arises from the need to critically examine constitutional courts not merely as neutral interpreters of constitutional texts, but as powerful constitutional actors whose decisions shape political, social, and legal realities. By situating Indian constitutional jurisprudence—particularly under the influence of Dr. B. R.

²³ Upendra Baxi, *The Indian Supreme Court and Politics*, Eastern Book Company, 1980.

²⁴ B.R. Ambedkar, *Constituent Assembly Debates*, Vol. VII, Government of India, 1948.

²⁵ Hans Kelsen, *Pure Theory of Law*, University of California Press, 1967; Mauro Cappelletti, *Judicial Review in the Contemporary World*, Bobbs-Merrill, 1971.

Ambedkar's constitutional thought within a comparative global framework, this research seeks to interrogate whether constitutional courts effectively balance constitutional supremacy, democratic legitimacy, and institutional restraint in contemporary constitutional democracies.

OBJECTIVES OF THE STUDY

The primary objective of this study is to undertake a comprehensive doctrinal examination of constitutional courts and their role in the evolution of constitutionalism from a global perspective. The research aims to analyze how constitutional courts function as guardians of constitutional values, fundamental rights, and democratic governance, with particular emphasis on the Indian constitutional framework.

A key objective of the study is to critically examine the contribution of the Indian Supreme Court to constitutionalism, especially through landmark judgments that have shaped constitutional interpretation and governance. By analyzing doctrines such as the Basic Structure Doctrine, substantive due process, and constitutional morality, the study seeks to assess how far the Indian judiciary has fulfilled the constitutional vision articulated by Dr. B. R. Ambedkar^{26,4}. In doing so, the research aims to contextualize Indian constitutional jurisprudence within broader national and international constitutional developments.

Another important objective is to undertake a comparative analysis of constitutional courts at the international level, including the United States Supreme Court, the German Federal Constitutional Court, and the South African Constitutional Court. Through this comparative approach, the study seeks to identify common principles, institutional strengths, and structural challenges that influence the effectiveness of constitutional courts in different democratic settings^{27,5}. This objective also includes examining how international constitutional courts address issues of judicial legitimacy, separation of powers, and rights enforcement.

The study further aims to evaluate the challenges faced by constitutional courts in contemporary constitutional democracies, including allegations of judicial overreach, politicization, and institutional conflict with the executive and legislature. By engaging with

²⁶ Granville Austin, *Working a Democratic Constitution*, Oxford University Press, 1999.

²⁷ Mauro Cappelletti, *Judicial Review in the Contemporary World*, Bobbs-Merrill, 1971.

scholarly critiques and judicial responses, the research seeks to propose normative suggestions for strengthening constitutional adjudication while preserving democratic accountability.

Ultimately, the objective of this study is to contribute to constitutional scholarship by offering a balanced and principled assessment of constitutional courts as evolving institutions. By integrating Indian constitutional philosophy with comparative constitutional analysis, the research aspires to enhance understanding of constitutional courts as vital instruments for sustaining constitutionalism, rule of law, and human dignity in a globalized constitutional order.

HYPOTHESES

The study proceeds on the hypothesis that constitutional courts are indispensable institutions for the sustenance and evolution of constitutionalism in democratic societies. It is hypothesized that judicial review, when exercised within constitutional limits, strengthens democratic governance rather than undermines it. In the Indian context, the Supreme Court's constitutional jurisprudence particularly the Basic Structure Doctrine has functioned as a protective mechanism against constitutional authoritarianism, thereby reinforcing constitutional supremacy²⁸.

A further hypothesis is that Dr. B. R. Ambedkar's conception of constitutional morality continues to inform judicial reasoning, especially in cases involving fundamental rights, equality, and human dignity²⁹. The study also hypothesizes that constitutional courts across jurisdictions, despite structural variations, share a common normative commitment to the protection of human rights and constitutional values³⁰. At the same time, it is assumed that unchecked judicial activism may pose challenges to democratic legitimacy, necessitating a principled balance between judicial intervention and institutional restraint³¹.

²⁸ Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461; Granville Austin, Working a Democratic Constitution: A History of the Indian Experience, Oxford University Press, 1999.

²⁹ B.R. Ambedkar, Constituent Assembly Debates, Vol. VII, Government of India, 1948; Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

³⁰ Mauro Cappelletti, Judicial Review in the Contemporary World, Bobbs-Merrill, 1971; Mark Tushnet, Weak Courts, Strong Rights, Princeton University Press, 2008.

