
THE COURTS IN TRANSITION: A HISTORICAL EVOLUTION OF INDIA'S JUDICIAL FRAMEWORK

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ABSTRACT

The judicial system plays a vital role in maintaining justice, social order, and the rule of law in any society. In India, the structure and functioning of the judiciary have evolved through several historical phases, influenced by cultural, political, and administrative changes over time. This paper examines the development of the judicial system in India from ancient times to the present constitutional framework. It traces the early forms of dispute resolution and judicial administration that existed during the ancient and medieval periods, where religious texts, customs, and royal authority played an important role in the delivery of justice. The study further explores the significant transformation that occurred during the British colonial period, which introduced formal courts, codified laws, and modern legal procedures. After independence, India adopted a constitutional system that established an independent judiciary with clearly defined powers and responsibilities. By analyzing these historical stages, the paper highlights how the present judicial structure is the result of gradual institutional and legal development. The study aims to provide a better understanding of how historical influences have shaped the modern Indian judiciary and its role in safeguarding justice and constitutional values.

Keywords: Evolution, Judicial Framework, Dharma, East India Company, Constitution.

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Introduction

India has long been recognized for its rich cultural diversity and the coexistence of multiple religions, traditions, and social practices. This diversity has historically influenced the development of laws and systems of justice in the country. In the early periods of Indian society, legal principles were not created by a single authority but evolved gradually from customs, traditions, and religious teachings followed by different communities. These customs eventually shaped the foundations of early legal systems. Ancient Indian texts such as the Vedas, the Smritis, and various Dharmashastras played an important role in guiding social conduct and resolving disputes. Along with these texts, Achara, or customary practices followed by communities, served as an important source of law.³

During the period of monarchical rule, the administration of justice was closely connected with the authority of the king. Kings were considered the ultimate guardians of justice and were responsible for maintaining order within their kingdoms. Legal guidance for rulers and judges was derived from important scholarly works such as Kautilya's Arthashastra, Manu's Manusmriti, Brihaspati Smriti, and other Dharmashastra texts.⁴ These works discussed principles of governance, legal procedures, punishment, and dispute resolution. The judicial structure during this period often followed a hierarchical arrangement, beginning with family or community-level dispute resolution mechanisms and extending to assemblies or courts presided over by the king, often referred to as the Sabha. This system combined moral, religious, and customary principles in the administration of justice. The evolution of the Indian judicial system took a significant turn during the period of colonial rule. The British arrived in India as traders through the East India Company during the Mughal era and initially established trading centers, or "factories," in places such as Surat, Bombay, and Madras.⁵ Over time, the company expanded its influence and gradually acquired political power, particularly after key events such as the Battle of Plassey and the Battle of Buxar. With the expansion of their control, the British introduced a number of legal and administrative reforms. Legislative measures and policies such as the Regulating Act and other administrative arrangements enabled them to govern territories using legal principles derived from English law.

To administer justice more formally, the British established several judicial institutions,

³ Robert Lingat, *The Classical Law of India* (Berkeley: University of California Press, 1973), chap. 1.

⁴ Kautilya, *Arthashastra*, trans. R. Shamasastri (Bangalore: Government Press, 1915), bk. 1.

⁵ Percival Spear, *The Oxford History of Modern India 1740–1947* (Oxford: Clarendon Press, 1965), chap. 1.

including Chaultry Courts, Mayor's Courts, and Admiralty Courts. Later, the establishment of High Courts in the presidency towns further strengthened the colonial judicial structure. These developments introduced codified laws, written procedures, and a more structured court system. While these reforms helped create a uniform and organized legal framework, they were often complex and unfamiliar to the local population, making the legal system difficult for ordinary people to understand and access.⁶ Despite these challenges, the colonial period laid much of the institutional foundation for the modern Indian judiciary. After India gained independence, the country adopted a written Constitution that established an independent judicial system and reaffirmed the rule of law. However, many institutional features introduced during the colonial era, including the hierarchical structure of courts, procedural rules, and several legal principles, continued to influence the functioning of the judiciary. As a result, the present judicial system in India reflects a long process of historical development shaped by ancient traditions, medieval influences, and colonial legal reforms.⁷ Understanding this evolution is essential for appreciating the structure and functioning of the modern Indian judiciary and its role in upholding justice, constitutional values, and the rule of law in contemporary India.

