

Judicial Power and Constitutional Accountability in India: Rights Protection, Institutional Balance and the Limits of Judicial Intervention, 2014–2024

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Abstract:

This article focuses on the Indian judiciary from 2014 to 2024, specifically on the extent to which judicial action improved constitutional rights and accountability mechanisms without tipping the institutional balance among the legislature, executive and judiciary. The study is based on doctrinal, qualitative, and quantitative data collected from 120 respondents. It adopts a mixed-method that includes an examination of the Supreme Court rulings, constitutional and scholarly literature, as well as perception data from 120 respondents, the majority of whom are associated with judiciary and academia. The study showcases that the judiciary performs well in terms of protecting rights and ensuring constitutional governance. For instance, 76.09% of respondents agreed or strongly agreed that judicial review increased legislative accountability, 73.91% agreed or strongly agreed that the judiciary maintains an effective check on the Executive, 78.27% agreed or strongly agreed that judicial review strengthened the separation of powers, and 73.91% agreed or strongly agreed that the judiciary struck a balance between activism and restraint. At the same time, 45.65% reported that the court was sometimes involved in policies other than constitutional interpretation, while 26.09% have shown neutral stance regarding the same. What mattered was that the judiciary was active in some cases and respectful in others. The study, thus presents a paradox between accountability and independence and advocates for principled judicial intervention, clearer institutional boundaries, increased transparency in judicial appointments, improved case management and regulated technological modernization.

Keywords: Constitutional Morality, Judicial review; Judicial activism, Separation of Powers

INTRODUCTION

The Indian constitutional system has established a balance of powers between the Legislature, Executive and Judiciary to ensure citizens' dignity, freedom, equality and justice. The Constitution establishes checks and balances rather than a total separation of powers (Austin, 1966; Thiruvengadam, 2017). It is a structure in which the judiciary has a unique role: under the Constitution, rights are enforceable by constitutional courts, and legislative and executive actions can be contested through judicial review (Choudhary & Kalra, 2020; Rao, 2019). Thus, the study views the judiciary positively as a guarantee of constitutional democracy and the rule of law, while recognizing current concerns surrounding judicial activism, competency and judicial overreach (Baxi, 2008; Sathe, 2001, 2002).

The last decade (2014-2024) is noteworthy in terms of constitutional adjudication for several reasons. During this time, new issues like as privacy, equality, dignity, gender justice, minority rights, digital freedoms, federalism, judicial independence, affirmative action and election transparency gained prominence. Some of the major decisions that have been mentioned are as follows: Justice K. S. Puttaswamy vs. Union of India (2017), Navtej Singh Johar v. Union of India (2018), Shayara Bano v. Union of India (2017), Anuradha Bhasin v. Union of India (2020), Janhit Abhiyan v. Union of India (2022), Government of NCT of Delhi v. Union of India (2023), Association for Democratic Reforms v. Union of India (2024) among others.

The distinctive contribution of this study is to recognize the relationship between the Constitution's two seemingly contradictory roles: guardianship and constraint. Judicial review may question elected institutions, but excessive court intervention muddies the waters of institutions. Over-restraint, on the other hand, may result in a lack of control over human rights breaches and executive arbitrariness. The empirical facts resulting from the study are thus particularly valuable since they allow advocates and academics' perceptions to dispute the doctrinal presentation

2. RESEARCH OBJECTIVES

The study has four specific research objectives as outlined below:

- to determine the effectiveness of the judiciary in expanding and protecting the Fundamental Rights from 2014 to 2024

- to explore how much judicial review contributed to the accountability of the Legislature and Executive

- to investigate how far judicial intervention contributed to the preservation of separation of powers and institutional balance

- to identify the institutional reforms capable of reconciling judicial independence with accountability

3. RESEARCH METHODOLOGY

The underlying study employs an exploratory-cum-analytical and mixed methods approach. Secondary sources include books, journal articles, government and other agency reports, court decisions, and newspaper material. Primary data were collected using a semi-structured questionnaire that included both closed and open-ended questions, with closed questions answered using a Likert scale. A total of 120 respondents were interviewed. The majority of respondents were selected using convenience sampling supplemented with snowball sampling wherever necessary. The respondents pool includes constitutional, human rights, and governance experts, as well as the advocates and academicians.

