
JUDICIAL METAMORPHOSIS: THE EVOLUTION AND RISE OF NEW JURISDICTIONS IN INDIA'S LEGAL SYSTEM

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ABSTRACT

This research paper explores the evolution of Indian Judiciary in the context of emerging jurisdictions. The Indian judiciary has further extended its limit to address diverse contemporary issues and concepts of dynamic socio-economic arena. The prime focus encompasses the bold use of Public Interest Litigation (PIL) to uphold environmental and human rights, the recognition of Right to privacy, implementation of corporate and economic laws. Moreover, the judiciary has upheld social justice through inhibition of caste based discrimination and promoting gender rights, it has even taken significant strides in technology law, cyber crime and intellectual property. The courts have further delved into many sectors such as healthcare, education and their judgments have further enforced fundamental rights and sustainability. Furthermore, the judiciary's active place in anti-corruption approach, electoral and political reforms, the undertaking of rising social fissures such as mental well-being, communal harmony, child abuse, emphasizes its workability and responsiveness to the needs of a modern nation. This judicial activism not only molds the legal jurisprudence, rather it has far reaching social ramifications by the advancement of equality, justice, and social coherence. This academic paper aims to evaluate the emergent jurisdiction, and their socio-legal implications, with in depth understanding of transformative power of judiciary.

Keywords: Judiciary, Judicial activism, Fundamental Rights.

INTRODUCTION

“As society evolves, so must the judiciary, adapting to new challenges while upholding the principles of fairness and equality.” - Justice A.P. Shah, former Chief Justice of Delhi High Court, India.

The Indian judiciary has historically played a pivotal role in shaping the legal and socio-political landscape of the country. Since the inception of the Indian Constitution in 1950, the judiciary has been entrusted with upholding the rule of law, protecting fundamental rights, and ensuring justice. Over the decades, the Indian judiciary has evolved, responding to changing societal needs, political dynamics, and global influences.

The Indian judiciary has long been regarded as a cornerstone of democracy and justice, playing a pivotal role in upholding the rule of law. Over the years, Indian courts have evolved from traditional adjudicative bodies into dynamic institutions addressing a wide spectrum of socio-legal issues. This research paper titled “The Evolving Role of Indian Courts: A Study of Emerging Jurisdictions” aims to explore and analyze the expanding jurisdictions of Indian courts and their implications for the legal and social fabric of the nation.

“The judiciary has to play an important role not only by interpreting the Constitution but also by enforcing basic human rights and upholding the rule of law.” - Justice P.N. Bhagwati
(Source: S.P. Gupta v. Union of India, AIR 1982 SC 149, (1981) Supp SCC 87)

Historically, Indian courts have been instrumental in interpreting and enforcing constitutional provisions, ensuring that legislative and executive actions align with the fundamental rights and principles enshrined in the Constitution. However, the contemporary judiciary has moved beyond conventional boundaries, taking proactive stances on pressing societal issues through innovative legal mechanisms such as Public Interest Litigation (PIL).

The expansion of judicial intervention into areas such as healthcare and education highlights the judiciary’s role in not only interpreting the law but also in promoting equitable access to essential services. In landmark decisions, the courts have mandated state accountability in providing adequate healthcare and ensuring that educational institutions maintain standards that protect and promote students’ rights. This judicial vigilance serves as a critical check on the government’s implementation of its duties, ensuring that the rights to health and education are not merely theoretical but are actively enforced.

The judiciary's involvement in electoral and political reforms is another vital area of emerging jurisdiction. Through various judgments, the courts have sought to uphold the integrity of the electoral process, combat corruption, and promote transparency and accountability in governance. These efforts are aimed at strengthening the democratic framework of the country and ensuring that elections remain free and fair.

The impact of natural disasters on children's safety, education, and well-being is a pressing issue that has also seen judicial scrutiny. Courts have emphasized the need for robust disaster preparedness strategies that protect vulnerable populations, particularly children. By mandating comprehensive policies and their effective implementation, the judiciary ensures that disaster response mechanisms are geared towards minimizing the adverse impacts on children and other vulnerable groups.

