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## A JURIST OF LIBERTY, DIGNITY, AND RIGHTS

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### INTRODUCTION<sup>1</sup>

Justice Yeshwant Vishnu Chandrachud was a jurist and the epitome of intellectual brilliance and adherence to constitutional ideological principles. He was born on 12 July 1920, in Pune, and served as one of the most influential Chief Justices in the history of India, holding the longest tenure of Chief Justice in independent India or the whole world between 22 February 1978 and 11 July 1985. He was a contemporary of a period of turbulence, as the courts were only getting their feet above the ground since the Emergency, and were obliged at once to make a tentative step, and an aggressive assertion of constitutional authority. Chandrachud attended the Elphinstone College, ILS Law College, Pune and began his legal practice in Bombay and became a Supreme Court Judge in 1972. The art with which his career was characterized was that of maintaining the independence of the judiciary in a system of political manipulation, the revival of the judiciary as the guarantee of the rule of the constitution.

Chandrachud not only decided in one of the earliest contested cases (the case of ADM Jabalpur, to which he appealed his arguments about the suspension of habeas corpus during the Emergency) but also, in subsequent decisions, restored the constitutional values and independence of the judiciary. The case of Minerva Mills made the point of the importance of the constitutional form of fundamentalism concrete and reaffirmed the need to constrain the Parliamentary power by the democratic factors necessary. His ruling in the Shah Bano case was equally very relevant on the ground that it put constitutional gender justice in outright clash with basic religious personal laws. Justice Chandrachud, on his part, showed the orthodoxy and audacity in a rare combination—the deep knowledge of the law tradition and a pioneering step towards liberal constitutionalism. The other notable contribution of his rule was to restore the Supreme Court to the role of the protector of the constitution of a country, through which the creation of an efficient judiciary, founded on the principles of justice, equality, and the rule of law, has been achieved.

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<sup>1</sup> Justice Y.V. Chandrachud – Supreme Court of India, Supreme Court of India, <https://www.sci.gov.in/judge/justice-y-v-chandrachud> (last visited 4 September 2025)

## KEY JUDGMENTS

Justice Y.V. Chandrachud is among the most influential Indian Chief Justices whose jurisprudence brought about substantial reserves of Indian constitutional law and civil rights. Some of the greatest verdicts of his tenure include ADM Jabalpur (Habeas Corpus), the Minerva Mills case, Shah Bano, and the Olga Tellis case. Each of these judgments has a distinctive set of legal arguments forming the basis of simple jurisprudential issues and has a significant impact on Indian society and jurisprudence in a wider context.

### 1. *ADM Jabalpur v. Shivkant Shukla (1976)*<sup>2</sup>

The ADM Jabalpur v. Shivkant Shukla case is a landmark sensitive decision in the Indian constitutional history. Not determined until 1976 under the Emergency declared by Prime Minister Indira Gandhi, it concerned the constitutionality of the non-trial detentions under the Maintenance of Internal Security Act (MISA), which was an act permitting indefeasible preventive detention with no judicial review. This suspension of their fundamental rights, in particular the right to life and personal liberty, ensured under Article 21 of the Constitution, was being challenged by the detainees. In a vote of 4:1 that saw Justice Y.V. Chandrachud vote with the government, the Supreme Court ruled in favor of the government. It believed that Article 21 and other basic rights were not applicable during a valid Emergency and no person was entitled to claim habeas corpus or judicial protection. Most interpreted it literally, and the power of the state and the security of the nation were considered more important than the freedoms of the individuals at such times. The ruling basically eliminated judicial screening of detentions and gave the executive full rein.

The famous dissent that was stated in the case was that life and liberty are natural rights that are not subject to abrogation in times of crisis, even in an Emergency. It was justified judicial review and habeas corpus as necessary to governmental checks and balances, to democratic stability, and the rule of law. This ruling had its own fair share of criticism and was condemned by legal scholars and civil society as an instance of judicial abdication and defaulting on constitutional values. One can say it was the darkest moment in the history of the Supreme Court. The Parliament retaliated by enacting the 44th Amendment in 1978 which expressly guaranteed a right to life and liberty without suspension in times of emergency. Subsequent cases such as the 2017 case of K.S. Puttaswamy privacy overturned

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<sup>2</sup> A.D.M. Jabalpur v. Shivkant Shukla, (1976) 2 S.C.C. 521

the ADM Jabalpur ruling in subsequent cases, most notably upholding the principle that fundamental rights could never be traded and that they always had protection in a court of law. It is in some sense of a tragedy that the authority of the executive is so unguaranteed and that the courts are so crucial to the safeguarding of civil liberties in a particular state.

