

# The Role of the Supreme Court in Strengthening Judicial Review in India

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## Abstract:

Judicial review is a central feature of India's constitutional framework, enabling courts to ensure that legislative and executive actions conform to constitutional mandates. This paper examines the role of the Supreme Court of India in strengthening judicial review through its interpretative authority and constitutional jurisprudence. It traces the evolution of judicial review from the Court's early deferential approach in *A.K. Gopalan v. State of Madras* to the transformative expansion of rights in *Maneka Gandhi v. Union of India* and the entrenchment of constitutional limits through the basic structure doctrine in *Kesavananda Bharati v. State of Kerala*. The study highlights how judicial review has been instrumental in protecting fundamental rights, particularly under Article 21, and in preserving constitutional supremacy against legislative and executive excesses. At the same time, it critically engages with debates on judicial activism, democratic accountability, and separation of powers. The paper argues that while judicial review has significantly strengthened India's constitutional democracy, its continued legitimacy depends on principled adjudication, institutional restraint, and respect for democratic processes.

**Keywords:** Judicial review; Supreme Court of India; fundamental rights; constitutional supremacy; basic structure doctrine; judicial activism; separation of powers; Article 21; constitutional amendments.

## 1. Introduction:

The Supreme Court of India, headquartered in New Delhi, wields the ultimate power of judicial review over the Republic's laws. Established in 1950, it is charged with upholding the Constitution of India, which is the "supreme law of the land" (*Minerva Mills Ltd. v. Union of India*, 1980). Judicial review refers to the judiciary's authority to examine and, if necessary, invalidate legislative or executive actions that conflict with the Constitution (Basu, 2018). This power is a fundamental check and balance: as

scholars note, where a higher law (the Constitution) conflicts with ordinary law, "the former prevails and the latter is struck down" (National Judicial Academy, 2019). In India, the Constitution explicitly envisages judicial review – notably through Articles 13 and 32, as well as Articles 136, 141, 226 and others (National Judicial Academy, 2019) At its core, judicial review ensures constitutional supremacy; the Supreme Court itself has held that "no authority or department of the State is above or beyond the

Constitution” (Minerva Mills Ltd. v. Union of India, 1980).

In this context, the present study investigates how the Supreme Court has strengthened judicial review in India. It asks how the Court’s constitutional foundations and case law evolution have expanded the scope of review, particularly for fundamental rights and democratic governance. It also critically examines debates over judicial activism versus restraint, the Court’s relationship with the other branches (separation of powers), and contemporary strains on judicial review. By analyzing key cases and scholarship, this paper aims to offer a comprehensive, normative assessment of the Supreme Court’s role as guardian of the Constitution. Methodologically, it is a doctrinal and analytical legal study: the authors survey constitutional texts (Articles 13, 32, 136, 141, 226, etc.), authoritative commentaries, and a wide array of Supreme Court decisions. The significance lies in understanding the Supreme Court’s evolving jurisprudence as it continually shapes India’s constitutional democracy.

## **2. Constitutional Foundations of Judicial Review in India:**

The Indian Constitution establishes the groundwork for judicial review in several provisions. Article 13(2) explicitly declares that “the State shall not make any law which takes away or abridges the rights conferred by Part III”; any such inconsistent law is void ab initio. Similarly, Article 32 empowers individuals to approach the Supreme Court directly by writ for enforcement of fundamental rights, while Article 226 extends broad writ powers to the High Courts (NJA, 2019). Article 136 grants the Supreme Court discretionary “special leave” to hear any appeal “in the interest of justice,” effectively making it the final arbiter of constitutional matters. Article 141 provides that “the law declared by the Supreme Court” is binding on all courts of India. Collectively, these clauses ensure that the courts can scrutinize legislation and executive action for constitutionality (NJA, 2019). Indeed, the Constitution reflects a deliberate shift

from parliamentary supremacy (as in the UK) to constitutional supremacy – the idea that all laws and actions must conform to the higher norms of the Constitution. As one analysis observes, the framers “in effect imported the principle of judicial review into Indian constitutionalism,” making the Court the guardian of fundamental law (NJA, 2019).