The demographic profile is important when interpreting the findings. 70 (58.70%) of respondents were advocates, whereas 50 (41.30%) were scholars/academicians. In terms of education, 44 (36.96%) of respondents held an LL.M, 58 (47.82%) held a PhD, and 18 (15.22%) held an LL.B. The two age categories were 25-35 and 36-45 years. 55 respondents (45.65%) specialized in Political Science, 37 (30.43%) in Constitutional Law, 18 (15.22%) in Human Rights, and 10 (8.70%) in Governance. As a result, the sample should be seen as a source of informed perceptions rather than a representative sample of the Indian population.

The study employed a descriptive analysis of frequency and percentage tables. "Positive response" is the total of the Agree and Strongly Agree categories, where applicable. It is the arithmetic sum of reported frequencies, not a novel inferential statistical test. The study acknowledges limitations in the 10-year sample duration, landmark case selection, convenience sample of 120 people and limited generalizability.

4. CONCEPTUAL FRAMEWORK: GUARDIANSHIP, ACCOUNTABILITY AND RESTRAINT

Transformative constitutionalism views the Constitution as a vehicle for intervening in ever-changing social realities. One of the most prominent examples of the judiciary's role is the expansion of Article 21 to other areas such as privacy, dignity, autonomy, livelihood, health, and socioeconomic interests (Bhatia, 2019).

Second, constitutional responsibility refers to the expectation that public power remains within constitutional limits. The court is the place for judicial review under Articles 13, 32, and 226 of the Constitution, and it can be used to challenge both legislative and executive action (Rao, 2019; Thiruvengadam, 2017). In this sense, responsibility refers to a constitutional limit on the arbitrary use of public power rather than judicial supremacy (Bhatia, 2019; Choudhary & Kalra, 2020).

Third, India's separation of powers is functional rather than rigid. Theoretical study, particularly from the perspectives of Montesquieu, Madison, Vile, and Indian constitution jurisprudence, reinforces the notion that institutional overlap is an essential component of a contemporary state. The question is whether one institution is assuming the basic constitutional functions of another. A corollary principle is judicial restraint. In general, courts will enforce authority limits but will not use them to overturn reasonable policy decisions (Montesquieu, 1989; Vile, 1998; Thiruvengadam, 2017).

These notions combine to form the 'accountability-independence paradox. Institutional restrictions are essential to ensure that the judiciary is powerful enough to hold the government accountable; nevertheless, if the judiciary is not adequately restrained, it may become a cause of concern over

accountability. According to the empirical evidence, respondents prefer to avoid dealing with this conflict, leaving it unresolved in both directions - toward total activism and total restraint (*Sathe, 2001, 2002; Hirschl, 2008*).

5. RIGHTS EXPANSION AND CONSTITUTIONAL PROTECTION

The statistics on judicial performance shows that Fundamental Rights is the strongest dimension. According to the data, 91 (76.00%) of respondents agreed or strongly agreed that the judiciary effectively expanded the scope of fundamental rights between 2014 and 2024. The case-law texts explain this perspective. In *K.S. Puttaswamy vs. Union of India* (2017), the right to privacy was declared a fundamental right under Article 21, and autonomy and dignity were also recognized as fundamental rights. The linked poll question was "In your experience, recognition of privacy strengthened constitutional liberty." 47 (39.13%) respondents agreed, 52 (43.48%) strongly agreed with the given premise.

For instance, in *Navtej Singh Johar v. Union of India* (2018), the case-law material depicts the Court's interpretation of Section 377 of Indian Penal Code as a rights-transforming decision in terms of equality, dignity, liberty and constitutional morality. The survey had a particularly high response rate. 44 (36.96%) respondents agreed, while 58 (47.82%) strongly agreed that this decision upheld equality and dignity under the ambit of constitution. *Shayara Bano v. Union of India* (2017) is another case that illustrates the relationship between equality, dignity and religious/personal-law problems. 76.08% of respondents agreed with the verdict on gender justice promotion, with 50 (41.30%) agreeing and 41 (34.78%) strongly agreeing. According to the data, minority of respondents are concerned that judicial action may interfere with religious freedom, demonstrating that rights protection can also spark institutional and normative controversy.