## 2. *Minerva Mills Ltd. v. Union of India (1980)*<sup>3</sup>

Union of India v. Minerva Mills Ltd. case was a case law Supreme Court decision that put to the test the amount of power that Parliament could have to amend the Constitution, especially the broad provisions of the 42nd Amendment to the Constitution passed in the Emergency. The 42nd Amendment attempted to give the Parliament unlimited power to change the Constitution to the extent of having the ability to override fundamental rights and other constitutional checks aimed at containing legislative and executive power. The case was a result of nationalizing Minerva Mills, and then, there was an issue on the 42nd Amendment, which was challenged on some provisions of the amendments of the Parliament. The basic structure doctrine, which had been first established in the Kesavananda Bharati case, was reaffirmed by Justice Y.V. Chandrachud, who wrote the majority judgment. The Court stated that even though Parliament has the authority to make amendments to the Constitution under Article 368, it was not unconditional. It cannot be depowered or struck out by the amending power of parliament so as to change the very substance of the Constitution. The basic document has some basic principles, such as liberty, equality, secularism, judicial review, separation of powers, and democratic government, that cannot be altered even by a constitutional amendment.

The heart of the law issue was whether the Parliament, on its part, was entitled to make such amendments that would annihilate the balance between fundamental rights and State Principles of Directive that were provided in the Constitution, and hence the Parliament would have become sovereign over the Constitution itself. The Court decided that such moves would amount to a breach of constitutionalism and undermine democracy, which is the foundation of democracy.

The case influenced the Indian constitutional law so deeply, making the judiciary more efficient in its power to question the excesses of legislation and safeguard the basic rights. It strengthened the Constitution as a living law based on democratic principles which

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<sup>3</sup> *Minerva Mills Ltd. v. Union of India*, 1980 2 S.C.C. 591

protects against legislative extravagance or majoritarianism. This Minerva Mills case stands to be one of the cornerstone cases that affirmed the judiciary as the protector of the constitutional identity and restricted the amending powers of the Parliament to safeguard the soul of democracy.

### 3. *Mohd. Ahmed Khan v. Shah Bano Begum (1985)<sup>4</sup> – Women's Rights and Secular Law*

The Shah Bano case involved a 62-year-old Muslim woman, Shah Bano Begum, who was divorced in 1978 by her Muslim husband, Mohammed Ahmad Khan. She petitioned to receive maintenance under Section 125 of the Criminal Procedure Code (CrPC), a secular law that helps the needy members of the family regardless of their religious beliefs. Shah Bano demanded that her ex-husband pay her more than the time period of iddat that the Muslim personal law dictated. Another significant question of Indian law to be determined by this case was whether or not Indian law secular statutory protection of women cut across the board or whether or not Indian law is subordinate to personal family law, and thus the question that this case raised was of an even greater nature, how law, religion and women rights were to be related to one another.

The decision was unanimous in favor of Shah Bano in a Court of Justice consisting of a five-judge bench headed by Justice Y. V Chandrachud. The Court did find that Section 125 of the CrPC is applicable to all citizens regardless of religion, and that it is a legal duty of husbands to support their poor divorced wives. Justice Chandrachud emphasized the rule of law and secularism and felt that no statutory protection can be overridden and that the weak members of our society should not be persecuted on religious grounds, especially women. Section 125 had been seen by the Court as a deterrent against destitution and vagrancy and as an expediency in dealing with people who could not take care of themselves. The ruling stressed on equality and equity as far as religion was concerned.

Despite the above decision being lauded as gender justice and secularism is now a reality, many Muslim communities responded to the stipulated ruling with a lot of trepidation; the decision was perceived to have brought religion of the personal law of grouping among Muslims. In reaction to the scandal, in 1986 the Indian Parliament passed the Muslim Women (Protection of Rights on Divorce) Act which restricted the ability to receive maintenance to the iddat period and transferred the burden to family or religious

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<sup>4</sup> *Mohd. Ahmed Khan v. Shah Bano Begum, 1985 2 S.C.C. 556*

organizations. However, despite this watering down, Shah Bano continues to be a historic decision in favour of women rights and the pressing need to have a Uniform Civil Code, and the inapplicability of personal legislations to constitutional equality assurances.