In addition to these specific domains, the judiciary's role in developing technology law, intellectual property, and cybercrime is becoming increasingly relevant in the digital age. As technology evolves, the legal challenges associated with it require an adaptive and forward-thinking judiciary that can balance innovation with protection of rights.

The courts' interventions in these various sectors not only shape the legal framework but also profoundly impact the sociological order. By promoting equality, justice, and social cohesion, the judiciary plays a crucial role in fostering a more just and equitable society. This paper aims to critically analyze these emergent jurisdictions, providing insights into the transformative power of the Indian judiciary. Through a detailed examination of landmark cases, judicial trends, and their broader implications, we seek to understand the multifaceted role of the courts in contemporary India and their contribution to the nation's progress and development.

The evolving role of the Indian judiciary demonstrates its adaptability and responsiveness to the complex challenges of modern society. By expanding its jurisdiction to address new and emerging issues, the judiciary not only upholds the rule of law but also actively participates in shaping a more just and equitable future for all citizens. This research will delve into these transformative judicial actions, highlighting their significance and the ways in which they redefine the boundaries of judicial intervention in India.

EMERGING JURISDICTIONS

New and evolving fields of law, known as emerging jurisdictions, are tackling the complex issues and challenges of our modern world. These areas demonstrate the flexibility and

adaptability of legal systems in response to societal, technological, and economic changes. In India, several of these new areas of law have taken center stage, emphasizing the judiciary's critical role in navigating a wide range of important issues.

Some key emerging jurisdictions include the following aspects :

PUBLIC INTREST LITIGATION

“The judiciary has undertaken the task of righting wrongs that are left uncorrected by the other organs of the government through the vehicle of PIL.” - Justice S. M. Sikri

(Source: Quoted in “The Supreme Court of India: An Empirical Overview of Its Social Context” by George H. Gadbois Jr.)

The PIL originated in the United States in mid-1980s since the 19th century onwards various movement in that country had contributed to public interest law, which was the part of legal aid movement. In Article 32 of the Indian constitution contains a tool which directly joins the public with judiciary. A PIL may be introduced in a court of law by court itself (*suo moto*), rather than the aggrieved party or another third party. For the exercise of courts jurisdiction, it just not necessary that for the victim of the violation of his rights or her rights to personally approach the court. In PIL the right to file a suit is given to the member of the public through judicial activism. The member of the public may be a non-governmental organization (NGO), an institution or an individual. In 1970s and 80s was period where the public interest litigation began. Prominently in the case of *Mumbai Kamgar Sabha v. Abdullah Bhai*,¹ the very concept of public interest litigation was sown by Krishn Iyer J., in 1976.

“The judicial activism of the Supreme Court in India is a unique contribution to the jurisprudence of the Third World. The weapon of PIL has served the cause of millions of voiceless Indians.” - Justice V. R. Krishna Iyer

(Source: S.P. Gupta v. Union of India, AIR 1982 SC 149)

Furthermore, in cases such as *Peoples Union for Democratic Rights v. Union of India*,² the court now permits public interest litigation or social interest litigation at the instance of “public spirited citizens” for enforcement of constitutional and legal rights of any person or groups of persons who because of their socially or economically disadvantaged position are unable to

¹ (1976) 3 SCC 832

² A.I.R. 1982, SC 1473

approach court for relief. In the case of *Mohd. Haroon v. Union of India*,³ the court directed the State of UP, and Union to provide for shelter to people who were left stranded due to communal disharmony. While in case of *M.C.Mehta v. Union of India*,⁴ the Supreme Court held vehicles that are not BS-IV compliant shall not be sold and registered from April 1st, 2017. In these cases are embodiment of the fact that PILs have contributed to a great extend about the access to justice, and constitutional remedies, with breakthrough changes in judiciary, in fact the judiciary has emerged as an replacement to the failures of executive.