³¹ Upendra Baxi, The Indian Supreme Court and Politics, Eastern Book Company, 1980; Dieter Grimm, Constitutionalism: Past, Present, and Future, Oxford University Press, 2016.

RESEARCH QUESTIONS

The research is guided by a set of interconnected questions aimed at examining the role of constitutional courts in the evolution of constitutionalism. The central research question is: How have constitutional courts contributed to the development and sustenance of constitutionalism at national and global levels?

Subsidiary questions include:

- (i) How does the Indian Supreme Court function as a constitutional court in light of Dr. B. R. Ambedkar's constitutional philosophy?
- (ii) What role do High Courts play at the state level in operationalizing constitutional values?
- (iii) How do international constitutional courts differ in structure and approach, and what common principles unite them?
- (iv) Do constitutional courts strengthen democratic governance or risk judicial overreach?

These questions enable a comparative and critical assessment of constitutional adjudication across jurisdictions.

RESEARCH METHODOLOGY

The present study adopts a doctrinal research methodology, which involves the systematic analysis of legal principles, constitutional provisions, judicial decisions, and scholarly writings. This method focuses on examining law as it exists in authoritative sources and seeks to interpret, explain, and systematize legal doctrines through critical legal reasoning³².¹ Primary sources for the study include constitutional texts and judicial decisions of the Supreme Court of India, High Courts, and international constitutional courts, which provide binding and persuasive interpretations of constitutional principles. Secondary sources consist of authoritative books, peer-reviewed journals, law commission reports, and Constituent Assembly Debates, which offer theoretical, historical, and analytical perspectives on constitutionalism and judicial review³³.²

³² C.R. Kothari, *Research Methodology: Methods and Techniques*, New Age International Publishers, 2004; M.P. Jain, *Indian Constitutional Law*, LexisNexis, 2020.

³³ B.R. Ambedkar, *Constituent Assembly Debates*, Vols. VII–IX, Government of India; Law Commission of India, *Reports on Constitutional and Judicial Reforms*.

The methodology employed is analytical and comparative in nature. Indian constitutional jurisprudence is examined alongside international constitutional models such as the United States Supreme Court, the German Federal Constitutional Court, and the South African Constitutional Court. This comparative doctrinal approach enables a critical evaluation of constitutional courts as institutions of constitutional governance and facilitates the identification of converging and diverging trends in constitutionalism across jurisdictions^{34,3}. By engaging with comparative constitutional adjudication, the study seeks to contextualize Indian constitutional developments within the broader global evolution of constitutional courts.

RESULTS

The study reveals that constitutional courts have emerged as central institutions in the preservation of constitutional supremacy and the effective protection of fundamental rights within democratic systems. In the Indian constitutional framework, the Supreme Court has consistently functioned as the guardian of the Constitution by enforcing constitutional limitations on legislative and executive power. The landmark judgment in *Kesavananda Bharati v. State of Kerala* established the Basic Structure Doctrine, holding that Parliament's power to amend the Constitution is not unlimited and that the core constitutional values cannot be abrogated^{35,1}. This doctrine has since operated as a constitutional safeguard against authoritarian tendencies and has reinforced the principle of constitutional supremacy.

At the state level, High Courts have played a crucial role in decentralizing constitutional justice by exercising their wide writ jurisdiction under Article 226 of the Constitution. Through this jurisdiction, High Courts ensure that constitutional guarantees are enforced at the regional level, making constitutional remedies accessible to citizens. Decisions of the Bombay High Court (Goa Bench), particularly in environmental governance and administrative accountability, illustrate how constitutional principles such as sustainable development, rule of law, and natural justice are applied within local governance structures^{36,2}. These interventions

³⁴ Mauro Cappelletti, *Judicial Review in the Contemporary World*, Bobbs-Merrill, 1971; Mark Tushnet, *Comparative Constitutional Law*, Edward Elgar Publishing, 2014; *Marbury v. Madison*, 5 U.S. 137 (1803); *Lüth Case*, BVerfGE 7, 198 (1958); *Minister of Health v. Treatment Action Campaign*, 2002 (5) SA 721 (CC).

³⁵ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461; Granville Austin, *Working a Democratic Constitution*, Oxford University Press, 1999.