This doctrine of constitutional supremacy means that the Constitution sets the ultimate limits on governmental power. In the words of the Supreme Court: if any conflict arises “between the higher law and the ordinary law, the former prevails, the latter is unconstitutional” (NJA, 2019). The Court’s own landmark jurisprudence reinforced this principle. For example, Justice Krishna Iyer famously remarked early on that “public interest is promoted by a spacious construction of locus standi,” highlighting the open-ended scope of constitutional remedies (Supreme Court Observer, 2024). More explicitly, in later decades the Court repeatedly affirmed that its power to invalidate unconstitutional actions is inherent in the Constitution’s basic structure (Verfassungsblog, 2023). Using the basic structure doctrine, the judiciary “not only reaffirmed the idea of constitutional supremacy but also secured other crucial aspects of the Constitution” such as judicial independence (Verfassungsblog, 2023). Thus, the very text and spirit of the Constitution enshrine judicial review as a core mechanism: it is through the Court’s vigilant oversight that constitutional supremacy is preserved, and laws inconsistent with fundamental rights or basic constitutional features are held void (Verfassungsblog, 2023).

## **3. Evolution of Judicial Review: Role of the Supreme Court:**

### **3.1 Early Phase – A.K. Gopalan (1950)**

In the early years following independence, the Supreme Court adopted a comparatively narrow view of judicial review and fundamental rights. A.K. Gopalan v. State of Madras (1950) was the seminal first test. In that case, the Court upheld an anti-detention law and held that Article 21’s

protection of “personal liberty” meant only what the text expressly said – “the procedure established by law” – without importing an American-style “due process” requirement (A.K. Gopalan v. State of Madras, 1950). Thus, in Gopalan, the Court interpreted each fundamental right in isolation and did not allow broad overlap between them. The effect was to severely limit the reach of fundamental rights against state action in the 1950s. As the Court phrased it, Article 21 did not require Indian law to meet any external standard of fairness; so long as a valid law was passed by Parliament, even oppressive laws might stand. This early phase treated judicial review as a check only on overt conflicts with the literal text of Part III rights. The broader notion that courts could demand “fair procedure” or protect substantive liberties remained largely dormant under this approach.

### 3.2 Transformative Phase – Maneka Gandhi (1978)

This narrow approach was overturned in the so-called Maneka Gandhi case of 1978, marking a transformative expansion of judicial review. In *Maneka Gandhi v. Union of India*, the Court famously overruled Gopalan and held that the procedure established by law in Article 21 must be “fair, just and reasonable,” reading elements of due process into the Constitution (Supreme Court Observer, 2023). The judgment linked Articles 14, 19, and 21, proclaiming that fundamental rights formed a golden triangle of interrelated guarantees. As noted in a timeline of the Court’s history, Maneka Gandhi “held that ‘procedure established by law’ must be fair, just and reasonable,” and that the right to travel abroad fell within Article 21’s scope (Supreme Court Observer, 2023). The Court asserted that Article 21 is not merely a negative restraint on state power, but positively recognizes the wide sweep of personal liberty. Any restriction on Article 21 rights, the Court said, must also satisfy the tests of Articles 14 and 19, effectively merging substantive due process considerations into Indian law (Supreme Court Observer, 2023).

The *Maneka* decision is thus considered the dawn of an expansive rights jurisprudence. It introduced a qualitative standard – whether a law is “fair, just and reasonable” – that empowered courts to strike down arbitrary or irrational laws even when they appeared within the formal procedure. This marked the beginning of an era where the Supreme Court used judicial review not just to strike out overtly unconstitutional provisions, but to ensure that all laws and executive acts comported with basic notions of justice. As Justice Bhagwati (in *S.P. Gupta* below) later put it, the Court was now committed to “democratizing judicial remedies” for socio-economic rights. The *Maneka* case thus substantially strengthened judicial review by validating substantive checks on legislation and executive action.