“The progress of the depressed classes depends upon their own self-help and self-respect.”
– ***Dr. B.R. Ambedkar***

(Source: Speech at Depressed Classes Conference in 1930)

In the landmark case of *Indra Sawhney & Others v. Union of India*,⁵ the Supreme Court of India delivered a significant judgment on November 16, 1992. This ruling upheld the government’s decision to implement the recommendations of the Mandal Commission, which advocated for reservations in government jobs and educational institutions for Other Backward Classes (OBCs). The Court established a 50% cap on reservations to maintain a balance between affirmative action and merit. Additionally, the judgment introduced the concept of the ‘creamy layer,’ excluding the more affluent and better-educated members of the OBCs from the benefits of reservations, ensuring that the truly needy sections of society benefit from the policy. The Court also emphasized that economic criteria alone could not be the basis for reservations; social and educational backwardness should be the primary factors. Furthermore, the implementation of the reservation policy was deemed subject to judicial review to ensure adherence to constitutional principles. This judgment played a crucial role in shaping India’s affirmative action policies, balancing social justice with meritocracy, and ensuring that reservations effectively reach the disadvantaged sections of society.

RIGHT TO PRIVACY AND DATA PROTECTION

“Privacy is not something that I’m merely entitled to, it’s an absolute prerequisite.” -
Marlon Brando

(Source: Quoted in “Conversations with Brando” by Lawrence Grobel)

³ (2014) 6 SCC 319

⁴ (2017) 9 SCC 01

⁵ AIR 1993 SC 477

In India, the right to privacy and data protection has been significantly influenced by several landmark court judgments that have shaped the legal landscape. In the case of ***Justice K. S. Puttaswamy (retired) v. Union of India (2017)***,⁶ This watershed case marked a turning point as privacy was recognized as a fundamental right enshrined in Article 21 of the Constitution of India. The judgment had a profound impact on the personal data protection framework and surveillance practices across the country. Again in the case ***Justice K. S. Puttaswamy (retired) v. Union of India (2019)***,⁷ building on the previous judgment, this case dealt with the impact of India's Aadhaar biometric identification system on individuals' rights to privacy. It highlighted the importance of putting in place strong data protection mechanisms and limiting the scope of data collection to essential purposes, thereby setting crucial precedents for data protection law in India. While the case of ***Ritesh Sinha v. State of Uttar Pradesh***,⁸ addressed the growing concern over misuse of personal data by law enforcement agencies. The case underscored the urgent need for strong safeguards and accountability measures to protect citizens' privacy rights while ensuring effective law enforcement. While in the case of ***PUCI v. Union of India (2000)***,⁹ challenged the government's surveillance practices, particularly under the Information Technology Act, 2000, and highlighted the need for judicial oversight and checks to prevent unwarranted intrusions into individuals' privacy.

These legal precedents have not only shaped the evolution of the Indian judiciary but have also provided important guidance in the formulation of regulatory frameworks such as the Personal Data Protection Act, 2019. The objective of this legislation is to strike a delicate balance between protecting personal data from unauthorized access and promoting technological advancement and national security imperatives. Therefore, these court decisions continue to serve as cornerstones for managing the complex interplay between privacy rights, technological innovation and government interests in the digital age.

ECONOMIC AND CORPORATE JURISDICTION

“Good governance is the art of putting wise thought into prudent action in a way that advances the well-being of those governed.” - Diane Kalen-Sukra

(Source: “Save Your City: How Toxic Culture Kills Community & What to Do About It” by

⁶ (2017) 10 SCC 1

⁷ (2019) 1 SCC 1

⁸ (2020) 4 SCC 1

⁹ (2000) 1 SCC 644

Diane Kalen-Sukra)

Economic and corporate jurisdiction refers to the legal authority and frameworks governing economic activities, corporate entities, financial regulations, and commercial disputes. This area of law ensures that economic transactions, corporate conduct, and market practices align with legal standards, promoting fairness, transparency, and accountability in the business world. The evolution of economic and corporate jurisdiction in India has been significantly shaped by landmark judicial decisions that have defined and expanded the contours of corporate governance, financial regulation, and economic justice.