Ancient Judicial System

India's judicial traditions have deep historical roots that evolved alongside the development of its civilization. Early Indian societies maintained social order through customs, traditions, and collective decision-making rather than formal written codes. Even during the period of the Indus Valley Civilization, which flourished around 2500 BCE⁸, archaeological evidence suggests the existence of organized administrative practices and structured urban planning. Although historians have not discovered formal legal codes from this civilization, the presence of regulated city layouts, standardized weights, and organized civic management indicates that social life was governed by certain accepted rules and norms. The remarkable civic organization of the Indus cities suggests the existence of a regulated social order.⁹ Archaeological studies also indicate the presence of centralized authority and civic regulations that maintained discipline within urban settlements.¹⁰ Community customs and long-standing

⁶ Percival Spear, *The Oxford History of Modern India 1740–1947* (Oxford: Clarendon Press, 1965), chap. 4.

⁷ Upendra Baxi, *The Indian Supreme Court and Politics* (Lucknow: Eastern Book Company, 1980), chap. 1.

⁸ D. D. Kosambi, *The Culture and Civilization of Ancient India in Historical Outline* (London: Routledge & Kegan Paul, 1965), chap. 3.

⁹ R. C. Majumdar, *Ancient India, 1977* (Motilal Banarsidass Publishers)

¹⁰ Mortimer Wheeler, *The Indus Civilization, 1968* (Cambridge University Press).

social traditions also played an important role in resolving disputes and maintaining harmony within early settlements.¹¹

With the emergence of Vedic society, institutions of governance and justice became more visible and structured. Early Vedic communities developed assemblies such as the **Sabha** and **Samiti**, which participated in decision-making and public affairs. The Sabha was generally composed of respected elders and experienced members of the community who deliberated on matters concerning administration and justice. The Samiti functioned as a larger gathering representing the community and sometimes participated in selecting or approving the ruler known as the *Rajan*. The Sabha functioned as a council of elders advising the ruler and assisting in important judicial and administrative decisions.¹² These assemblies also helped maintain social balance and ensured that rulers did not exercise authority arbitrarily.¹³ Early Vedic literature also indicates that the king's authority was not absolute and that community institutions played an important role in governance and justice.¹⁴ The concept of *Dharma* formed the philosophical foundation of law and justice in ancient India. Dharma represented a system of moral duty, righteousness, and ethical order that governed the conduct of individuals as well as rulers.¹⁵ Ancient texts such as the *Rigveda*, *Samaveda*, *Yajurveda*, and *Atharvaveda* provided religious and moral guidelines that influenced social behavior and legal principles. Later legal texts known as *Dharmashastras* elaborated on these principles and described the duties of rulers, judges, and citizens. Dharma in ancient India functioned as a comprehensive concept covering law, morality, and social duty.¹⁶ The ruler was expected to uphold Dharma while administering justice and protecting the welfare of his subjects. The legitimacy of a king was closely connected with his ability to maintain justice and social order within the kingdom.¹⁷

During the monarchical period, the king occupied a central role in the administration of justice. He was regarded as the guardian of law and order and was responsible for protecting the rights and welfare of the community. However, the king did not exercise judicial authority alone; he was assisted by ministers, scholars, and learned advisers who possessed knowledge of sacred and legal texts. Important treatises written by scholars such as Manu, Kautilya (Chanakya), and

¹¹ Romila Thapar, *Early India: From the Origins to AD 1300*, 2002 (University of California Press).

¹² A. S. Altekar, *State and Government in Ancient India*, 2002 (Motilal Banarsidass Publishers).

¹³ D. D. Kosambi, *An Introduction to the Study of Indian History*, 1956 (Popular Prakashan).

¹⁴ R. S. Sharma, *India's Ancient Past*, 2005 (Oxford University Press).

¹⁵ P. V. Kane, *History of Dharmasastra*, vol. 1 (Poona: Bhandarkar Oriental Research Institute, 1930), chap. 2.

¹⁶ P. V. Kane, *History of Dharmasastra*, 1930 (Bhandarkar Oriental Research Institute).

¹⁷ S. N. Sen, *Ancient Indian History and Civilization*, 1999 (New Age International Publishers).