### 3.3 Expansion through Public Interest Litigation

Building on Maneka and other cases, the Supreme Court in the 1980s and 1990s greatly widened access to judicial review through Public Interest Litigation (PIL). Traditionally, only aggrieved parties could approach courts. But by the late 1970s, pioneering justices like Krishna Iyer began to loosen the locus standi rule in the public interest. In 1976, Justice Iyer observed that “public interest is promoted by a spacious construction of locus standi,” which paved the way for wider access (Supreme Court Observer, 2024). In *Hussainara Khatun v. State of Bihar* (1979), even a letter to the Court on behalf of undertrial prisoners was entertained, leading to landmark orders on speedy trial rights (Supreme Court Observer, 2024). In 1981, the Court went further in *S.P. Gupta v. Union of India* (the Judges’ Transfer case), where Justice Bhagwati explicitly endorsed relaxing standing: recognizing that in India’s socio-economic context, many are handicapped by poverty and ignorance, it was necessary to “democratize judicial remedies” so that even socially disadvantaged classes could secure constitutional rights (Supreme Court Observer, 2024). Bhagwati famously held that the judiciary must not be confined to traditional

plaintiffs but should entertain petitions (like letters or NGO petitions) for important public causes (Supreme Court Observer, 2024).

Thus, in its second phase of evolution, the Supreme Court not only broadened the scope of rights through interpretation, but also democratized enforcement through PIL. Dozens of public-interest cases addressed prisoners' welfare, environmental protection (e.g. *M.C. Mehta v. Union of India*), corruption, bonded labour, and more. Through PILs, judicial review became a tool to vindicate not only individual rights but collective and diffuse interests. This expansion solidified the Court's role as an activist guardian of the Constitution, making judicial review accessible to all segments of society and thus strengthening the Constitution's protective fabric for fundamental rights and public interest.

#### 4. Landmark Judgments Strengthening Judicial Review

Over the decades, the Supreme Court delivered a series of landmark judgments that entrenched judicial review and constitutional supremacy. Among these, several are especially notable:

**4.1 Kesavananda Bharati v. State of Kerala (1973):** This case established the basic structure doctrine. A 13-judge bench held, by a narrow majority, that while Parliament has broad amendment power (Article 368), it cannot abrogate or alter the Constitution's basic structure or framework. Chief Justice Sikri and other judges explicitly listed features like constitutional supremacy, secularism, federalism, and judicial review itself as inviolable. Using this doctrine, the Court effectively put a limit on Parliament's power – an extraordinary assertion of judicial review over constitutional amendments. As scholars note, Kesavananda “reaffirmed the idea of constitutional supremacy” (Verfassungsblog, 2023). In practice, it meant that any constitutional change that destroyed fundamental aspects would be struck down as unconstitutional. Kesavananda Bharati thus enshrined judicial review as part of the basic structure, making the Court the final arbiter of all constitutional amendments.

**4.2 Minerva Mills Ltd. v. Union of India (1980):** Following Kesavananda, the 42nd Amendment (1976) had attempted to curtail judicial review by making Parliament's amendments immune (through Article 368(4)). In *Minerva Mills*, a 6-judge bench unanimously struck down that provision. The Court reinforced that “the Constitution is the supreme law of the land, and all other laws shall be made in conformity to the Constitution” (*Minerva Mills Ltd. v. Union of India*, 1980). In scathing language, it declared that any amendment that nullifies judicial review would be void for violating the basic structure. As one passage put it: “Under our Constitution, no authority ... has the power to determine whether any particular action is within the limits of its power. The judiciary is constituted as guardian of the Constitution” (*Minerva Mills Ltd. v. Union of India*, 1980). In short, *Minerva* emphatically reaffirmed that judicial review cannot be ousted by the legislature, even by a constitutional amendment. The Court held that the power of judicial review is itself a “cardinal principle” of India's constitutional scheme (*Minerva Mills Ltd. v. Union of India*, 1980). This decision solidified the check on unlimited legislative authority and entrenched the courts' power to review even acts of Parliament or state legislatures.

