

Power, Prudence, and Protection: Judicial Activism Versus Restraint under Fundamental Rights

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Abstract: In a constitutional democracy, the protection of Fundamental Rights requires a delicate balance between the exercise of judicial power and institutional restraint. The Indian Constitution, particularly Part III, described as the “Charter of Rights” and often likened to the Magna Carta, entrusts the judiciary with the pivotal role of safeguarding individual liberties against arbitrary State action. This paper examines the competing yet complementary philosophies of Judicial Activism and Judicial Restraint in the context of Fundamental Rights, focusing on how courts navigate the tension between justice, harmony, and separation of powers. Judicial Activism represents an assertive approach wherein courts actively intervene to enforce Fundamental Rights, especially through mechanisms such as Public Interest Litigation under Articles 32 and 226 of the Constitution. The expansion of locus standi, inspired by progressive judicial thought and reform-oriented judicial leadership, has enabled broader access to justice and strengthened democratic accountability. Activism has often served as a shield against abuse of power, ensuring fairness, reasonableness, and adherence to principles of natural justice. Conversely, Judicial Restraint emphasizes respect for legislative and executive domains, advocating minimal interference in policy-making and governance. This philosophy seeks to preserve constitutional balance by preventing judicial overreach and maintaining institutional harmony among the organs of the State. However, excessive restraint may risk under-enforcement of Fundamental Rights. The paper critically evaluates the advantages and limitations of both approaches and argues that neither unbridled activism nor rigid restraint alone can effectively protect Fundamental Rights. Instead, a balanced judicial approach guided by constitutional morality, prudence, and democratic values is essential to ensure justice, protect liberties, and maintain harmonious governance in a civilized society.

Keywords: Judicial Activism, Judicial Restraint, Fundamental Rights, Public Interest Litigation (PIL), Separation of Powers, Constitutional Justice

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Background

The Constitution of India envisions a democratic framework founded on the rule of law, justice, liberty, equality, and fraternity. Central to this constitutional vision is the guarantee of Fundamental Rights enshrined in Part III, which functions as a bulwark against arbitrary State action and an assurance of individual dignity. These rights, often described as the “Magna Carta of India,” reflect the commitment of the Constitution to protect citizens from the excesses of power while promoting social harmony and justice in a civilized society.

The judiciary occupies a pivotal position in this constitutional scheme. With the doctrine of separation of powers, the Constitution confers upon the judiciary an independent and autonomous sphere, enabling it to act as the guardian of the Constitution and the protector of Fundamental Rights. Articles 32 and 226 empower the Supreme Court and High Courts respectively to enforce these rights, making judicial remedies themselves a Fundamental Right. Over time, this constitutional mandate has given rise to two distinct judicial philosophies—Judicial Activism and Judicial Restraint—which continue to shape constitutional adjudication in India.

Judicial Activism emerged prominently in the post-Emergency era as a response to social injustice, executive excesses, and the inaccessibility of justice to marginalized sections of society. Through the liberalization of locus standi and the evolution of Public Interest Litigation, the judiciary assumed an active role in enforcing Fundamental Rights, interpreting constitutional provisions expansively to ensure fairness, reasonableness, and natural justice. This approach has strengthened democratic values by providing remedies where legislative or executive actions were inadequate or oppressive.

In contrast, Judicial Restraint emphasizes constitutional prudence and respect for institutional boundaries. It is grounded in the belief that courts must avoid encroaching upon the domains of

the legislature and executive, particularly in matters of policy and governance. Restraint seeks to preserve constitutional balance, prevent judicial overreach, and uphold democratic legitimacy by allowing elected bodies to perform their assigned functions.

Both approaches, while rooted in constitutional principles, present inherent challenges. Judicial Activism risks overstepping constitutional limits, whereas excessive restraint may result in the under-protection of Fundamental Rights. In this context, the ongoing debate between activism and restraint assumes critical importance. Understanding how courts balance power, prudence, and protection is essential to evaluating the judiciary's role in sustaining constitutional democracy, safeguarding rights, and maintaining harmony among the organs of the State.

