

Good Governance and Role of Judiciary in Present Scenario

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Abstract: *Good governance forms the cornerstone of a democratic society, ensuring transparency, accountability, equity, and inclusiveness in governmental processes. In India, the judiciary plays a pivotal role in maintaining and promoting good governance by upholding constitutional principles, protecting fundamental rights, and ensuring the rule of law. The paper explores how judicial intervention has evolved in response to the challenges of the modern era, where rapid socio-economic transformations demand greater institutional accountability. Through an analysis of landmark judgments such as Kesavananda Bharati v. State of Kerala (1973), Maneka Gandhi v. Union of India (1978), Vishaka v. State of Rajasthan (1997), Justice K.S. Puttaswamy v. Union of India (2017), and several recent cases, the study highlights the judiciary's role in safeguarding individual freedoms, environmental protection, digital privacy, women's rights, and anti-corruption measures.*

The research underscores that the judiciary has increasingly adopted an activist approach to address legislative and executive lapses, particularly in areas such as transparency, citizen-centric responsiveness, and procedural accountability. However, challenges such as case backlogs, political influence, and institutional overburdening persist, calling for collaborative functioning among all three pillars of democracy—the legislature, executive, and judiciary. The study concludes that an empowered judiciary, coupled with informed citizen participation, is indispensable for strengthening democratic governance and ensuring justice in a rapidly changing socio-political landscape.

Keywords: *Good Governance, Judiciary, Judicial Activism, Rule of Law, Constitutional Rights, Public Interest Litigation, Accountability, Transparency*

Introduction

Good governance is the foundation of a prosperous, just, and stable society. It refers to a system where the government functions efficiently, transparently, and fairly, ensuring that the needs and rights of all citizens are respected. In a democratic country like India, good governance is not just a goal but a constitutional responsibility. The judiciary, being one of the three pillars of democracy along with the legislature and the executive,

plays a crucial role in maintaining and promoting good governance. In the present scenario, where rapid socio-economic changes and challenges have emerged, the role of the judiciary has become even more significant.

Meaning and Features of Good Governance

Good governance can be understood as the effective, accountable, and transparent management of a country's resources and affairs

in a manner that is responsive to the needs of the people. The United Nations has identified several key features of good governance: Good governance means running a country or organization in a fair, transparent, accountable, and effective way so that all people get equal opportunities and justice.

Main features:

1. Transparency – Work and decisions are open for public knowledge.
2. Accountability – Officials are answerable for their actions.
3. Rule of Law – Everyone is equal before the law.
4. Responsiveness – Government responds quickly to the needs of citizens.
5. Participation – Citizens have the right to take part in decision-making.
6. Effectiveness and Efficiency – Resources are used wisely to get best results.
7. Equity and Inclusiveness – No discrimination; all groups get equal treatment.

Role of Judiciary in Present Scenario

The judiciary is the guardian of the Constitution and ensures that governance follows law and justice.

Main roles:

1. Protecting Fundamental Rights – Ensuring citizens' rights are not violated.
2. Judicial Review – Checking if laws and government actions are constitutional.

3. Ensuring Rule of Law – No one is above the law, not even leaders.

4. Curbing Corruption – Taking action against misuse of power.

5. Public Interest Litigation (PIL) – Allowing any person to approach the court for the welfare of society.

6. Balancing Powers – Acting as a check on legislative and executive excesses.

7. Speedy Justice (Need of the Hour) – Addressing delays in justice delivery.

Case Laws – Role of Judiciary in Good Governance**1. Protection of Fundamental Rights**

1. Kesavananda Bharati v. State of Kerala (1973)

Doctrine of Basic Structure: Supreme Court held that Parliament can amend the Constitution but cannot alter its basic structure (like democracy, rule of law, judicial review).

Ensures governance always respects constitutional principles.

2. Maneka Gandhi v. Union of India (1978)

Expanded the meaning of Right to Life and Personal Liberty under Article 21.

The government must act fairly, reasonably, and not arbitrarily.

2. Judicial Review & Rule of Law

Indira Nehru Gandhi v. Raj Narain (1975)

Court struck down laws that violated free and fair elections.

Reinforced that no one, not even the Prime Minister, is above the law.

4.S.R. Bommai v. Union of India (1994)

Judicial check on misuse of President's Rule.
Strengthened federalism and democratic governance.

3. Public Interest Litigation (PIL) & Social Justice

M.C. Mehta v. Union of India (Oleum Gas Leak Case, 1986)

Introduced Absolute Liability principle for industries causing harm.
Environmental protection became part of governance duties.