#### 4. *Olga Tellis v. Bombay Municipal Corporation (1985)*<sup>5</sup>

A very significant constitutional question that was raised in the case was: did the right to life in Article 21 of the Indian Constitution extend to the right to livelihood? Justice Y.V. Chandrachud, who led the bench, gave a progressive meaning by understanding that the right to life does not just mean survival but is necessarily coupled with the right to livelihood, the ability to earn a living and live honourably. Justice Chandrachud thought that it is parallel to take away life of an individual by taking away his livelihood.

He stressed that life that lacks dignity is not a life which can be endured and therefore socio-economic rights are an imperative part of the basic right to life. It was a wider construction of the concept that gave constitutional safeguard socio-economic, and associated dignity, survival and livelihood with the constitutional safeguarding of interest.

The law query in the case was whether Article 21, as conventionally interpreted as the right to physical existence and the liberty of the soul, was also to include socio-economic rights: the right to livelihood, shelter, and the right to self-esteem. This Court ruling expanded the realm of fundamental rights, and any government-driven actions, even the displacement of defenceless populations, must be accompanied by the considerations of fairness, justice, and due process. The general principle of law is that eviction can only be substantiated with regards to some conditions but a due notice procedure and the offering of reasonable alternative sustainable housing or rehabilitation solutions to all the involved parties must always be fulfilled.

The ruling in *Olga Tellis v. Union of India* is a significant piece of constitutional law that has influenced beginning courses by highlighting its significance. Indeed, it has incorporated the concept of socio-economic rights into the broader category of fundamental rights, which has influenced several later rulings on matters like public health, education, and housing. In addition to forcing the judicial branch to adopt case laws and expand its responsibilities beyond the defence of civil and political rights to encompass social and economic rights, the case might be seen as a landmark precedent for the disadvantaged

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<sup>5</sup> *Olga Tellis v. Bombay Municipal Corp.*, (1985) 3 S.C.C. 545

population. When it comes to the belief that constitutional guarantees are intended to ensure that everyone lives a dignified and humane life, especially those who are in a damningly debased state of life, the idea that they cannot be the product of bureaucratic formality strikes an incredibly powerful note.

## JUDGE'S PHILOSOPHY

Justice Y.V. Chandrachud's approach to constitutional interpretation, however, seemed to be relatively middle-ground in its approach to the conceptualization of fundamental rights - strict text (and therefore a textualist) on the one hand, indulgent on the other. He is like playing with the definition of the word and the greater meaning of the same words in the normal lives of the people. He had first given signs of being a tad submissive to the authority of the state in the Emergency Habeas Corpus case. However, his future morally questionable decisions were clearly signs that he was still putting his faith in constitutionalism and personal freedom, and he is not a mere safe gamer. He was convinced that the Constitution should be respected as it is read but should also be applied in a way that embodied justice, equality, and human dignity. Chandrachud was a firm believer in the independence of the judiciary and demanded that the judiciary should resist a political agenda and uphold the rule of law at the constitutional level<sup>6</sup>. He saw the judiciary as the last line of defense against the arbitrary takeover by states and thought that the courts needed to be actively involved in protecting the central values of the Constitution, such as democracy, secularism, and the rule of law.

He maintained the doctrine of the basic structure in no other case than in *Minerva Mills*, when he said that the power of Parliament to amend the Constitution was, subject to the basic characteristics of the Constitution, which could not be abrogated. Further, Justice Chandrachud demonstrated an in-depth sensitivity to defend the oppressed and weak groups. His decisions broadened the application of constitutional rights to not only cover socio-economic rights like the right to livelihood, the right to shelter, and the right to gender equality, but the law must be available to be practiced by the common men and women, particularly those who hoped to live a dignified life equal to his or her counterparts. He asked judges to interpret the law creatively and humanely than strictly following the formality of the law, and examine what was happening in society. Striking the right balance between fidelity to the constitution and broad protection of human rights, Chandrachud, as a judicial thinker, made a mark, both in the history of Indian

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<sup>6</sup> Salil Tiwari, '*The Iron Hands*': Remembering Justice Y.V. Chandrachud and His Unwillingness to Let Anything Slip, LawBeat 17 July 2021.

constitutional law and in bolstering judicial review as one of the protectors of freedom and justice.