Introduction

The Constitution of India establishes a constitutional democracy founded upon the ideals of justice, liberty, equality, and fraternity. At the heart of this framework lies the guarantee of Fundamental Rights enshrined in Part III of the Constitution, which serves as a safeguard against arbitrary State action and a cornerstone for the protection of individual dignity. These rights are not merely declaratory in nature but are enforceable through constitutional remedies, reflecting the framers' intent to place the judiciary at the forefront of rights protection. In this context, the role of the judiciary becomes central to maintaining the delicate balance between power, prudence, and protection in a democratic society.

The judiciary's responsibility as the guardian of the Constitution has evolved through judicial interpretation and constitutional practice. Articles 32 and 226 empower the Supreme Court and the High Courts to enforce Fundamental Rights, making access to justice itself a fundamental entitlement. Over the years, Indian constitutional adjudication has witnessed the development of two contrasting yet interrelated judicial philosophies—Judicial Activism and Judicial Restraint. These approaches define the extent to which courts intervene in matters involving Fundamental Rights, governance, and policy decisions.

Judicial Activism is characterized by a proactive and expansive interpretation of constitutional provisions, particularly in cases where legislative or executive actions fail to protect fundamental liberties. Through innovations such as the relaxation of locus standi and the evolution of Public Interest Litigation, courts have extended constitutional protection to marginalized and disadvantaged sections of society. This approach has strengthened democratic accountability and reinforced principles of natural justice, fairness, and reasonableness.

In contrast, Judicial Restraint emphasizes constitutional discipline and respect for the doctrine of separation of powers. It advocates judicial self-limitation, especially in matters involving policy formulation and administrative discretion, thereby preserving institutional harmony among the organs of the State. Restraint is rooted in the belief that unelected judges must exercise caution while interpreting the Constitution to avoid encroaching upon the democratic mandate of the legislature and executive.

The ongoing tension between Judicial Activism and Judicial Restraint raises significant constitutional questions regarding the limits of judicial power and the effective protection of Fundamental Rights. This research seeks to critically examine this dynamic interplay, arguing that a balanced judicial approach guided by constitutional morality, democratic values, and prudence is essential to ensure justice, uphold rights, and sustain constitutional governance in India.

Objectives:

The present research is undertaken with the following objectives:

1. To examine the constitutional foundation of Judicial Activism and Judicial Restraint in India.
2. To analyze the role of the judiciary in protecting Fundamental Rights under Articles 32 and 226 of the Constitution.
3. To critically evaluate the impact of Judicial Activism on democratic governance and separation of powers.
4. To assess the significance of Judicial Restraint in maintaining institutional harmony among the organs of the State.
5. To identify the strengths and limitations of both judicial approaches in the enforcement of Fundamental Rights.
6. To suggest a balanced judicial framework that harmonizes power, prudence, and protection under constitutional adjudication.

Research Statement:

The Indian judiciary has played a transformative role in interpreting and enforcing Fundamental Rights. However, the increasing judicial intervention in legislative and executive domains has triggered an ongoing debate on the legitimacy and limits of judicial power. While Judicial

Activism has expanded access to justice and strengthened rights protection, it has also raised concerns regarding judicial overreach and disruption of the doctrine of separation of powers. Conversely, Judicial Restraint, though constitutionally prudent, may at times result in inadequate enforcement of Fundamental Rights, particularly for vulnerable and marginalized groups. The problem lies in determining the appropriate judicial approach that ensures effective protection of Fundamental Rights without undermining democratic governance and institutional balance.