Brihaspati provided detailed guidance on governance and legal procedures. Ancient legal traditions emphasized that rulers should administer justice with fairness and impartiality.¹⁸

The Manusmriti, often referred to as the Laws of Manu, laid down rules relating to social conduct, duties, and punishments for various offences. The authority of ancient Indian law was closely connected with religious and moral traditions reflected in the Dharmashastra literature.¹⁹ The text also discussed judicial procedures, the responsibilities of judges, and different categories of disputes that could arise within society.²⁰

Another important work, the Arthashastra attributed to Kautilya (Chanakya), provided a detailed account of governance, statecraft, and judicial administration. It described the responsibilities of the king, procedures for conducting trials, and rules regarding evidence and punishment. Kautilya emphasized that “the king shall decide cases according to sacred law, evidence, custom, and royal edicts.”²¹ The Arthashastra also reflects a highly developed understanding of administration and legal regulation in ancient India.²² It further emphasized that impartial justice was essential for maintaining social order and political stability.²³ The Brihaspati Smriti also played a significant role in shaping judicial procedures. This text dealt extensively with civil disputes, contracts, and commercial matters, indicating that economic activities were regulated through recognized legal norms. These legal texts demonstrate that ancient Indian society possessed a structured system of legal rules and judicial institutions.²⁴

Ancient India also developed a hierarchical structure of courts for resolving disputes at different levels of society. At the lowest level, disputes within families were resolved by family councils (Kula), which attempted to settle issues through mediation and consensus. Professional or trade disputes were handled by Shreni, which were guild-like associations of merchants and artisans. Village assemblies known as Gana dealt with local conflicts affecting members of the community. Above these institutions were courts presided over by judges appointed by the king, often referred to as Adhikritas. The Adhyaksha, or chief judicial authority, supervised the functioning of courts and ensured that decisions were made according to established principles. Ultimately, the king (Nripa) acted as the highest court of appeal. The

¹⁸ K. P. Jayaswal, *Hindu Polity: A Constitutional History of India in Hindu Times*, 1924 (Butterworth & Co.).

¹⁹ Robert Lingat, *The Classical Law of India*, 1973 (University of California Press).

²⁰ Donald R. Davis Jr., *The Spirit of Hindu Law*, 2010 (Cambridge University Press).

²¹ Kautilya, *Arthashastra*, trans. R. Shamasastry, 1915 (Mysore Government Press).

²² L. N. Rangarajan, *Kautilya: The Arthashastra*, 1992 (Penguin Books).

²³ U. N. Ghoshal, *A History of Indian Political Ideas*, 1959 (Oxford University Press).

²⁴ M. P. Jain, *Outlines of Indian Legal History*, 2014 (LexisNexis).

king was regarded as the fountain of justice, although judicial functions were often carried out by appointed judges.²⁵

The administration of justice in ancient India therefore involved a combination of royal authority and community participation. Local institutions played an important role in settling disputes quickly and maintaining social harmony. This decentralized structure allowed communities to resolve many conflicts internally before approaching higher authorities.²⁶ Village assemblies and guild institutions often acted as effective mechanisms for dispute resolution in everyday social and economic matters.²⁷ The judicial system underwent further transformation during the medieval period, particularly with the establishment of the Mughal Empire in 1526. During this period, Islamic legal principles influenced the administration of justice in many parts of the subcontinent. Courts were presided over by judicial officers known as **Qazis**, who interpreted and applied *Sharia* (Islamic law) in legal matters. The Qazi conducted trials, examined evidence, and delivered judgments in accordance with Islamic jurisprudence. The Mughal judicial structure combined Islamic legal principles with administrative practices adapted to the diverse social conditions of India.²⁸

Despite the introduction of Islamic law, Mughal rulers often allowed local communities to follow their own customs and traditions in personal matters. In many regions, Hindu customary laws continued to govern issues such as marriage, inheritance, and family disputes. This coexistence of different legal traditions reflected the pluralistic nature of Indian society. The Mughal legal system therefore represented a blend of Islamic jurisprudence and indigenous customs.²⁹

Overall, the judicial institutions of ancient and medieval India were deeply influenced by moral principles, social customs, and religious traditions. Although the king was regarded as the highest authority in the administration of justice, the system relied heavily on community institutions and local dispute-resolution mechanisms. The judicial system before colonial rule remained largely decentralized and closely connected with social institutions and customary practices. These early practices later influenced the development of formal judicial institutions

²⁵ U. N. Ghoshal, *A History of Indian Political Ideas*, 1959 (Oxford University Press).

²⁶ Upendra Baxi, *The Indian Supreme Court and Politics*, 1980 (Eastern Book Company).

²⁷ B. H. Baden-Powell, *The Indian Village Community*, 1896 (Longmans, Green & Co.).

²⁸ Satish Chandra, *Medieval India: From Sultanat to the Mughals*, 2005 (Har-Anand Publications).

²⁹ S. R. Sharma, *Mughal Government and Administration*, 1951 (Atlantic Publishers).

in India.