One of the seminal cases in this frame is *Satyam Computer Services Ltd. V. Union of India*,¹⁰ which arose from one of the biggest corporate frauds in Indian history. The case highlighted the judiciary's role in ensuring corporate accountability and protecting shareholder interests. The Supreme Court's intervention led to a restructuring of the corporate governance framework, reinforcing the importance of transparency, ethical conduct, and strict regulatory oversight in corporate practices. Another pivotal case is *SEBI v. Sahara India Real Estate Corp. Ltd.*,¹¹ where the Supreme Court addressed issues related to the regulation of financial markets and investor protection. The court's ruling mandated Sahara to refund over INR 24,000 crores to investors, emphasizing the importance of compliance with securities regulations and the protection of investor rights. This case underscored the judiciary's crucial role in maintaining market integrity and safeguarding public interest in economic matters. The case of *National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT) v. Union of India*,¹² which addressed the constitutionality and functioning of the NCLT and NCLAT, further exemplifies the judiciary's role in shaping corporate jurisdiction. The Supreme Court upheld the constitutional validity of these tribunals, thereby affirming the judicial mechanism for resolving corporate disputes and insolvency matters, which are crucial for economic stability and the enforcement of corporate laws in India. Moreover, the *Essar Steel India Ltd. v. Satish Kumar Gupta*,¹³ case marked a significant development in insolvency and bankruptcy jurisdiction. The Supreme Court's decision to approve Mittal's bid for Essar Steel emphasized the importance of the Insolvency and Bankruptcy Code (IBC) in resolving corporate insolvencies efficiently. The ruling reinforced the principle of the "commercial

¹⁰ (1970) 2 SCC 355

¹¹ (2012) 10 SCC 603

¹² (2019) 4 SCC 17

¹³ (2020) 8 SCC 531

wisdom” of the Committee of Creditors, thereby solidifying the IBC’s role in balancing the interests of creditors, debtors, and the economy at large.

These landmark cases demonstrate the judiciary’s active involvement in shaping the economic and corporate landscape of India. By interpreting and enforcing laws in these areas, the judiciary has contributed to creating a more robust and reliable legal framework for economic activities and corporate governance. The decisions in these cases have not only ensured adherence to legal standards but have also promoted economic justice, investor protection, and corporate accountability, thus fostering a more stable and transparent economic environment in India.

Through these rulings, the judiciary has played a critical role in refining economic and corporate jurisdiction, ensuring that India’s legal framework evolves in response to the complexities of modern economic realities. This judicial oversight has been essential in upholding the principles of fairness, transparency, and accountability in the corporate sector, thereby contributing to the progressive development of India’s economic and corporate legal system.

SOCIAL JUSTICE AND EQUALITY

“Justice will not be served until those who are unaffected are as outraged as those who are.”
- Benjamin Franklin

(Source: Often attributed to Benjamin Franklin, an inventor, scientist, and founding father of United States)

Social justice refers to the fair and just distribution of resources, opportunities, and privileges within a society. It encompasses the protection of human rights, the elimination of inequalities, and the provision of equal access to social, economic, and political opportunities. Equality, on the other hand, denotes the state of being equal, especially in status, rights, and opportunities. It ensures that individuals or groups are not treated differently or less favorably based on their characteristics, such as gender, race, religion, or socio-economic status.

Several landmark cases in India have played a crucial role in shaping the judiciary’s approach to social justice and equality. The ***Kesavananda Bharati v. State of Kerala***,¹⁴ case addressed the extent of Parliament’s power to amend the Constitution, establishing the Basic Structure

¹⁴ AIR 1973 SC 1461

Doctrine and ensuring that certain fundamental features of the Constitution cannot be altered. This case reinforced the judiciary's role as a guardian of the Constitution, protecting democratic principles and individual rights. Similarly, *Maneka Gandhi v. Union of India (1978)*,¹⁵ expanded the interpretation of Article 21 (Right to Life and Personal Liberty), emphasizing that any law depriving an individual of personal liberty must be just, fair, and reasonable. This case significantly broadened the scope of fundamental rights in India and a counter to arbitrariness which is very antithesis of equality as prescribed in Art 14. In *Vishaka v. State of Rajasthan (1997)*,¹⁶ the issue of sexual harassment of women at the workplace was addressed, leading to the formulation of the Vishaka Guidelines, which laid down procedures for preventing and addressing sexual harassment at work. This case highlighted the judiciary's proactive role in filling legislative gaps to protect woman's rights. The *Olga Tellis v. Bombay Municipal Corporation (1985)*,¹⁷ case dealt with the rights of pavement dwellers and the homeless, ruling that the right to livelihood is an integral part of the right to life under Article 21. Lastly, the *Indian Young Lawyers Association v. State of Kerala (2018)*,¹⁸ case addressed the entry of women of menstruating age into the Sabarimala temple, ruling that the prohibition was unconstitutional and reinforcing the principles of gender equality and the right to freedom of religion and belief.