Literature Review

The relationship between Judicial Activism and Judicial Restraint has been a sustained subject of constitutional scholarship, particularly in India where courts exercise extensive powers of judicial review. Existing literature reflects a broad concern with how the judiciary balances its constitutional duty to protect Fundamental Rights against the necessity of respecting democratic governance and institutional autonomy. While scholars widely acknowledge the relevance of both approaches, the literature reveals significant conceptual, methodological, and analytical limitations.

Basu (2025) examines the expanding role of the Indian judiciary and its engagement with constitutional boundaries. The study emphasizes that judicial intervention has often functioned as a corrective response to executive arbitrariness and legislative inertia. At the same time, it warns that excessive judicial assertiveness may destabilize the separation of powers. Although the analysis contributes to doctrinal clarity, it largely positions activism and restraint as opposing tendencies, rather than as interdependent judicial strategies, thereby reflecting the absence of an integrative analytical framework in existing research.^[1]

Vyas (2025) approaches judicial activism and restraint through interpretative philosophy, focusing on how judges conceptualize authority and constitutional meaning. The study highlights the impact of judicial reasoning on constitutional outcomes and institutional power dynamics. However, its emphasis remains largely theoretical, with limited engagement with the practical enforcement of Fundamental Rights. This reveals a gap in scholarship that links interpretative philosophy directly with rights-based adjudication.^[2]

Pandey and Mishra (2025) provide a doctrinal comparison of activist and restrained judicial approaches within the Indian constitutional system. Their analysis of landmark judgments demonstrates that judicial behavior varies according to political, social, and institutional contexts. Despite this insight, the study devotes greater analytical attention to judicial activism,

while judicial restraint is addressed primarily as a limiting concept. This reflects the broader trend in legal literature that disproportionately prioritizes activism over restraint.^[3]

Sinha (2024) conducts a detailed review of landmark cases to trace the evolution of judicial intervention and deference. The study highlights how activist judgments have contributed to the expansion of Fundamental Rights, while restrained decisions have preserved legislative and executive autonomy. However, the work remains largely descriptive and does not assess the long-term consequences of such judicial approaches on governance effectiveness or rights realization, indicating a lack of empirical and outcome-oriented analysis.^[4]

Bharal and Sharma (2025) focus on the judiciary's constitutional role as both protector of rights and mediator among State institutions. They argue that judicial legitimacy depends upon maintaining equilibrium between intervention and self-restraint. While the study emphasizes the importance of balance, it stops short of proposing concrete normative standards to guide judicial discretion. This underscores the limited availability of reform-oriented or prescriptive scholarship in this field.^[5]

Bakhsh et al. (2025) situate the debate within the broader context of developing democracies, arguing that judicial activism often emerges in environments characterized by weak political accountability. Their comparative study highlights how courts in such systems assume an expanded role to compensate for governance failures. Although the research offers valuable comparative insights, its application to India remains generalized, reflecting a gap in context-specific comparative analysis capable of informing domestic constitutional practice.^[6]

Sharma (2023) critically evaluates judicial activism in India, particularly in relation to Public Interest Litigation and relaxed standing requirements. The study acknowledges the judiciary's contribution to social justice but raises concerns regarding judicial excess and democratic displacement. Judicial restraint, however, is treated largely as a reactive or secondary concept, reinforcing the tendency within scholarship to view restraint as merely the absence of activism rather than an independent constitutional doctrine.^[7]

Saragih, Nasution, and Sihombing (2023) examine judicial review from the standpoint of judicial independence and freedom. Their comparative analysis highlights that independence must be accompanied by institutional self-discipline to avoid imbalance among State organs. While the study contributes to theoretical understanding, it does not sufficiently address the potential

consequences of excessive restraint, particularly the risk of inadequate protection for marginalized communities, revealing an underexplored dimension of judicial inaction.^[8]

Kaushik (2024) undertakes a comparative study of the Indian and United States Supreme Courts, emphasizing structural differences in constitutional design and adjudicatory philosophy. The author observes that Indian courts adopt a more interventionist stance due to the Constitution's socio-economic commitments. However, the analysis remains largely structural and does not deeply engage with constitutional morality as a guiding principle, indicating a gap in normative integration.^[9]