Judicial Evolution during Colonial Rule

The judicial system in India underwent a profound transformation during the period of British rule. When the English East India Company first arrived in India in the early seventeenth century, it came primarily as a trading organization rather than a political authority. Over time, however, the Company gradually acquired territorial control and administrative responsibilities. As commercial settlements expanded and interactions between Europeans and Indians increased, disputes relating to trade, property, and governance became more frequent. These developments created an urgent need for structured institutions capable of administering justice.

The British therefore began to establish a variety of courts in their settlements. These institutions evolved gradually over nearly two and a half centuries and reflected changing political realities as well as administrative experimentation. Early courts were informal bodies managed by Company officials, but later reforms introduced professional judges, codified laws, and hierarchical court structures. Historians of Indian legal institutions have often noted that this process represented not merely the imposition of English law but also an attempt to adapt British legal principles to the social and cultural context of India.³⁰

Early Company Courts

During the early decades of British settlement in India, the administration of justice remained closely connected to the commercial structure of the East India Company. Within the Company's factories and settlements, the Governor and his Council exercised both executive and judicial authority. They heard disputes involving Company employees, merchants, sailors, and other individuals associated with trade. These early courts did not follow a rigid legal procedure, and decisions were often influenced by commercial practices and pragmatic considerations.

In many instances, these courts applied elements of English common law alongside Company regulations, although they lacked trained legal personnel. The early judicial arrangements of the Company were largely experimental and were primarily designed to maintain discipline

³⁰ M.P. Jain, *Outlines of Indian Legal History* 3 (LexisNexis 2014).

among Company servants and regulate commercial relationships.³¹ The jurisdiction of these courts was largely limited to Europeans and individuals connected with Company trade. The Indian population generally remained subject to the existing judicial system that had developed under the Mughal Empire, where *qazis* and other officials administered justice according to Islamic law and local customs.³² This coexistence of different legal authorities created a dual system that continued to influence colonial judicial administration for many years.

Among the earliest formal judicial institutions established by the British in India were the Choultry Courts in Madras. These courts were designed primarily to deal with disputes among the local Indian inhabitants of the settlement. The Choultry Court was presided over by an Indian officer known as the Adigar, who was assisted by other local officials responsible for enforcing the decisions of the court. The jurisdiction of the Choultry Court extended to petty criminal offences, minor property disputes, and issues relating to community interactions within the settlement. Although the court operated under the supervision of the British administration, it relied heavily on local customs and traditional legal practices. These courts reflected the early colonial policy of allowing indigenous legal traditions to continue while gradually introducing British administrative oversight.³³ Serious criminal cases and more significant civil disputes were not handled by the Choultry Court but were referred to higher authorities such as the Governor and Council. As the British settlements expanded and commercial activities increased, the limited jurisdiction of the Choultry Court became insufficient for managing the growing number of legal disputes.

The importance of maritime trade for the East India Company led to the establishment of Admiralty Courts in the Presidency towns. These courts were created to deal specifically with maritime disputes, including shipping contracts, maritime insurance, piracy, and offences committed at sea. The Admiralty Court established at Madras in the late seventeenth century was presided over by a Judge of Admiralty, who was usually appointed with the approval of the Crown. The court exercised jurisdiction over disputes involving merchants and shipowners engaged in maritime commerce. Because maritime trade connected India with Europe and other parts of Asia, the court frequently dealt with cases involving foreign merchants and sailors. The Admiralty Courts played a crucial role in maintaining order in the maritime trading

³¹ B.B. Misra, *The Judicial Administration of the East India Company in Bengal* 18 (Oxford Univ. Press 1961).

³² J. Duncan M. Derrett, *Religion, Law and the State in India* 25 (Oxford Univ. Press 1999)

³³ M.P. Jain, *Outlines of Indian Legal History* 12 (LexisNexis 2014).

networks that formed the backbone of the Company's commercial empire.³⁴ The legal principles applied in these courts were largely derived from English admiralty law, although practical considerations often required adaptation to the local commercial environment.

A major institutional development occurred with the Royal Charter of 1726, which established Mayor's Courts in the Presidency towns of Madras, Bombay, and Calcutta. These courts were intended to create a more structured judicial framework within the Company's settlements and to align colonial justice with English municipal legal traditions. Every Mayor's Court consisted of one Mayor and nine Aldermen, most of whom were European merchants residing in the settlement. Mayor served as the head of the court and presided over judicial proceedings, while the Aldermen collectively acted as judges responsible for hearing civil disputes. The court exercised jurisdiction primarily over civil matters, including disputes relating to property, contracts, debts, and commercial transactions.³⁵ Although the Mayor's Courts represented an important step toward institutionalized justice, their effectiveness was limited by the fact that their members were not professional legal experts. J. Duncan Derrett has noted that these courts functioned as much as municipal institutions as judicial bodies, reflecting the hybrid character of early colonial governance.³⁶ Appeals from the Mayor's Courts could be taken to the Governor and Council and ultimately to the King in Council in England, thereby connecting colonial legal institutions with the British imperial judicial system.