These cases have set important precedents that uphold constitutional values and have expanded the interpretation of fundamental rights. By addressing critical issues of social justice and equality, the judiciary has not only protected individual rights but also promoted a more inclusive and fair society. These decisions demonstrate the judiciary's role in actively shaping the legal landscape to reflect and uphold the principles of justice, equality, and human dignity, thus fostering the progressive development of the Indian legal system.

TECHNOLOGY AND INTELLECTUAL PROPERTY

“The advancement and diffusion of knowledge is the only guardian of true liberty.” - James Madison

(Source: Letter to George Thompson, June 30, 1825)

Technology and Intellectual Property (IP) jurisdiction involves the legal frameworks governing

¹⁵ (1978) 2 SCR 621

¹⁶ AIR 1997 SC 3011

¹⁷ (1986) Supp SCR 51

¹⁸ AIR 2018 SC 4599

the creation, protection, and enforcement of intellectual property rights, as well as the regulation of technological innovations. This domain is crucial in fostering innovation, protecting creators and inventors, and ensuring that technological advancements contribute to societal progress while respecting legal norms. The Indian judiciary has played a significant role in defining and expanding the boundaries of IP law and technology regulation, thereby shaping the country's approach to these rapidly evolving fields.

One of the landmark cases in this area is *Eastern Book Company v. D.B. Modak*,¹⁹ where the Supreme Court addressed the issue of copyright in relation to judicial decisions. The court held that while judgments themselves are in the public domain, the publishers could claim copyright over the typographical arrangement of the judgments. This case established important principles regarding copyright protection in India, particularly in the context of technological advancements in publishing and the digital dissemination of information.

Another critical case is *Tata Consultancy Services v. State of Andhra Pradesh*,²⁰ where the Supreme Court examined whether software could be classified as "goods" under the Andhra Pradesh General Sales Tax Act. The court ruled that software, whether customized or packaged, is goods and thus subject to sales tax. This ruling had significant implications for the software industry, shaping the legal understanding of software as a tangible product within the realm of intellectual property and commercial law.

The case of *Shreya Singhal v. Union of India*,²¹ while primarily associated with freedom of speech, also had significant implications for technology law. The Supreme Court struck down Section 66A of the Information Technology Act, 2000, which criminalized online speech deemed "offensive" or "annoying." This landmark judgment underscored the need to balance technological regulation with fundamental rights, particularly in the digital age. Finally, in *Indian Performing Right Society Ltd. v. Aditya Pandey (2012)*,²² the Supreme Court clarified the extent of copyright protection for music in the digital era. The court ruled that internet service providers could not be held liable for infringing content unless they had knowledge of the infringement and failed to act upon it. This decision was crucial in shaping the legal framework for intellectual property protection on digital platforms, balancing the rights of content creators with the realities of internet-based technologies.

¹⁹ (2008) 1 SCC 1

²⁰ (2005) 1 SCC 308

²¹ (2015) 5 SCC 1

²² (2012) 5 SCC 706

These landmark cases illustrate the judiciary's pivotal role in shaping the legal landscape of technology and intellectual property in India. By interpreting and applying the law in the context of new technological developments, the judiciary has ensured that the legal framework evolves in tandem with the rapid pace of innovation. These decisions have reinforced the importance of protecting intellectual property rights while also promoting technological advancement and ensuring access to knowledge and innovation for the broader public. Through these rulings, the Indian judiciary has contributed to a balanced and progressive legal environment, where technological innovation is encouraged, and intellectual property rights are protected, fostering an ecosystem of creativity, innovation, and economic growth in India.