Bhatia (2025) offers a normative and reflective account of constitutional power, conceptualizing judicial interpretation as part of an ongoing institutional dialogue. The work provides valuable theoretical insight into judicial engagement with power but does not translate these ideas into a practical framework for adjudicating Fundamental Rights disputes. This reflects the broader absence of operational standards in existing literature.^[10]

Judicial precedents also form a crucial component of the scholarly discourse. *Kesavananda Bharati v. State of Kerala* (1973)^[A], constitutionally entrenched judicial review as a basic feature of the Constitution, legitimizing judicial intervention to preserve constitutional identity. *Maneka Gandhi v. Union of India* (1978)^[B], exemplifies rights-expansive adjudication through its transformative interpretation of Articles 14, 19, and 21. The decision in *Property Owners Association v. State of Maharashtra* (2024)^[C], reflects a contemporary judicial effort to reconcile individual rights with Directive Principles, illustrating a moderated approach that blends intervention with restraint.

In summary, existing literature recognizes the significance of both judicial activism and judicial restraint but remains predominantly doctrinal, activism-centric, and insufficiently attentive to empirical impact, constitutional morality, and institutional harmony. This study seeks to address these gaps by advancing a balanced, rights-focused framework that integrates power, prudence, and protection within Indian constitutional adjudication.

Current Research

Recent scholarship on Judicial Activism and Judicial Restraint demonstrates sustained and growing academic interest in how courts balance constitutional protection of Fundamental Rights, democratic values, and institutional boundaries.

Contemporary research continues to explore both doctrinal evolution and practical implications of judicial philosophies. Scholarly reviews have examined landmark cases and judicial reasoning, highlighting how judicial activism has expanded rights protection through progressive interpretations while judicial restraint seeks to maintain doctrinal discipline and separation of powers in constitutional adjudication.

Several articles published in Indian legal journals within the past year provide critical analyses of these contrasting approaches. For example, researchers have comparatively reviewed landmark decisions to illustrate the tension between judicial intervention and deference to elected institutions, emphasizing their implications for democracy and the rule of law. Other studies focus specifically on the Indian context, tracing the historical development of activism and restraint and assessing their impact on constitutional legitimacy and judicial authority.

Newer contributions also examine activism and restraint in relation to fundamental rights enforcement, using empirical and doctrinal methodologies to determine how courts navigate social, political, and institutional pressures. Another strand of research adopts a comparative perspective across developing democracies, including India, to evaluate context-sensitive approaches to judicial intervention and constitutional governance.

Recent legal articles additionally stress the need for a balanced judicial approach that protects rights without undermining democratic legitimacy, echoing judicial concerns about overreach and “judicial adventurism.” This contemporary research trend underscores both theoretical debates and practical judicial attitudes toward the limits of judicial power in rights enforcement.

Despite extensive doctrinal work, gaps remain in empirical assessment of judicial outcomes and comparative studies on how restraint and activism influence long-term constitutional stability. This research continues to evolve, reinforcing the relevance of closely examining judicial philosophy in the protection of Fundamental Rights today.

Research Gaps

1. Lack of a Balanced Analytical Framework

Existing literature largely treats Judicial Activism and Judicial Restraint as opposing doctrines, with limited scholarly effort to develop a balanced or integrative framework that harmonizes both approaches in the protection of Fundamental Rights.

2. Over-emphasis on Judicial Activism

Most contemporary research focuses disproportionately on judicial activism, particularly Public Interest Litigation, while judicial restraint remains under-explored as a constitutional tool for preserving democratic governance and institutional stability.

3. Insufficient Focus on Fundamental Rights-Centric Analysis

Many studies examine activism and restraint in general constitutional adjudication, but there is a lack of focused research analyzing their specific impact on the enforcement and dilution of Fundamental Rights under Part III of the Constitution.