In *Anuradha Bhasin v. Union of India* (2020), the constitutional debate was expanded to include the digital space and the Internet by linking Internet access limits to Article 19 liberties as well as the requirements of proportionality and scrutiny. The significance of these judgments was that constitutional rights were viewed as a norm that might change with technology, culture and institutional change (*Bhatia, 2019*).

6. JUDICIAL REVIEW AS CONSTITUTIONAL ACCOUNTABILITY

The evidence is somewhat compelling in support of the idea that judicial review serves as a tool for institutional accountability. The data shows that 47 (39.13%) and 37 (30.43%) of respondents agreed or strongly agreed that the judiciary ensured legislative accountable through judicial review. The corresponding assessment provides a more in-depth analysis of executive accountability. The data further showcases that 50 respondents (41.30%) agreed and 39 respondents (32.61%) strongly agreed that the court has served as a good constitutional check on the executive. Judicial review, along with doctrinal material, appears to be a tool for determining the legality of public power, constitutional restrictions and fundamental rights standards (*Choudhary & Kalra, 2020; Rao, 2019*).

The case studies presented are real-life instances. Review of Administrative Discretion, for instance the "Bilkis Bano Remission Decision for 2024", the Court considered whether the power was exercised within the scope of the law or not. The Punjab Governor litigation has brought to light to highlight the fact that, constitutionally, such a post cannot be assigned the task of turning the wheels of the legislative process and acting as an unqualified impediment to it. The case study is an example of litigation brought by the Government of the National Capital Territory of Delhi in which the judiciary addressed federal balance and representative government.

The study also addressed the significance of the Court's decision to overturn the Electoral Bonds Scheme in "Association for Democratic Reforms v Union of India (2024)", and it links the accountability aspect of political funding to citizens' rights to information and participation in democracy. Thus, these findings suggest that, the judiciary's review power in these circumstances is not simply the ability to overturn unconstitutional laws, but also a constitutional system that ensures governments are transparent, legal, and accountable.

7. ACTIVISM, RESTRAINT AND THE SEPARATION-OF-POWERS QUESTION

The primary empirical finding of this research is that respondents do not perceive activism and constraint as incompatible. The data shows that 52 (43.48%) and 37 (30.43%) of respondents agreed or strongly agreed that the judiciary has maintained a balance between activism and restraint during 2014 and 2024. The data further underscores the fact that 55 (45.66%) of respondents agreed, with 39 (32.61%) strongly

agreeing that judicial review promoted the separation of powers. The Basic Structure Doctrine is likewise regarded as relevant, with 47 (39.13%) and 52 (43.48%) of respondents responding that it is of important and very critical importance, respectively, in present constitutional adjudication.

The circumstances do not sustain a simultaneous and unqualified justification for judicial restraint. In view of this, the data highlights that 34 respondents (28.26%) agreed, with 21 respondents (17.39%) strongly agreeing that judicial intervention occasionally encroaches into policy areas beyond the purview of constitutional interpretations. The majority of respondents (45.65%) supported the concept of policy-domain intervention, while 26.09% were neutral and 28.26% opposed or strongly disapproved. This provides a considerable counterbalance to the typically positive assessment of judicial review.

Furthermore, 60% of respondents (36.96% agreed, 23.91% strongly agreed) believed the decision demonstrated judicial deference, which is an adequate amount. In *Janhit Abhiyan v. Union of India* (2022), the deference to Parliament may be more positive. 50 (41.30%) agreed, with 34 (28.26%) strongly agreeing that the Government of NCT of Delhi v. Union of India (2023) had a beneficial impact on federal balance. This empirical pattern is consistent with the context-based paradigm. Intervention is more likely to be supported when there is involvement of direct violations of human rights, arbitrariness, legality or institutional responsibility. The legitimacy of interventions is debated as the complexity of the policy decision increases. This distinction is more useful than categorizing the entire decade as activist or constrained (*Rao, 2019; Thiruvengadam, 2017*).