**4.3 S.R. Bommai v. Union of India (1994):** In this landmark on federalism, the Court tackled the central government's power to impose President's Rule under Article 356. It laid down strict guidelines: the proclamation must be based on material that justifies it, and in practice a floor test should usually determine legislative majority. Crucially, the Court held that secularism is part of the basic structure. Justice Ahmadi stated that “the Preamble speaks of a secular Indian Republic” and that “secularism is a basic feature of the Constitution, so a State Government can be dismissed if it is guilty of unsecular acts” (*S.R. Bommai v. Union of India*, 1994). In other words, a government that violates secularism can be removed under 356, but only subject to judicial review. Bommai also reiterated that judicial review itself is a “basic and fundamental feature”

of the Constitution (S.R. Bommai v. Union of India, 1994). By enforcing these constitutional limits, the Court dramatically restrained arbitrary use of executive power and bolstered both federal and secular principles. Bommai thus deepened judicial review's reach into executive actions, ensuring that even high-level political decisions (like dismissing a state government) are open to constitutional scrutiny.

#### **4.4 I.R. Coelho v. State of Tamil Nadu (2007):**

This case addressed the long-standing issue of the Ninth Schedule – a boot for shielding legislation from judicial review. The Court ruled that no law can be given blanket immunity if it damages the Constitution's basic structure. Specifically, any law placed in the Ninth Schedule after April 24, 1973 would remain subject to review if it violated fundamental rights or basic features. The Court held that laws cannot be absolutely immune just by sheltering in the Ninth Schedule; they can still be challenged if they “destroy or damage” the constitutional framework (I.R. Coelho v. State of Tamil Nadu, 2007). As one report summarizes, “all laws placed under the Ninth Schedule after April 24, 1973 are subject to judicial review open to challenge if they destroy or damage the basic structure” (I.R. Coelho v. State of Tamil Nadu, 2007). This decision reaffirmed that legislative instruments are ultimately subordinate to the Constitution's core values. Judicial review thus survived an attempted legislative dodge – a testament to the Court's role in safeguarding constitutional supremacy.

**4.5 Recent Constitutional Bench Rulings:** In the last few years, the Supreme Court has continued to exercise judicial review on high-profile matters. For example, in 2024 a five-judge bench unanimously struck down the Electoral Bonds Scheme enacted by Parliament, holding that its anonymity features violated citizens' right to information and thus fundamental rights (Association for Democratic Reforms v. Union of India, 2024). The Court found that secret political funding undermined free speech and transparency, and invalidated the scheme as unconstitutional. Likewise, in December 2023 a Constitution bench

(also 5 judges) upheld the revocation of Article 370 (special status for J&K), holding that Article 370 was temporary and that its abrogation did not breach the Constitution (Supreme Court Observer, 2023). In doing so, the Court implicitly reviewed the government's action of reorganizing Jammu & Kashmir, again asserting that such profound changes must be constitutionally validated. Other recent benches for example the 2015 NJAC case on judicial appointments, or the 2018 privacy judgment have also clarified limits on legislative or executive power. Collectively, these decisions demonstrate that the Supreme Court continues to apply constitutional review robustly, even on new and politically sensitive issues. By doing so, it reaffirms that every law or action, however momentous, is subordinate to the constitutional order.