During the late eighteenth century, concerns about the competence and impartiality of the Mayor's Courts led to further judicial reforms. The British administration established Recorder's Courts in Madras and Bombay in the 1790s in order to introduce trained legal professionals into the colonial judiciary these courts were presided over by a Recorder, who was a legally trained judge appointed by the Crown. The Recorder exercised both civil and criminal jurisdiction and ensured that legal proceedings followed established procedures derived from English law. The establishment of Recorder's Courts represented an important transition from merchant-dominated courts to a professional judiciary in colonial India.³⁷ Although Recorder's Courts improved the quality of judicial administration, their jurisdiction remained geographically limited and did not fully resolve conflicts between judicial and

³⁴ John F. Riddick, *The History of British India: A Chronology* 49 (Greenwood Press 2006).

³⁵ M.P. Jain, *Outlines of Indian Legal History* 20 (LexisNexis 2014).

³⁶ J. Duncan M. Derrett, *Religion, Law and the State in India* 102 (Oxford Univ. Press 1999).

³⁷ H.M. Seervai, *Constitutional Law of India* 14 (Universal Law Publishing 2008).

executive authorities within the colonial administration.

Supreme Courts

A significant transformation in the colonial judicial system occurred with the establishment of the Supreme Court at Calcutta in 1774 under the Regulating Act of 1773. The court consisted of a Chief Justice and three Puisne Judges, all appointed by the British Crown and trained in English law.

The Supreme Court possessed extensive jurisdiction over civil, criminal, admiralty, and ecclesiastical matters within the Presidency town. It also had authority to issue writs and supervise certain lower courts. However, the attempt to apply English legal principles within the Indian context created numerous conflicts. Scholars have observed that the judges of the Supreme Court often interpreted their powers broadly, leading to disputes with the administrative authorities of the East India Company.³⁸ Similar Supreme Courts were later established in Madras in 1801 and Bombay in 1823, thereby extending the British judicial framework across the Presidency towns.

While the Supreme Courts functioned in urban centers, the British administration developed a separate judicial hierarchy for the Company's territorial possessions. The highest civil court in this system was the Sadar Diwani Adalat, which functioned as the principal appellate court for civil disputes arising from district courts these court initially operated under the supervision of the Governor-General and members of the Council, although professional judges were later appointed to handle the growing number of appeals. In cases involving personal laws, the court relied on the expertise of Hindu pandits and Muslim qazis to interpret religious legal texts. This practice reflected the colonial policy of administering personal law according to the religious traditions of different communities.³⁹ Parallel to the Sadar Diwani Adalat was the Sadar Nizamat Adalat, which served as the highest criminal court within the Company's territories.⁴⁰ Although nominally presided over by the Nawab of Bengal, effective control gradually passed to British officials, who supervised the administration of criminal justice across the provinces.

The judicial system underwent major reorganization under Lord Cornwallis, whose reforms in

³⁸ B.B. Misra, *Judicial Administration in India* 71 (Oxford Univ. Press 1961).

³⁹ Marc Galanter & Jayanth K. Krishnan, *Bread for the Poor: Access to Justice in India*, 55 *Hastings L.J.* 789 (2004).

⁴⁰ N. V. Paranjape, *Legal History of India* (Allahabad: Central Law Agency, 2011), chap. 6.

the late eighteenth century sought to create a more systematic and impartial system of justice. One of the most significant features of these reforms was the separation of judicial functions from revenue administration, which had previously been exercised by the same officials.⁴¹ Cornwallis also introduced a hierarchical network of district courts, provincial **courts**, and appellate courts, thereby creating a more structured judicial system across British territories. B.B. Misra emphasizes that these reforms represented a major step toward institutionalizing the colonial judiciary and reducing arbitrary administrative power.⁴²