HEALTH AND EDUCATION

"Health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity." - World Health Organization

(Source: Preamble to the Constitution of the World Health Organization)

Health refers to the complete physical, mental, and social well-being of individuals and is a fundamental human right. Education is the process of facilitating learning, acquisition of knowledge, skills, values, and habits, and is essential for individual and societal development. Ensuring access to quality health and education services is vital for empowering individuals, reducing inequalities, and promoting sustainable development. These sectors are crucial for building a just and equitable society, as they directly impact the quality of life and opportunities available to individuals.

"Education is the most powerful weapon which you can use to change the world." - Nelson Mandela

(Source: Speech delivered at the launch of the Mindset Network, July 16, 2003)

Several landmark cases in India have significantly influenced the judiciary's approach to health and education, shaping policies and ensuring the protection of fundamental rights. In ***State of Punjab v. Mohinder Singh Chawla (1997)***,²³ the Supreme Court held that the right to health is an integral part of the right to life under Article 21, mandating that the state provides adequate healthcare services to its citizens. Similarly, the ***Paschim Banga Khet Mazdoor Samity v. State***

²³ AIR 1997 SC 1225

of West Bengal (1996),²⁴ case emphasized the state's obligation to provide timely medical treatment to those in need, reinforcing the right to emergency healthcare. In the area of education, the *Unni Krishnan, J.P. v. State of Andhra Pradesh (1993)*,²⁵ case was pivotal, where the court recognized the right to education as a fundamental right under Article 21 and laid down the framework for free and compulsory education for children up to the age of 14. The *Mohini Jain v. State of Karnataka (1992)*,²⁶ case further cemented this by ruling that the right to education is a fundamental right, making it obligatory for the state to ensure accessible and affordable education.

By addressing critical issues in health and education, the judiciary has ensured the protection of fundamental rights and promoted equitable access to essential services. The recognition of the right to health and education as integral to the right to life has expanded the scope of Article 21, compelling the state to fulfill its obligations towards its citizens. These decisions have not only upheld constitutional values but have also driven policy changes and legislative reforms, enhancing the overall quality of life and fostering a more inclusive society. The judiciary's proactive stance in these areas underscores its role in advancing social justice and ensuring that the benefits of development reach all sections of society.

ELECTION AND POLITICAL REFORMS

"The ballot is stronger than the bullet." - Abraham Lincoln

(Source: Speech given at Bloomington, Illinois, May 29, 1856)

Election and political reforms in India have been significantly shaped by judicial interventions, which have sought to strengthen the democratic process and ensure the integrity and fairness of elections. The judiciary has played a crucial role in interpreting the law to promote transparency, accountability, and the right to free and fair elections. Several landmark cases highlight the judiciary's pivotal role in bringing about electoral and political reforms in the country.

One of the most significant cases is *Indira Nehru Gandhi v. Raj Narain*,²⁷ which centered around the validity of Prime Minister Indira Gandhi's election. The Allahabad High Court found her guilty of electoral malpractices and declared her election void. The case led to the

²⁴ (1996) 3 SCR 1062

²⁵ AIR 1993 SC 2178

²⁶ AIR 1992 SC 1858

²⁷ (1975) Supp SCC 1

introduction of the 39th Amendment to the Constitution, which sought to immunize the election of the Prime Minister from judicial scrutiny. However, the Supreme Court, in its judgment, struck down the amendment as unconstitutional, upholding the principle of free and fair elections as part of the basic structure of the Constitution.

Another landmark case is *Union of India v. Association for Democratic Reforms*,²⁸ where the Supreme Court directed the Election Commission to implement mandatory disclosures by candidates regarding their criminal records, assets, liabilities, and educational qualifications. This decision was pivotal in bringing transparency to the electoral process and enabling voters to make informed choices. In *Lily Thomas v. Union of India (2013)*,²⁹ the Supreme Court ruled that a Member of Parliament (MP) or Member of Legislative Assembly (MLA) convicted of a crime with a sentence of two years or more would be disqualified from holding office. This judgment was a significant step in decriminalizing politics and ensuring that those with criminal backgrounds do not occupy legislative positions.