### **5. Judicial Review and Fundamental Rights Protection:**

A central strand of judicial review in India has been the protection and expansion of fundamental rights, especially Article 21 (right to life and liberty). Since Maneka Gandhi, the Court has interpreted Article 21 in an ever-expanding manner. It has repeatedly declared that Article 21 encompasses not just mere “survival” but a life of dignity. For instance, in Maneka itself the Court stated that the right to travel or to life must be interpreted in a broad sense. It observed that Article 21 protects not only physical existence but “the right to live with human dignity” (Academike, n.d.). In other rulings, the Court explicitly recognized that the right to life and personal liberty includes the right to health, education, and livelihood. In a landmark passage, it held that Article 21 “encompasses the right to health, clean environment, and basic necessities of life” (Climate Law Blog, 2024). Soon thereafter it held that every citizen has a right to live in a pollution-free environment (M.C. Mehta v. UOI, 1985) and right to clean air and water (Vellore Citizens v. UOI, 1996) as part of Article 21 (Climate Law Blog, 2024). These decisions underscore how the Court has read social justice and human dignity into due process.

Beyond Article 21, judicial review has protected various other rights. The courts have upheld equality (Article 14) and non-arbitrariness against discriminatory laws, enforced free speech (Article 19) limits, and struck down state encroachments on personal liberties. The Court's creative use of PIL has also extended rights to marginalized groups (e.g. undertrials, bonded labourers, women facing exploitation). It has enforced the right to livelihood (*Olga Tellis*), the right against gender discrimination (*Vishakha* guidelines on workplace sexual harassment), and privacy as a fundamental right (*Puttaswamy*, 2017). In each case, the bench used its review powers to invalidate or mold laws to conform to fundamental rights and the Constitution's basic values. In sum, judicial review has been the vehicle by which the Supreme Court has progressively expanded the reach of rights, reinforcing the notion that fundamental rights are supreme and must not be abrogated without compelling justification.

#### 6. Judicial Activism vs Judicial Restraint:

The Supreme Court's vigorous use of judicial review has sparked a debate between activism and restraint. Proponents argue that an engaged judiciary is essential in a diverse democracy where weaker sections might lack voice. Critics, however, warn that unchecked activism risks usurping the role of the elected branches. As Justice V. Sudhish Pai notes, "Judicial activism or judicial restraint by itself is neither a virtue nor a vice... it depends on the context." (National Judicial Academy 2020). In practice, the Indian judiciary has oscillated along this spectrum. The PIL-driven activism of the 1980s-90s opened new frontiers of justice, but also led to charges of legislative encroachment by courts.

In recent years, political leaders have openly criticized the Supreme Court for alleged overreach. For instance, after a 2025 judgment directing Governors to act on bills, the Vice President Jagdeep Dhankhar accused the Court of using Article 142 as "a nuclear missile against democratic forces," and warned that "judges should not function as lawmakers... or a 'super Parliament'" (India Today, 2025). Similarly,

lawmakers have suggested that the Court should not dictate timing of legislative business. The Chief Justice-designate even remarked that the Court was "facing allegations of encroaching into executive domain" when it entertained pleas related to political violence (NDTV, 2025). These public rebukes reflect a concern that the judiciary is stepping beyond adjudication into policy.

Nonetheless, the Supreme Court has defended the legitimacy of its interventions. It has emphasized that it acts only when constitutional questions are implicated, and has cautioned petitioners that gratuitous directions will be resisted (as in the exchange during the West Bengal case (NDTV, 2025)). Academic commentators also point out that because the Constitution can be vague, judges must sometimes exercise judgment where the text does not provide a clear answer, and that activism is not inherently illegitimate if it enforces constitutional values (National Judicial Academy, 2020). Still, the tension remains: supporters of judicial restraint argue the Court should defer more to legislative choices, while others urge the Court to protect rights vigorously. This push-and-pull is a defining feature of India's constitutional democracy, and it underscores the need for the Court to calibrate its activism responsibly.