Codification of Laws

During the nineteenth century, the British administration undertook an ambitious project to codify Indian laws. The work of the Law Commission headed by Thomas Babington Macaulay resulted in the drafting of several major legal codes. Among the most important of these was the Indian Penal Code of 1860, which introduced a comprehensive system of criminal law applicable throughout British India. The process of codification simplified legal procedures and created greater consistency in the application of law. Historians of colonial law have noted that codification also served the administrative needs of the colonial state by creating clear and predictable legal rules.⁴³ The final stage in the evolution of the colonial judicial system came with the enactment of the Indian High Courts Act of 1861, which abolished the earlier Supreme Courts and Sadar Adalats and replaced them with unified High Courts in the Presidency towns. Each High Court consisted of a Chief Justice and several Puisne Judges, including both British and Indian members. These courts exercised original, appellate, civil, and criminal jurisdiction and supervised subordinate courts across the provinces. The creation of the High Courts represented the culmination of nearly two centuries of judicial evolution under British rule.⁴⁴

Evolution of the Judicial System in Post-Independent India

India attained independence from British rule in 1947, marking the beginning of a new constitutional and legal order. One of the most significant institutional transformations that followed independence was the restructuring of the judicial system. During the colonial period, courts functioned within a framework primarily designed to serve administrative and commercial interests of the British government. Although the British introduced codified laws,

⁴¹ N. V. Paranjape, *Legal History of India* (Allahabad: Central Law Agency, 2011), chap. 7.

⁴² B.B. Misra, *The Judicial Administration of the East India Company in Bengal* 112 (Oxford Univ. Press 1961).

⁴³ Upendra Baxi, *The Indian Supreme Court and Politics* 18 (Eastern Book Co. 1980).

⁴⁴ M.P. Jain, *Outlines of Indian Legal History* 105 (LexisNexis 2014)

legal procedures, and a hierarchical system of courts, these institutions were not fully aligned with democratic ideals or the protection of civil liberties. After independence, the task before Indian leaders was to transform this inherited legal framework into a judicial system capable of safeguarding constitutional governance, protecting fundamental rights, and maintaining the rule of law in a democratic society.⁴⁵

The development of the judicial system in independent India cannot be understood without briefly examining certain constitutional developments that occurred during the late colonial period. One such important development was the appointment of the Simon Commission by the British government in 1927. The commission was tasked with reviewing the working of the constitutional reforms introduced by the Government of India Act, 1919 and recommending further constitutional changes. However, the commission became highly controversial because it did not include any Indian members. This exclusion led to widespread protests throughout India, with political leaders and citizens demanding greater participation in constitutional decision-making.⁴⁶

Despite the opposition it faced, the discussions surrounding the Simon Commission eventually contributed to the enactment of the Government of India Act, 1935, which represented the most comprehensive constitutional reform introduced by the British in India. The Act established a federal framework and expanded provincial autonomy. Most importantly, it created the **Federal Court of India** in 1937 to adjudicate disputes between provinces and the central government and to interpret constitutional provisions.⁴⁷ Although appeals from this court could still be made to the **Judicial Committee of the Privy Council**, the establishment of the Federal Court laid the institutional foundation for the judicial system that would later evolve in independent India.⁴⁸

Following independence in 1947, India temporarily continued to operate under the provisions of the Government of India Act, 1935 until a new constitution could be drafted. The responsibility for drafting the Constitution of India was entrusted to the Constituent Assembly, which established a Drafting Committee chaired by B. R. Ambedkar. Ambedkar played a crucial role in shaping the constitutional framework and strongly emphasized the importance

⁴⁵ Granville Austin, *The Indian Constitution: Cornerstone of a Nation*.

⁴⁶ B. Shiva Rao, *The Framing of India's Constitution*.

⁴⁷ Government of India Act, 1935.

⁴⁸ H.M. Seervai, *Constitutional Law of India*.

of an independent judiciary as a safeguard against misuse of state power. The drafting process involved extensive deliberations and consultations and ultimately took two years, eleven months, and eighteen days to complete.⁴⁹

The Constitution of India came into force on *26 January 1950*, marking the formal beginning of India's constitutional democracy. On the same day, the Supreme Court of India was inaugurated, replacing both the Federal Court and the Privy Council as the highest judicial authority in the country.⁵⁰ This transition represented the final step in establishing India's judicial sovereignty and independence. The Constitution of India is often regarded as one of the most comprehensive constitutions in the world. It contains a Preamble, numerous Articles, and multiple Schedules outlining the powers and responsibilities of the state. The Constitution declares India to be a sovereign, socialist, secular, and democratic republic committed to ensuring justice, liberty, equality, and fraternity for all citizens.⁵¹ It also incorporates Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties, which together form the philosophical and legal foundation of the Indian state.⁵²

The framers of the Constitution adopted several constitutional principles from other democratic systems around the world. For example, the concept of judicial review was influenced by the United States Constitution, while the parliamentary system was inspired by the British model.⁵³ Despite these borrowings, certain traditional legal practices, particularly in the sphere of personal law, continued to operate. Laws governing marriage, inheritance, and family relations remain influenced by religious traditions such as Hindu law and Muslim personal law, reflecting the pluralistic nature of Indian society.⁵⁴ The constitutional provisions relating to the judiciary are primarily contained in Part V and Part VI of the Constitution, which deal with the Union judiciary and the state judiciary respectively. These provisions establish a three-tier judicial structure consisting of the Supreme Court at the national level, High Courts at the state level, and subordinate courts at the district and local levels.⁵⁵ This hierarchical structure ensures uniform interpretation of laws while also providing access to justice across different regions of the country.