## SCHOLARLY VIEWS ON THE JUDGE

Amongst academics, there is consensus over the impact of Justice Y.V. Chandrachud, especially in relation to his Shah Bano case<sup>7</sup>, on introducing gender justice and secularism to the Indian constitutional system. Scholars acclaim Chandrachud in his bold move to put the secular law of statutes above the religious law of persons and prioritize the constitutional law of equality and justice over the religious customs. The decision of Shah Bano<sup>8</sup> is argued as a milestone that challenged not only patriarchy, but also religious dogmatics, and that vulnerable women should be granted protection by a general secular law. Scholars of law praise Chandrachud for his focus on the necessity of a Uniform Civil Code and for his idea of a legal union and equality of all people regardless of religious boundaries.

This ruling generated numerous controversies in the world of academicians about conflicts generated through personal laws and constitutional rights, and the ruling of Chandrachud was interpreted by many as an outcome of proper alignment that needed to be made between religion and the Indian secular state egalitarianism. However, the repercussions of the aforementioned political and social ramifications of the decree are also underwritten in academies, and as a result which the promulgation took place in the form of in Muslim Women (Protection of Rights on Divorce) Act, 1986. The Supreme Court took a step forward, but it was watered down due to this piece of legislation. This answer is critically understood in the light of the hidden dynamics between the activist judiciary and political facts in India of a pluralistic society. Overall, the analysis reveals Justice Chandrachud to be a jurisprudential theory-changing figure whose jurisprudence, and so especially the Shah Bano case, formalised gender equality, especially its secularity, but under seemingly insurmountable conditions. His judgments are still germane to current discussions on gender rights and the regulation of the right to life, individual legislation, and constitutional ethics in India.

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<sup>7</sup> Shifa Qureshi & Deabpriya Biswas, *Mohd. Ahmed Khan v. Shah Bano Begum and Others (1985): Case Law Summary*, iPleaders Blog (Sept. 25, 2024), <https://blog.ipleaders.in/case-law-summary-mohd-ahmed-khan-v-shah-bano-begum-others-1985-air-945/> (last visited Sept. 4, 2025).

<sup>8</sup> *Case Commentary: Mohd. Ahmed Khan v. Shah Bano Begum*, LexForti Legal Journal, Vol. I, Issue VI (Aug. 2020), <https://lexforti.com/legal-news/wp-content/uploads/2020/08/Case-Commentary-shah-bano.pdf> (last visited 4 September 2025).

## CONCLUSION

Justice Yeshwant Vishnu Chandrachud's legacy represents a distinguished period in the history of Indian jurisprudence, embodying the diverse possibilities and challenges of constitutionalism and justice in a pluralistic democracy. The scope of his tenure as Chief Justice was not limited to just a matter of time but of a great involvement with basic facts of law and society. Chandrachud tried to balance the need for maintenance of the existing legal principles with an aim towards reforms in order to bring about changes to more rights and other vulnerable groups. Some of the high-profile topics that he decided during his tenure were of a high amount of controversy, like the ADM Jabalpur bench; however, some of the important landmarks in his case ensured respect of judicial independence in the country and constitutionality, as in the Minerva Mills case, and melody of women's equality and secularism, like the Shah Bano case. He emphasized repeatedly the role of the judiciary as a guardian of individual rights against the passions of the authoritarian as well as to ensure social equality, fairness, and the establishment of the rule of law.

Justice Chandrachud by his jurisprudence managed to create a feeling of trust in the Supreme Court at a time when the political aspects of Indian history were at its most enlightening. He provided a humanitarian approach to the study of the law, bringing a dynamic but open approach to the courts. He also tried to balance in taking such actions to safeguard the fundamental rights of the migrants and meeting the legal objectives of the country itself. Outside India, Chandrachud has a strong influence on the problem of human dignity, constitutional ethics and judicial activism. Simply put, he is perceived to be a judge who judges important precedents, and largely determines the debate in parliament as well as the agenda of establishing a democracy that is early equitable and just.