#### 7. Judicial Review and Separation of Powers:

Judicial review in India is inseparable from the principle of separation of powers. By holding the legislative and executive branches to constitutional bounds, the Supreme Court has functioned as a check in India's quasi-federal system. Landmark cases have reaffirmed that neither Parliament nor the President is above the Constitution, and that only the courts can interpret and enforce constitutional limits. In *Minerva Mills*, the Court held in no uncertain terms that "no authority or department of the State is above or beyond the Constitution," and that Parliament's power to amend the Constitution does not include altering its basic framework (*Minerva Mills Ltd. v. Union of India*, 1980). Similarly, in *Indira Gandhi v. Raj Narain* (1975), a majority of the Court struck down a constitutional amendment that had attempted to immunize electoral disputes

from judicial review. In each instance, the Court asserted its prerogative to invalidate legislative or executive acts that threatened constitutional structure.

By doing so, judicial review acts as the fulcrum of India's checks and balances. The judiciary's ability to scrutinize laws and actions ensures that laws conform to constitutional norms, preventing majoritarian excesses or executive arbitrariness. For example, the *Bommai* case's restrictions on arbitrary use of Article 356 prevented the Centre from overruling democratically elected state legislatures at will. In this way, courts promote accountability: executive decisions (e.g. detentions, dismissals) and legislative enactments (e.g. restrictions on speech, amendments) can be reviewed for legality and constitutionality. As Justice Ahmadi stressed in *Bommai*, it is the Court's duty to determine whether a State or Parliament has exceeded its constitutional powers (*S.R. Bommai v. Union of India*, 1994).

Thus, judicial review undergirds separation of powers by affirming that each organ is bounded by law. The Parliament makes laws, but subject to constitutional limitations enforced by the judiciary (*Minerva Mills Ltd. v. Union of India*, 1980). The executive administers, but actions that violate fundamental rights can be struck down by the courts. The Supreme Court's constitutional role—enshrined as a “basic feature” of the Constitution (*S.R. Bommai v. Union of India*, 1994)—has been to maintain the balance of power, ensuring no branch acts with impunity. This triangular balance is a hallmark of India's constitutional design, with judicial review at its apex.

## 8. Contemporary Challenges to Judicial Review:

India's system of judicial review faces significant modern challenges. One acute problem is caseload and delay. The Supreme Court's backlog has climbed to historic levels: by late 2025 over 90,000 cases were pending before it (*Supreme Court Observer*, 2025). More broadly, an official report found that as of 2021 over 4.5 crore cases were pending across the Indian judiciary (PRS

Legislative Research, 2021). At current disposal rates, it could take years just to clear these accumulations. Case pendency strains the Court's capacity to provide timely justice and undermines the effectiveness of judicial review. Additionally, vacancies exacerbate this strain: as of September 2021, the Supreme Court had only 33 of its 34 sanctioned judges in post, and numerous High Court judgeships remained unfilled. The rising backlog and under-strength benches threaten the quality of adjudication and the timely vindication of rights under judicial review.

Political and institutional pressures also pose challenges. The Supreme Court has come under sustained attack from certain political quarters accusing it of interference in executive or legislative domains (*India Today*, 2025). Such criticism can erode public confidence and may discourage judicial boldness in upholding rights. The government has sometimes sought to curb aspects of judicial review: for instance, proposals to limit PILs or to clarify the scope of Article 142 (extraordinary power) indicate tension over the Court's role. Moreover, the emergence of specialized tribunals and arbitration systems reflects a trend towards alternate dispute resolution, potentially limiting direct access to constitutional courts.

Another challenge is institutional capacity. The Court must find efficient ways to handle complex and large-scale constitutional cases. For example, the Supreme Court Observer notes that Chief Justice Surya Kant plans to resume larger “bench sittings” (Constitution benches) in 2026 to expedite resolution of major issues (*Supreme Court Observer*, 2025). This highlights the need to adapt procedures to current demands. In sum, while the Court's powers of judicial review remain intact, these challenges – backlog, vacancies, political pushback, and procedural constraints – pressure the system. Addressing them will be crucial to ensure that judicial review continues to function as a living safeguard of the Constitution.