⁴⁹ Constituent Assembly Debates, Vol. VII.

⁵⁰ M.P. Jain, *Indian Constitutional Law*.

⁵¹ Constitution of India, Article 124.

⁵² Preamble to the Constitution of India.

⁵³ Constitution of India, Parts III, IV and IVA.

⁵⁴ V.N. Shukla, *Constitution of India*.

⁵⁵ Paras Diwan, *Family Law in India*.

The Supreme Court functions as the highest court of appeal and exercises extensive powers, including original jurisdiction in disputes between the Union and states, appellate jurisdiction over High Court judgments, and advisory jurisdiction under Article 143. It also possesses the authority to enforce fundamental rights through writ jurisdiction under Article 32. Dr. Ambedkar famously described this provision as the “heart and soul” of the Constitution because it allows citizens to directly approach the Supreme Court when their fundamental rights are violated.⁵⁶ Another important principle governing the Indian judicial system is the doctrine of stare decisis, reflected in Article 141 of the Constitution, which states that the law declared by the Supreme Court shall be binding on all courts within the territory of India.⁵⁷ This doctrine ensures consistency and uniformity in judicial decisions and strengthens the authority of the Supreme Court as the final interpreter of the Constitution.

Over the decades following independence, the judiciary has played a crucial role in shaping constitutional governance in India. One of the most significant milestones in this evolution was the landmark case *Kesavananda Bharati v. State of Kerala*, in which the Supreme Court introduced the *Basic Structure Doctrine*.⁵⁸ According to this doctrine, although Parliament has the power to amend the Constitution, it cannot alter its fundamental structure. Features such as democracy, federalism, secularism, and judicial review are considered part of the basic structure and cannot be destroyed through constitutional amendments.⁵⁹ The judiciary’s role was further tested during the period of the *Indian Emergency*, when civil liberties were severely restricted. The controversial judgment in *ADM Jabalpur v. Shivkant Shukla* held that citizens could not seek enforcement of fundamental rights during the Emergency.⁶⁰ Although this decision was widely criticized, subsequent judgments reaffirmed the importance of fundamental rights and judicial independence.

A transformative shift occurred with the decision in *Maneka Gandhi v. Union of India*, where the Supreme Court expanded the scope of Article 21 by holding that the right to life and personal liberty includes the right to live with dignity and must be protected through fair, just, and reasonable procedures.⁶¹

⁵⁶ Constitution of India, Articles 124–237.

⁵⁷ Constituent Assembly Debates on Article 32.

⁵⁸ Constitution of India, Article 141.

⁵⁹ AIR 1973 SC 1461.

⁶⁰ H.M. Seervai, Constitutional Law of India.

⁶¹ AIR 1976 SC 1207.

The evolution of the judiciary also witnessed the emergence of Public Interest Litigation (**PIL**), which allowed individuals and organizations to approach the courts on behalf of marginalized communities. Through PIL, the judiciary addressed issues such as environmental protection, prison reforms, labour rights, and gender equality.⁶² One notable example is *Vishaka v. State of Rajasthan*, in which the Court issued guidelines to prevent sexual harassment in workplaces.⁶³ Another major development in the evolution of the judiciary concerns the method of appointing judges. Through a series of decisions known as the Three Judges Cases, the Supreme Court established the Collegium System, which gave senior judges a decisive role in recommending appointments to the higher judiciary.⁶⁴ This system was intended to safeguard judicial independence from executive interference.