8. CONSTITUTIONAL MORALITY AND SOCIO-ECONOMIC JUSTICE

The present study contends that constitutional morality serves as a vital link between the constitution's formal wording and ever-changing social realities. The data showcases that 50 respondents (41.30%) agreed, with 39 respondents (32.61%) strongly agreeing that the judiciary properly implemented constitutional morality. This is related to the source material's issues with gender equality, religion and sexual orientation minority rights. The core premise is that the Constitution should be construed in a way that favors equality, liberty and dignity, rather than just a reflection of social majoritarianism. The study also addresses the issue that the open-ended character of the concept of constitutional morality allows judges to infuse their own moral inclinations. This demonstrates the significance of reasoning in a rational, principled, and transparent manner.

Then there's the socioeconomic issue. According to the data, 69.56% of respondents agreed, with 47 (39.13%) agreeing and 37 (30.43%) strongly agreeing that the judiciary has advanced socio-economic justice. 73.91% of respondents supported the courts' effective linkage between the Directive Principles of State Policy and Fundamental Rights. This supplied doctrinal discussion explains this through Article 21 and the link between Part III and IV. The right to a dignified existence now encompasses the rights to health, education, shelter, livelihood and environmental well-being. However, the study discovers a significant difference between what is accepted as appropriate and what happens in practice. Although courts can establish constitutional rights, their exercise is frequently dependent on administrative capacity, public funding sources, and legislative and executive branch collaboration. Thus, the judiciary serves as an enabler rather than a substitute for governance (*Bhatia, 2019*).

9. THE INSTITUTIONAL ACCOUNTABILITY-INDEPENDENCE PARADOX

As a result, the data contributes significantly to promoting judicial independence while also demanding increased judicial accountability. According to the data, 52 (43.47%) respondents answered "Yes" and 41 (34.78%) answered "Strongly Agree" to the statement that the Supreme Court Advocates-on-Record Association v. Union of India (2015) ruling improved judicial independence. The National Judicial Appointment Commission (NJAC) is the most contentious issue in the study. The Court overturned the 99th Constitutional Amendment and the NJAC Act on the basis of judicial independence, establishing the judiciary as the primary authority in judicial appointments. However, this development called into doubt the collegium's responsibility and the function of elected arms. The source material also mentions additional methods to increase transparency, such as the posting of collegium resolutions with exceptions (*Sengupta, 2019*).

The tension is directly reflected in the reform data. The data reveals that 52 respondents (43.48%) agree, with 37 respondents (30.43%) strongly agreeing that institutional reforms are required to strengthen

judicial accountability. These measures are explicitly about transparency and efficiency, but they also warn against weakening judicial independence through accountability procedures. The paradox is structural, not just that judicial independence is required to defend constitutional rights. The desirable goal is responsible autonomy, transparency, institutional accountability, and public opinion. Decisions are made based on reason rather than political corruption.

10. TECHNOLOGY, ACCESS TO JUSTICE AND INSTITUTIONAL MODERNISATION

All of the suggestions point to technology as a viable solution to the challenges of delay, opacity, and access. Suggestions include expanding e-Courts, virtual courts, and digital filing, real-time case tracking, AI research assistance, and more digital abilities. According to the source material, there are also procedures in place to minimize algorithmic bias and potential data exploitation, as well as a high level of human control over AI-driven processes. As a consequence, technology serves as institutional infrastructure rather than judicial judgment. Its constitutional relevance lies in its ability to increase access, efficiency, transparency and case management. The study at the same time also highlights the potential of digital exclusion and ethical concerns. A tech-driven reform agenda that makes it more difficult for litigants without access to technology will exacerbate, rather than reduce, barriers to justice. The appropriate model is regulated digital constitutionalism, which combines technology innovation with human oversight, privacy, openness, accessibility and accountability.

11. MAJOR FINDINGS OF THE STUDY

The study yields key principal findings as outlined below:

There was a widespread perception of the judiciary as a revolutionary institution that safeguards rights. The overall reaction to the rights extension was 76.09% positive, with Puttaswamy's privacy item receiving 82.61% positive feedback and Navtej's equality-and-dignity item receiving 84.78% positive feedback.