## 9. Future of Judicial Review in India:

Looking ahead, the future of judicial review in India will depend on maintaining principled limits and strengthening the institution's legitimacy. Many commentators argue that clearer guidelines are needed to delineate judicial boundaries. The fierce reaction to the Court's recent use of Article 142, for example, suggests that the judiciary must be circumspect about imposing its will on executive functions. Judicial leaders themselves have acknowledged these concerns. For instance, Justice Dhankhar warned against judges acting as "super Parliament" (India Today, 2025). The Court may respond by elaborating doctrines (as it has in the past) that clarify when judicial intervention is appropriate – for example, insisting that justiciable constitutional questions must be genuinely raised before courts.

Institutional reforms could bolster the judiciary's capacity and legitimacy. The Supreme Court has begun to embrace technology and procedural innovations. The rollout of the e-Courts project, AI-driven research tools (SUPACE) and translation systems (SUVAS) aims to streamline case management and make justice more accessible (Saxena, 2025). As one legal scholar notes, digitalization has become "crucial given the over 4.32 crore cases pending" in India (Saxena, 2025), and tools like SUPACE are showing promise in handling legal research. Additionally, expanding the court's strength is on the agenda: a recent collegium recommendation proposed increasing authorized Supreme Court judges from 34 to 43. Chief Justice Surya Kant has expressed interest in regularly convening 5- and 7-judge benches to clear the backlog (Supreme Court Observer, 2025). Such measures could enhance institutional capacity.

Finally, the Supreme Court's relationship with society will shape its future. Building public trust through consistent, reasoned judgments is vital. Academic scholarship suggests that dialogues between judges, legislators and citizens can help maintain the right balance between judicial activism and deference. The Court itself has often indicated that its reach is limited by the very

Constitution it enforces. The sage words of *Minerva Mills* – that the Constitution is "the supreme law of the land" and that no branch stands above it (*Minerva Mills Ltd. v. Union of India*, 1980) – should guide the judiciary. Upholding these principles, while also acknowledging democratic mandates, will be key. Ultimately, the Supreme Court's future role will likely evolve, but its core mission – to guard the Constitution and fundamental rights – will remain. Navigating modern complexities will require both judicial wisdom and constructive engagement with the other branches of government.

## 10. Conclusion:

This survey underscores that over the past seventy-five years, the Supreme Court has substantially strengthened judicial review in India's constitutional order. From the restrictive years of A.K. Gopalan to the dynamic era inaugurated by Maneka Gandhi, the Court has continuously expanded the reach of constitutional scrutiny. Landmark decisions – *Kesavananda's* basic structure, *Minerva Mills'* protection of review, *Bommai's* federalism/secularism checks, and *Coelho's* Ninth Schedule limitations – have each reinforced the idea that "the Constitution is the supreme law" and that the judiciary must remain its vigilant guardian (*Minerva Mills Ltd. v. Union of India*, 1980). Through these rulings, the Supreme Court has entrenched the idea that no law, not even a constitutional amendment, can violate the core values of the Constitution.

At the same time, this study highlights the inherent tensions in judicial review. The Court has often had to choose between upholding democratic processes and enforcing rights-based constraints on power. The controversies over activism versus restraint remind us that judicial review is a double-edged sword: a necessary defense against tyranny, but one that must be wielded with care. Looking forward, maintaining the normative legitimacy of judicial review will require the Court to balance assertiveness with institutional humility. It must continue to protect fundamental rights and constitutional principles, while respecting the roles of the legislature and

executive. As *Minerva Mills* eloquently put it, even an amendment of the Constitution “shall lay no bar on the judicial review” (*Minerva Mills Ltd. v. Union of India*, 1980). This captures the Court’s enduring mandate: in the final analysis, it is for the judiciary alone to interpret the Constitution’s limits.

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