The *People's Union for Civil Liberties (PUCL) v. Union of India*,³⁰ case, commonly known as the NOTA case, allowed voters to exercise the "None of the Above" (NOTA) option in elections. The Supreme Court's ruling provided voters with the choice to reject all candidates, thereby upholding the right to express disapproval of the available candidates and promoting cleaner electoral practices. Finally, in *Public Interest Foundation v. Union of India*,³¹ the Supreme Court addressed the issue of criminalization in politics. The court ordered that political parties should widely publicize the criminal antecedents of their candidates in print and electronic media. This ruling aimed to bring about greater transparency and accountability in the electoral process by making voters aware of the criminal backgrounds of candidates.

These landmark cases underscore the judiciary's proactive role in strengthening the democratic framework of India by introducing critical electoral reforms. Through these judgments, the judiciary has contributed to making elections more transparent, fair, and reflective of the will of the people, thereby reinforcing the principles of democracy in India.

ANTI-CORRUPTION AND ACCOUNTABILITY

"Corruption is the enemy of development, and of good governance." - Pratibha Patil,

²⁸ (2002) 5 SCC 294

²⁹ (2013) 7 SCC 653

³⁰ (2013) 10 SCC 1

³¹ (2019) 3 SCC 224

Former President of India

(Source: Speech at the International Anti-Corruption Day event, December 9, 2008)

Anti-corruption refers to efforts and measures that are aimed at preventing, detecting, and addressing corrupt practices, including bribery, embezzlement, fraud, and abuse of power. While Accountability is the principle that individuals, organizations, and institutions are held responsible for their actions, particularly those in positions of power and authority. Ensuring accountability and combating corruption are crucial for maintaining public trust, promoting ethical governance, and ensuring equitable distribution of resources. They are essential for upholding the rule of law and fostering a transparent, just, and fair society.

Several landmark cases in India have significantly influenced the judiciary's approach to anti-corruption and accountability, shaping the legal landscape and strengthening democratic principles. In *Vineet Narain v. Union of India (1998)*,³² the investigation into the Jain Hawala case led to the establishment of the Central Vigilance Commission (CVC) as an independent body to oversee corruption investigations, ensuring greater accountability and transparency in public life. The *Manohar Lal Sharma v. Principal Secretary (2014)*³³ case, known as the Coalgate scam, resulted in the cancellation of 214 coal block allocations, underscoring the need for transparent and fair allocation processes. In *Common Cause v. Union of India (2017)*,³⁴ the court ordered a CBI investigation into corruption allegations against high-ranking officials, reaffirming that no individual is above the law. Lastly, in *Subramanian Swamy v. Union of India (2014)*,³⁵ the Supreme Court struck down Section 6A of the Delhi Special Police Establishment Act, facilitating more effective anti-corruption measures by removing the requirement for government approval to investigate senior bureaucrats.

These cases have reinforced the principles of transparency, integrity, and fairness in public administration. The establishment of independent oversight bodies, the insistence on transparent processes, and the removal of legal hurdles for investigating corruption have strengthened the judiciary's role in promoting good governance. These decisions demonstrate the judiciary's proactive approach in ensuring that public officials are held accountable and that

³² AIR 1998 SC 889

³³ (2014) 9 SCC 516

³⁴ AIR 2017 SC 2567

³⁵ (2014) 5 SCR 249

corruption is tackled effectively, fostering a more transparent and accountable system of governance in India.

EMERGENT SOCIAL ISSUES

“Everyone has the right to self-identify and to live as their authentic selves.” -Laverne Cox

(Source: Speech at the University of Kentucky, October 20, 2015)

The Indian judiciary has played a significant role in addressing emergent social issues, often stepping in to fill legislative gaps and ensuring the protection of fundamental rights. These judicial interventions have been pivotal in shaping societal norms and bringing about social change. Several landmark cases highlight the judiciary’s proactive role in addressing pressing social issues and safeguarding human rights.