In recent years, debates surrounding judicial appointments continued when Parliament introduced the National Judicial Appointments Commission through the 99th Constitutional Amendment. However, in *Supreme Court Advocates-on-Record Association v. Union of India*, the Supreme Court struck down the amendment on the ground that it violated the basic structure of the Constitution.⁶⁵ The judiciary has also addressed emerging constitutional issues in the modern era. In *Justice K. S. Puttaswamy v. Union of India*, the Supreme Court recognized the right to privacy as a fundamental right, thereby expanding the scope of constitutional protections in the digital age.⁶⁶

Technological developments have also influenced the functioning of the judiciary. Initiatives such as the e-Courts Mission Mode Project, virtual hearings, and digital filing systems have modernized judicial processes and improved access to justice. Legal research platforms such as SCC Online have further enhanced transparency and accessibility of judicial decisions.⁶⁷

In addition, alternative dispute resolution mechanisms such as mediation, arbitration, and negotiation have gained increasing importance. These mechanisms help resolve disputes outside traditional courtrooms, thereby reducing the burden on courts and ensuring quicker settlement of conflicts.⁶⁸ Alternative Dispute Resolution (ADR) refers to methods of resolving disputes outside the traditional court system through non-adversarial techniques such as

⁶² AIR 1978 SC 597

⁶³ S.P. Sathe, *Judicial Activism in India*

⁶⁴ AIR 1997 SC 3011.

⁶⁵ *Supreme Court Advocates-on-Record Association v. Union of India* (1993)

⁶⁶ *Supreme Court Advocates-on-Record Association v. Union of India* (2015).

⁶⁷ (2017) 10 SCC 1.

⁶⁸ (2017) 10 SCC 1. Arbitration and Conciliation Act, 1996

negotiation, mediation, conciliation, and arbitration. The concept of ADR in India has deep historical roots and existed long before the establishment of the modern judicial system during the British colonial period. In ancient India, disputes were commonly resolved through community-based institutions such as *Kula* (family or community groups), *Shreni* (guilds of traders and artisans), and *Puga* (associations of merchants). Village Panchayats also functioned as local people's courts where elders mediated disputes and encouraged amicable settlements, emphasizing compromise and social harmony rather than adversarial litigation.⁶⁹

With the introduction of the formal court system during British rule, litigation became the primary method of dispute resolution. However, the growing number of cases, shortage of judges, increasing litigation costs, and long delays in court proceedings highlighted the need for alternative mechanisms. Consequently, ADR was formally recognized within the modern legal framework. Courts are empowered to refer disputes to ADR mechanisms under Section 89 of the Code of Civil Procedure, 1908, which provides for arbitration, conciliation, mediation, and judicial settlement including Lok Adalat as means to promote amicable settlements and reduce the burden on courts.⁷⁰

Today, ADR has evolved into an important component of the Indian justice delivery system. It offers a faster, less expensive, and more flexible method of resolving disputes compared to traditional litigation. ADR processes are generally informal, allow parties to choose convenient procedures and experts, and encourage active participation in reaching mutually acceptable solutions. As a result, ADR has become an effective mechanism for reducing court backlogs and strengthening public confidence in the justice system.⁷¹

Despite these developments, the Indian judicial system continues to face several challenges, including a significant backlog of pending cases, delays in judicial appointments, and inadequate infrastructure in lower courts. Nevertheless, the judiciary remains a central pillar of Indian democracy and continues to play a vital role in safeguarding constitutional values and ensuring accountability in governance.

Therefore, the evolution of the judicial system in post-independent India reflects a continuous process of adaptation and reform. From its colonial foundations and constitutional origins to

⁶⁹Central Board of Secondary Education, Legal Studies for Class XII 35 (2d ed., CBSE 2023).

⁷⁰N. V. Paranjape, Legal History of India (Allahabad: Central Law Agency, 2011), chap. 12.

⁷¹C. K. Takwani, Civil Procedure (Lucknow: Eastern Book Company, 2017), chap. 8.

its present role as a powerful guardian of rights and liberties, the Indian judiciary has undergone profound transformation. While challenges remain, the judiciary continues to uphold the rule of law and maintain the delicate balance between state authority and individual freedom in the world's largest democracy.

Conclusion

In conclusion, the evolution of the judicial system in India reflects a continuous process of development shaped by historical experiences, social changes, and constitutional ideals. Over time, the system has gradually transformed from traditional and informal mechanisms of dispute resolution into a structured and independent institution committed to the administration of justice. This transformation highlights the adaptability of the legal system in responding to the changing needs of society while preserving the fundamental principles of fairness and rule of law.

Today, the judiciary stands as a crucial pillar of democratic governance, entrusted with the responsibility of protecting rights, maintaining legal order, and ensuring accountability. Although challenges such as delays and increasing caseloads continue to exist, the system has consistently evolved through reforms and institutional improvements. The historical journey of the Indian judiciary therefore demonstrates not only institutional growth but also the enduring commitment to justice, equality, and constitutional governance.