4. Limited Empirical Evaluation of Judicial Outcomes

Current scholarship is predominantly doctrinal and case-law based, with minimal empirical assessment of how activist or restrained judgments have affected rights realization, governance efficiency, and public trust over time.

5. Inadequate Examination of Judicial Overreach versus Judicial Inaction

While judicial overreach is frequently discussed, there is limited scholarly analysis on the consequences of excessive judicial restraint, particularly its role in failing to protect vulnerable groups and marginalized communities.

6. Neglect of Institutional Harmony Perspective

Few studies critically evaluate how judicial choices between activism and restraint influence long-term institutional harmony among the legislature, executive, and judiciary within the separation of powers framework.

7. Absence of Contemporary Post-Liberalization Analysis

There is a research gap in examining judicial trends in the post-economic liberalization and contemporary governance era, where complex policy issues increasingly intersect with Fundamental Rights adjudication.

8. Limited Integration of Constitutional Morality

Existing literature insufficiently explores constitutional morality as a guiding principle to determine when judicial intervention is justified and when restraint is constitutionally desirable.

9. Scarcity of Reform-Oriented Scholarship

Most studies are descriptive or critical in nature, with limited emphasis on proposing normative guidelines or judicial standards to regulate the exercise of activism and restraint in Fundamental Rights cases.

10. Inadequate Comparative Insight for Contextual Learning

Comparative constitutional perspectives are often referenced superficially, without meaningful contextual analysis that could inform Indian judicial practice while respecting its unique socio-constitutional conditions.

Research Methodology:

The present study adopts a doctrinal and analytical research methodology to examine the concepts of Judicial Activism and Judicial Restraint in the protection of Fundamental Rights under the Indian Constitution. The research is primarily based on secondary sources, including constitutional provisions, judicial pronouncements of the Supreme Court of India and select High Courts, scholarly articles, law journals, textbooks, reports, and commentaries.

A qualitative analysis of landmark and contemporary case laws is undertaken to understand judicial reasoning, interpretative trends, and the practical application of activism and restraint in Fundamental Rights adjudication. The study also employs a comparative approach, where necessary, to draw insights from select foreign jurisdictions for conceptual clarity.

The methodology further includes a critical evaluation of judicial doctrines in light of constitutional principles such as separation of powers, rule of law, natural justice, and constitutional morality. The research aims to synthesize existing legal scholarship to identify gaps and propose a balanced judicial framework that harmonizes power, prudence, and protection in constitutional governance.

Research Design

Phase I: Conceptual and Theoretical Framework Development

This phase involves an in-depth study of the theoretical foundations of Judicial Activism and Judicial Restraint. Constitutional provisions relating to Fundamental Rights, separation of powers, and judicial review under Articles 32 and 226 of the Indian Constitution are examined.

Classical and contemporary legal theories, scholarly writings, and constitutional doctrines are reviewed to develop a conceptual framework for the study.

Phase II: Collection of Secondary Data

In this phase, relevant secondary sources are systematically collected. These include Supreme Court and High Court judgments, constitutional commentaries, law commission reports, academic journals, books, and research papers. Emphasis is placed on landmark and recent judicial decisions that illustrate activist and restrained judicial approaches in Fundamental Rights cases.

Phase III: Doctrinal and Case-Law Analysis

This phase focuses on doctrinal analysis of selected judicial precedents. Cases are classified based on activist or restrained judicial reasoning. Judicial interpretations are critically analyzed to assess their impact on Fundamental Rights enforcement, separation of powers, and democratic governance.

Phase IV: Comparative and Critical Evaluation

A comparative assessment of Judicial Activism and Judicial Restraint is undertaken to evaluate their strengths and limitations. Where relevant, selective comparative constitutional references are used to provide analytical depth. This phase critically examines issues of judicial overreach, judicial inaction, and institutional harmony.