³⁶ *Goa Foundation v. Union of India*, Bombay High Court (Goa Bench); M.P. Jain, *Indian Constitutional Law*, LexisNexis.

demonstrate that High Courts function as constitutional courts within their territorial jurisdictions and significantly contribute to the practical realization of constitutional values.

At the international level, constitutional courts such as the German Federal Constitutional Court and the South African Constitutional Court have strengthened constitutionalism through structured rights adjudication. The German Court's jurisprudence, particularly in the *Lüth Case*, introduced the doctrine of proportionality and emphasized the objective value order of fundamental rights^{37,3}. Similarly, the South African Constitutional Court, in *Minister of Health v. Treatment Action Campaign*, enforced socio-economic rights by mandating state accountability in public health policy^{38,4}. The results of this comparative analysis indicate a shared global trend toward judicial protection of constitutional values, notwithstanding differences in institutional design and constitutional culture.

DISCUSSION

The findings underscore that constitutional courts play a transformative role in democratic societies by acting as custodians of constitutional morality, fundamental rights, and institutional balance. In India, judicial reliance on constitutional morality, explicitly articulated in *Navtej Singh Johar v. Union of India*, reflects Dr. B. R. Ambedkar's insistence that democracy must be grounded in constitutional ethics rather than prevailing social morality^{39,5}. The Court's emphasis on dignity, equality, and individual autonomy demonstrates how Ambedkar's constitutional vision continues to inform contemporary constitutional adjudication.

However, the discussion also reveals inherent tensions within constitutional adjudication. Critics argue that judicial expansion into policy-oriented domains risks undermining democratic accountability and legislative supremacy. Comparative constitutional analysis shows divergent approaches to this challenge. The U.S. Supreme Court, through doctrines such as the political question doctrine, has exercised institutional restraint to avoid encroachment into political domains^{40,6}. In contrast, courts such as the German Federal Constitutional Court and the South African Constitutional Court employ structured proportionality and

³⁷ *Lüth Case*, BVerfGE 7, 198 (1958); Dieter Grimm, *Constitutionalism: Past, Present, and Future*, Oxford University Press.

³⁸ *Minister of Health v. Treatment Action Campaign*, 2002 (5) SA 721 (CC).

³⁹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1; B.R. Ambedkar, *Constituent Assembly Debates*, Vol. VII.

⁴⁰ *Marbury v. Madison*, 5 U.S. 137 (1803); Mark Tushnet, *Weak Courts, Strong Rights*, Princeton University Press.

reasonableness review to justify judicial intervention in governance matters. The Indian Supreme Court occupies a middle position, combining judicial activism with doctrinal innovation, though this approach continues to attract debate regarding its democratic legitimacy.

SUGGESTIONS

In light of the findings and discussion, the study suggests that constitutional courts should adopt clearly articulated and principled standards to balance judicial activism with judicial restraint. Transparent reasoning and consistency in constitutional interpretation can enhance judicial legitimacy and public confidence. In India, strengthening institutional mechanisms such as reasoned judgments and adherence to precedent would contribute to greater constitutional stability.

At the state level, High Courts should be provided with adequate judicial infrastructure and resources to ensure timely and effective enforcement of constitutional rights. Capacity-building measures for judges dealing with complex constitutional and socio-economic issues would further strengthen constitutional governance.

At the international level, constitutional courts should engage in sustained comparative constitutional dialogue, learning from best practices across jurisdictions while remaining sensitive to domestic constitutional contexts. Additionally, promoting constitutional literacy among citizens through legal education and public discourse would reinforce democratic engagement with constitutional values and institutions.

CONCLUSION

The study concludes that constitutional courts are indispensable to the evolution and sustenance of constitutionalism in modern democratic societies. In India, the judiciary has largely fulfilled Dr. B. R. Ambedkar's vision of a constitution safeguarded by an independent, principled, and morally grounded judiciary. Through doctrines such as judicial review and the basic structure, the Supreme Court and High Courts have preserved constitutional supremacy and protected fundamental rights against arbitrary state action.

At the global level, constitutional courts continue to shape constitutional governance by functioning as counter-majoritarian institutions committed to human dignity, equality, and the

rule of law. While challenges relating to judicial overreach, politicization, and democratic legitimacy persist, constitutional courts remain central to constitutional democracy. Their continued relevance depends on maintaining a principled balance between constitutional fidelity, democratic respect, and institutional restraint, thereby ensuring that constitutionalism remains a living and dynamic force in contemporary governance.