Judicial review was viewed as an effective tool of accountability, with the court expected to hold the administration accountable. Positive responses were 69.56% for legislative accountability and 73.91% for executive accountability.

Respondents believed that judicial review was generally consistent with the separation of powers: 78.27% thought it strengthened the separation of powers, while 73.91% thought it balanced activism and restraint.

The Basic Structure Doctrine received 82.61% affirmative replies, indicating its great relevance.

The research suggests a significant boundary problem: 45.65% believed judiciary occasionally intruded on policy domains outside the scope of constitutional interpretation. The size of the neutral group indicates ongoing contestation rather than consensus.

Both constitutional morality and socio-economic constitutionalism were assessed positively. 73.91% considered constitutional morality to be suitable, whereas 69.56% said the court had fostered socio-economic fairness.

Public trust is mostly positive but conditional: 71.73% of respondents had positive assessments of ongoing public trust, despite the fact that delay/pendency is a key hurdle.

Reform is desperately needed. 73.91% agreed that institutional improvements should be implemented to increase judges' accountability, but that these reforms should not jeopardize their independence.

12. POLICY RECOMMENDATIONS

The evidence suggests a reform agenda built around accountable independence rather than either judicial supremacy or political control. The suggestions in this regard are outlined below:

Strengthening judicial capacity: Strengthen the judiciary's case ratio, particularly in terms of infrastructure and supporting staff (*Sengupta, 2019*).

Case Management Modernization: Create sophisticated digital case management systems, real-time monitoring and various disposal strategies.

Address delay institutionally: Establish appropriate timelines and check systems, while preserving the judicial discretion in exceptional circumstances.

Improve Appointment Transparency: Create more objective criteria and broaden consultation mechanism, without transferring constitutional control of judicial appointments to partisan political actors (*Sengupta, 2019*).

Preserve restraint in policy questions: Without violating the constitution, courts cannot and should not impose their policy preferences on elected institutions (*Sathe, 2002*).

Strengthen institutional dialogue: Regular structured dialogue among the constitutional institutions can reduce the conflict without diluting the judicial independence.

Develop accountable technology: Enhance the use of e-Courts, electronic filing and virtual court hearings while imposing safeguards to protect privacy, data security, algorithmic bias, and human oversight.

Improve access to justice by increasing legal aid, internet literacy and technological efforts to close the digital gap (*Gauri & Brinks, 2008; Shankar & Mehta, 2008*).

13. Conclusion

The present study offers a definitive answer as to whether the Indian judiciary was either excessively activist or consistently restrained during the course of 2014 and 2024. Instead, the decade should be viewed as one of "context-dependent constitutional guardianship." The judiciary has been credited for expanding the scope of fundamental rights, strengthening constitutional accountability, and protecting constitutional ideals. The respondents also recognized the fact that judicial action could cross into the realm of policymaking, and that the judiciary's legitimacy as an institution is dependent on its adherence to functional boundaries. The central finding of the study is that the consequence is a dynamic equilibrium. Judicial review is not an enemy of the separation of powers, but rather an ally in preventing one branch of governance from interfering with the constitutional authority of another. In contrast, judicial restraint supports the constitutional order by respecting elected institutions' competence and democratic legitimacy. The two ideas are complimentary and centered on constitutional rights, legality and institutional competence.

A nuanced response to the accountability-independence contradiction is also necessary. A non-independent judiciary cannot be trusted to preserve fundamental rights, and a judiciary that is not held accountable is likely to suffer from institutional insularity. The solution indicated by the evidence is accountable independence through increased capacity, clear institutional procedures, principled reasoning, effective control, successful case management and regulated technology modernization. Thus, from 2014 to 2024, the Indian judiciary continued to play an important role as a constitutional protector, although the constitution does not provide for comprehensive judicial governance. The courts can establish rights, overturn unconstitutional conduct and demand legitimacy. The final remedy for constitutional justice is the cooperation between the judiciary, legislature and executive branch. So the best durable constitutional balance will be one in which all three are devoted to each other, the Constitution, and the present structure, rather than one of supremacy or control by either the executive or legislative branches.

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