Phase V: Identification of Research Gaps and Synthesis

Findings from the analysis are synthesized to identify doctrinal and practical gaps in existing scholarship. The relationship between judicial intervention and constitutional morality is examined to develop an integrated understanding of power, prudence, and protection.

Phase VI: Conclusions and Recommendations

The final phase draws conclusions based on the research findings and proposes recommendations for a balanced judicial approach. Suggestions are offered to harmonize Judicial Activism and Judicial Restraint to ensure effective protection of Fundamental Rights while maintaining constitutional balance and democratic legitimacy.

Discussion

Judicial Restraint, Minimal Intervention, and Judicial Review in Fundamental Rights Adjudication

Judicial Restraint constitutes a critical constitutional philosophy that seeks to balance the judiciary's duty to protect Fundamental Rights with the imperative of respecting democratic governance and institutional boundaries. Within the Indian constitutional framework, this philosophy is operationalized primarily through the Doctrine of Minimal Intervention and the Doctrine of Judicial Review, both of which shape the manner and extent of judicial engagement in rights adjudication.

The Doctrine of Minimal Intervention emphasizes judicial self-restraint, mandating that courts interfere only where a clear, direct, and substantial violation of Fundamental Rights is established. This doctrine reflects judicial recognition of the separation of powers and the democratic legitimacy of legislative and executive decision-making. The Supreme Court has repeatedly cautioned against judicial encroachment into policy matters. In *Divisional Manager, Aravali Golf Club v. Chander Haas* (2008), the Court held that courts must not assume the role of administrators or policymakers and should exercise restraint unless constitutional or legal provisions are violated. Similarly, in *State of Himachal Pradesh v. A Parent of a Student of Medical College, Shimla* (1985), the Court reiterated that judicial interference in policy decisions should be minimal and justified only by constitutional necessity.

However, Judicial Restraint does not dilute the constitutional mandate of courts to protect Fundamental Rights. The Doctrine of Judicial Review, enshrined in Articles 13, 32, and 226 of the Constitution, empowers courts to invalidate legislative and executive actions that infringe upon constitutionally guaranteed rights. Judicial Review functions as a cornerstone of constitutional supremacy and ensures that restraint does not translate into judicial inaction. In *Kesavananda Bharati v. State of Kerala* (1973) ^[A], the Supreme Court affirmed judicial review as part of the basic structure of the Constitution, thereby establishing that courts have an unassailable duty to protect Fundamental Rights against unconstitutional State action.

Further, in *Maneka Gandhi v. Union of India* (1978) ^[B], while adopting a rights-expansive interpretation of Articles 14, 19, and 21, the Court demonstrated that judicial intervention is justified when State action fails the tests of fairness, reasonableness, and non-arbitrariness. Conversely, decisions such as *Suresh Kumar Koushal v. Naz Foundation* (2013) reflect judicial

restraint, where the Court deferred to legislative wisdom, though such restraint later invited constitutional reconsideration in *Navtej Singh Johar v. Union of India* (2018). These cases illustrate the dynamic tension between restraint and intervention in Fundamental Rights jurisprudence.

The interplay between Minimal Intervention and Judicial Review indicates that Judicial Restraint is not a passive doctrine but a calibrated judicial strategy. It allows courts to preserve institutional harmony while remaining constitutionally vigilant. Excessive judicial activism risks overreach and democratic distortion, whereas excessive restraint may undermine rights enforcement, particularly for marginalized groups.

In sum, Judicial Restraint, when guided by principled Minimal Intervention and strengthened through Judicial Review, offers a constitutionally sound approach to Fundamental Rights protection. A balanced judicial posture—responsive to rights violations yet respectful of institutional roles—emerges as essential for sustaining constitutional democracy, rule of law, and public confidence in the judiciary.