One such case is *Navtej Singh Johar v. Union of India*,³⁶ where the Supreme Court decriminalized homosexuality by reading down Section 377 of the Indian Penal Code. The judgment recognized the rights of LGBTQ+ individuals and upheld their dignity and freedom, marking a significant shift in India’s approach to sexual orientation and personal liberty.

In *Justice K.S. Puttaswamy (Retd.) v. Union of India*,³⁷ the Supreme Court affirmed the right to privacy as a fundamental right under the Constitution. This landmark judgment has had far-reaching implications, particularly in the context of data protection, surveillance, and personal autonomy, reinforcing the notion that privacy is intrinsic to individual liberty. *Joseph Shine v. Union of India*,³⁸ is another critical case where the Supreme Court struck down the colonial-era adultery law under Section 497 of the Indian Penal Code. The court held that the law was unconstitutional as it treated women as the property of their husbands and violated the principles of equality and dignity.

The *Common Cause (A Regd. Society) v. Union of India*³⁹ case addressed the issue of passive euthanasia. The Supreme Court recognized the right to die with dignity as a part of the right to life under Article 21 of the Constitution and allowed for the execution of living wills in cases of terminal illness. This judgment marked a progressive step towards recognizing individual autonomy in end-of-life decisions. In *Indian Young Lawyers Association v. State of Kerala*,⁴⁰

³⁶ (2018) 10 SCC 1

³⁷ (2017) 10 SCC 1

³⁸ (2019) 3 SCC 39

³⁹ (2018) 5 SCC 1

⁴⁰ (2019) 11 SCC 1

the Supreme Court ruled in favor of allowing women of all ages to enter the Sabarimala temple, challenging the age-old customs that restricted the entry of women of menstruating age. The judgment underscored the importance of gender equality and the right to freedom of religion.

These cases illustrate the judiciary's vital role in addressing emergent social issues, ensuring the protection of human rights, and promoting social justice. By interpreting the Constitution in a manner that reflects contemporary values, the judiciary has been instrumental in advancing social reforms and upholding the dignity of individuals in society.

CONCLUSION

“Justice is the anchor that steadies the ship of society amidst the turbulent seas of change”

- Vansh Saha, B.A.LL.B, Kumaon University.

In conclusion, the evolution of the judiciary in India has been characterized not only by its responsiveness to societal needs but also by its steadfast commitment to independence and accountability. The concept of an independent judiciary, enshrined in the Constitution (in Art 50, 124, 217, read with Art 211, 121, 142) serves as the cornerstone of a democratic society, ensuring impartiality and upholding the rule of law. Through landmark judgments and progressive reforms, the judiciary has consistently demonstrated its role as a guardian of constitutional rights and freedoms, thereby fostering public trust and confidence.

Advocating for an independent judiciary is crucial, as it insulates judicial decision-making from undue influence and political pressures, thereby safeguarding justice from external biases. The extension of judicial restrictions and regulations has been pivotal in reinforcing this independence, allowing judges to adjudicate cases impartially and without fear of reprisal. Such measures not only enhance the credibility of judicial institutions but also empower them to uphold constitutional values with integrity and fairness.

Moreover, these restrictions have promoted the public good by ensuring that judicial appointments are based on merit and competence rather than political considerations. This has strengthened the judiciary's ability to deliver justice effectively and efficiently, thereby enhancing access to legal remedies for all citizens, regardless of their social or economic status.

In parallel, the judiciary's proactive stance on issues ranging from environmental protection to electoral reforms underscores its role in advancing the public interest. By engaging with complex social and legal challenges through Public Interest Litigations (PILs) and other

mechanisms, the judiciary has catalyzed positive change and contributed significantly to the evolution of India's legal landscape.

As we reflect on these advancements, it becomes evident that the judiciary's independence and commitment to justice are indispensable pillars of a thriving democracy. Moving forward, continued efforts to bolster judicial autonomy and strengthen institutional frameworks will be essential in sustaining public confidence and upholding the principles of justice, liberty, equality, and fraternity for generations to come. The constitutional conventions and constitutional values subjected to change, in other words it can be said that it keeps on molding into different forms via different instrumentalities, with this regard the evolution of judiciary becomes more and more prominent.