5.Vishaka v. State of Rajasthan (1997)

Guidelines to prevent sexual harassment at workplaces.

Filled legislative gaps and protected women's rights.

4. Anti-Corruption & Accountability

6.Vineet Narain v. Union of India (1997)

Directed reforms in the CBI and vigilance bodies to ensure independence from political influence.

Strengthened anti-corruption mechanisms.

2G Spectrum Case (Centre for Public Interest Litigation v. Union of India, 2012)

Cancelled telecom licenses issued through corrupt means.

Emphasized transparency in allocation of public resources.

5. Right to Privacy & Modern Governance

7.Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)

Declared Right to Privacy as a fundamental right under Article 21.

Ensured governance adapts to protect rights in the digital age.

6. Environmental Governance

8.T.N. Godavarman Thirumulpad v. Union of India (1995 onwards)

Continuous monitoring of forest conservation.

Established judicial oversight in environmental governance.

Landmark Recent Cases Enhancing Good Governance

1. Rajeev Kalita v. Union of India (Jan 15, 2025)

The Supreme Court held that access to clean, hygienic toilets in court premises is not merely a convenience—but a fundamental right under Article 21. It mandated all courts to provide proper sanitary facilities, including for women, transgender persons, and persons with disabilities .

2. State of Tamil Nadu v. Governor of Tamil Nadu (Apr 8, 2025)

This ruling limited the Governor's power by declaring that he cannot withhold assent indefinitely (no "pocket veto") or reserve bills indefinitely. It also laid down judicial review mechanisms and time-bound obligations under Articles 200/201 to safeguard legislative functions and federal balance .

3. Mental Health as Part of Right to Life (May 2025)

The Supreme Court recognized mental health as an integral constitutional facet of the Right to Life (Article 21). As part of this, the court directed educational institutions to take systemic measures to protect students' psychological well-being.

4. Transparency in Government Case Handling – Madras HC (Today)

The Madras High Court ordered the full implementation of the Court Case Monitoring System (CCMS) across all governmental levels. This measure aims to improve public accountability and streamline responses to court cases, enhancing governance efficiency.

5. Acknowledgment of Citizen Grievances – Rajasthan HC (Yesterday)

To improve responsiveness and reduce unnecessary PILs, the Rajasthan High Court directed state departments to issue acknowledgment receipts to citizens within 30 days and share inter-departmental correspondence within seven days .

6. PSUs Must Not Prioritize Profit Over Public Good

The Supreme Court admonished GUVNL for behaving "like a Shylock" by pursuing litigation

aggressively over tariff issues. The judgment emphasized that public sector undertakings should serve citizens first and not act like profit-driven entities .

7. JSW–Bhushan Power Insolvency Deal Set Aside (3 Months Ago)

The Supreme Court annulled a ₹2.3-billion insolvency resolution plan for major procedural flaws. This underscores judicial insistence on adherence to due process and strengthens the foundation of credible, transparent economic governance.

Rajeev Kalita Right to dignity in judicial infrastructure

TN Governor Case Legislative transparency and federalism

Mental Health Holistic rights under Right to Life

Madras HC–CCMS Procedural accountability in government litigation

Rajasthan HC Citizen-centric responsiveness and transparency

SC on PSUs Ethical duties of public institutions

JSW Insolvency Verdict Accountability & process rigor in economic governance.

These decisions reflect the judiciary's evolving role—from ensuring basic civic amenities and mental health rights to enforcing transparency, equity, and institutional accountability. Each ruling contributes to a governance framework that is more responsive, just, and citizen-centric.

Present Scenario

Courts are actively involved in environmental protection, women's rights,digital privacy, and anti-corruption measures.

Judiciary is also facing challenges like case backlogs, political pressure, and overburdened courts.

Recent trend: More judicial activism, where courts step in to protect public interest even in matters where the government delays action.

Conclusion:

Good governance and judiciary go hand-in-hand. The judiciary ensures that governance is just, transparent, and within constitutional limits, which is essential for democracy to thrive in today's fast-changing work

Good governance is the lifeline of a healthy democracy, and the judiciary plays a vital role in upholding it. By ensuring transparency, accountability, and adherence to constitutional principles, the judiciary strengthens public trust in governance. In the present scenario, where governance is tested by complex and evolving challenges, the judiciary acts as a guiding force to keep the system fair and just. However, for the ideal of good governance to be fully realized, all three pillars of democracy—legislature, executive, and judiciary—must work in harmony, with the active participation of informed and responsible citizens.

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