Findings of the Study

1. The study finds that Judicial Activism and Judicial Restraint are not mutually exclusive doctrines but complementary constitutional approaches aimed at the protection of Fundamental Rights.
2. Judicial Restraint, when guided by the Doctrine of Minimal Intervention, contributes to institutional stability by respecting the separation of powers and democratic legitimacy.
3. The Doctrine of Judicial Review under Articles 13, 32, and 226 remains the primary constitutional safeguard against explicit violations of Fundamental Rights, even within a restrained judicial approach.
4. Judicial intervention is most effective and constitutionally justified when State action fails the tests of fairness, reasonableness, and non-arbitrariness.
5. Excessive judicial activism may result in judicial overreach, whereas excessive restraint risks under-enforcement of Fundamental Rights, particularly affecting marginalized sections of society.
6. A balanced judicial approach enhances public confidence in the judiciary and strengthens constitutional governance.

Challenges Identified

1. Determining the threshold for “explicit violation” of Fundamental Rights remains a complex judicial task, often leading to inconsistent application of restraint and intervention.
2. The absence of clearly defined judicial standards to distinguish policy matters from rights violations contributes to doctrinal ambiguity.
3. Increasing complexity of governance and socio-economic policies places pressure on courts to intervene beyond traditional adjudicatory roles.
4. Expanding Public Interest Litigation has blurred the boundary between legitimate rights enforcement and judicial overreach.
5. Institutional tensions among the legislature, executive, and judiciary pose challenges to maintaining constitutional harmony.
6. Ensuring access to justice while preventing misuse of judicial processes remains an ongoing concern.

Future Scope of the Study

1. Empirical research assessing the long-term impact of judicial activism and restraint on rights realization and governance outcomes can enrich constitutional scholarship.
2. Comparative studies examining restrained judicial approaches in other constitutional democracies may offer valuable insights for Indian jurisprudence.
3. Sector-specific analysis of judicial restraint in areas such as environmental law, economic regulation, and digital rights can provide nuanced understanding.
4. Future research may explore the role of constitutional morality in guiding judicial discretion between activism and restraint.
5. Interdisciplinary studies integrating constitutional law with political science and public administration can broaden the analytical framework.
6. Examination of post-pandemic and technology-driven governance challenges may redefine judicial approaches to Fundamental Rights.

Conclusion

The protection of Fundamental Rights in a constitutional democracy requires a careful and principled balance between judicial intervention and restraint. This study concludes that Judicial

Restraint, anchored in the Doctrine of Minimal Intervention and reinforced by the Doctrine of Judicial Review, provides a constitutionally sustainable framework for rights adjudication. While the judiciary must remain vigilant against explicit violations of Fundamental Rights, it must also respect the democratic functions of the legislature and executive to preserve institutional harmony.

Judicial Activism has played a transformative role in expanding access to justice and enforcing rights; however, its unregulated application risks undermining separation of powers. Conversely, Judicial Restraint, when excessively applied, may weaken constitutional protections. Therefore, a balanced judicial approach-guided by constitutional morality, reasoned adjudication, and democratic values-emerges as essential for ensuring justice, safeguarding liberties, and sustaining the rule of law.

In conclusion, the judiciary's role is not to govern but to guard the Constitution. By harmonizing power with prudence and protection, courts can effectively uphold Fundamental Rights while strengthening the foundations of constitutional democracy in India.

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Additional Notable Citations for Case Law

Include these in your paper as legal references (not peer-reviewed journals, but academically important):

- A] *Kesavananda Bharati v. State of Kerala* (1973) 4 SCC 225 – Established Basic Structure Doctrine (judicial review as part of constitutional identity).
- B] *Maneka Gandhi v. Union of India* (1978) 1 SCC 248 – Expanded interpretation of Articles 14, 19, and 21 to reinforce due process and judicial review.
- C] *Property Owners Association v. State of Maharashtra* (Dec 5, 2024) – Recent Supreme Court judgment balancing directive principles and individual rights.

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