
IN PURSUIT OF JUSTICE: THE SUPREME COURT OF INDIA'S RESPONSE TO POLITICAL PRESSURES AND CONSTITUTIONAL IMPERATIVES

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ABSTRACT

This research paper delves into the complex interplay between the Supreme Court of India's pursuit of justice and its response to political pressures and constitutional imperatives. Tracing the historical evolution of the Court from its colonial roots to its pivotal role as the guardian of constitutional values in independent India, the paper examines how the Court navigates the tension between upholding constitutional principles and succumbing to external influences. Through a comprehensive analysis of landmark cases and critical junctures in the Court's history, the paper explores the delicate balancing act undertaken by the judiciary to protect individual rights, preserve the rule of law, and maintain its independence amidst political exigencies. Drawing insights from comparative studies with legal systems of other jurisdictions, such as the United States, the United Kingdom, and South Africa, the paper offers valuable perspectives on the challenges and opportunities facing the Indian judiciary in the twenty-first century. Ultimately, the research underscores the Supreme Court's indispensable role as a bulwark of democracy and justice, steadfast in its commitment to upholding constitutional ideals despite the ever-present pressures of politics. In conclusion, this study underscores the indomitable spirit of the Supreme Court of India in safeguarding the foundational principles of justice, equity, and fairness, even in the face of formidable political pressures. Through its meticulous analysis and persuasive argumentation, this paper seeks to contribute to the scholarly discourse on the critical intersection of law, politics, and constitutionalism in India's democratic journey.

Keywords: Supreme Court of India, judicial independence, constitutional values, political pressures, landmark cases.

HISTORICAL BACKGROUND: UNDERSTANDING THE EVOLUTION OF THE SUPREME COURT'S ROLE IN INDIA

The historical background of the Supreme Court of India unveils a journey intricately woven with the fabric of the nation's struggle for independence, constitutional development, and the establishment of democratic institutions. Rooted in the colonial legacy, India's judicial system traces its origins to the British Raj, where the foundations of the legal framework were laid down through the Charter Act of 1833 and subsequent legislation.

India began a transformative path towards nation-building with the dawn of independence in 1947, which made the establishment of a robust judicial system necessary to preserve the rule of law and protect constitutional ideals. After extensive discussions, the Constituent Assembly adopted the Indian Constitution. This visionary document outlined the obligations and rights of every citizen as well as the authority and tasks of the Court.

Founded on January 28, 1950, the Supreme Court of India is the highest Court in India, and was bestowed with the crucial responsibility of upholding and analysing the Constitution's supremacy. In its early years, the Court started down a road of evolving jurisprudence, using the concepts of justice, equity, and fairness as its models. In the case of *A.K Gopalan v. State of Madras* the Supreme Court emphasized the importance of judicial review to check arbitrary administrative actions. The court ruled that orders and measures may be subject to judicial review to ensure compliance with constitutional provisions and principles of justice.¹ This decision highlights the role of the judiciary in protecting individual rights and freedoms from government interference.

CONSTITUTIONAL VALUES VS. POLITICAL PRESSURES: AN OVERVIEW OF THE CONFLICT

The fundamental essence of the Supreme Court's function in India's democracy is the tension between political pressures and constitutional values. The Indian Constitution's tenets of justice, equality, liberty, and the rule of law are embodied in constitutional ideals.

¹ A.K Gopalan v. State of Madras AIR 1950 SC 27.

Liberal constitutionalism's many facets—including judicial independence, human rights respect, the separation of powers, and the rule of law—have come together to restrict the political wings of government's operating area and favor the judiciary.²

The notion of judicialisation of politics is associated with the ascendancy of liberal constitutionalism, the notion that emphasises the limitation of powers of various government.³ However, political actors—such as the legislative and executive branches—take decisions and actions that result in political pressures. These decisions and actions are frequently motivated by partisanship, electioneering, or public emotion.

The subject is about how to strike a careful balance between the judiciary's obligation to protect constitutional norms and its openness to outside pressures. The judiciary is responsible for impartially interpreting and applying the Constitution's provisions, independent of political concerns, in its capacity as its protector. However, striking this balance becomes tricky in a dynamic democracy like India, where the Court functions amid a convoluted web of political forces.

Instances abound where the Supreme Court has found itself at odds with political pressures. Whether adjudicating contentious issues such as minority rights, environmental protection, or executive overreach, the Court often faces intense scrutiny and criticism from various quarters. Political actors may attempt to influence judicial outcomes through various means, including public discourse, legislative actions, or executive interference, thereby testing the judiciary's independence and integrity

There are numerous examples of the Supreme Court defying political pressure. When deciding divisive matters like minority rights, environmental protection, or governmental overreach, the Court frequently comes under heavy fire from various sources. Political actors may use various strategies, such as public debate, legislative action, or executive.

Intervention, to try and sway judicial decisions, puts the judiciary's independence and integrity to the test.

² M Vile, *Constitutionalism and Separation of Powers*, 2 ed (1998) 1.

³ A Amissa, *Constitutionalism and law in Africa* in D Ronen (ed) *Democracy and Pluralism in Africa* (1986) 14; C McIlwain *Constitutionalism: Ancient and Modern* (1947).

Furthermore, with the legislative and executive organs jostling for control over judicial nominations, the appointment process can become a battlefield for political scheming. The public's trust in the judiciary's independence and impartiality may be weakened by this politicization of the Court, undermining the Court's authority to decide cases and administer justice.

In a nutshell, the ongoing battle to maintain the independence and integrity of the judiciary within India's democratic system is essentially embodied by the tension between political pressures and constitutional ideals. The ability of the Supreme Court to resist outside pressures and maintain the values of justice and the rule of law is essential to the survival of India's democratic culture, even as it continues to face these difficulties.

LANDMARK CASES: EXAMINING INSTANCES OF THE COURT'S BALANCING ACT

This paper examines a number of these seminal decisions that highlight the Court's tricky balancing act between enforcing constitutional requirements and navigating the complexity of political processes. These cases represent turning points in the development of Indian law and provide important insights into the judicial system's tenacity, independence, and dedication to justice. By assessing these decisions, we can determine how the Court has confronted and resolved tensions between constitutional principles and political exigencies. These cases demonstrate the Court's resolute commitment to upholding the sanctity of the Constitution in the face of political pressure, from establishing fundamental doctrines like the basic structure of the Constitution to addressing threats to electoral integrity and defending individual rights against state intrusion.

Every case law marks a turning point in which the Court has shown that it is prepared to stand up for its rights, apply the law fairly, and protect individuals' freedoms even in the face of strong political resistance. The *Keshavananda Bharati case* is the most pivotal and seminal judgment in the annals of Indian legal history, marking a watershed moment in the evolution of the nation's constitutional jurisprudence. Heard by a 13-judge bench of the Supreme Court of India over several months in 1973, the case revolved around the interpretation of the fundamental structure doctrine of the Indian Constitution. In this landmark case established the doctrine of the basic structure of the Constitution which cannot be destroyed by the action of any of the organs. In doing so, the Court struck a balance between parliamentary sovereignty

and the supremacy of the Constitution, safeguarding core constitutional principles from political encroachment.⁴

Throughout Indian history, there have been occasions where the government, either straightforwardly or by implication, endeavoured to weigh the legal, undermining its freedom and judgment. Whereas the legal is implied to operate as an autonomous and unbiased authority, free from outside impacts, these occurrences serve as updates of the challenges it faces in maintaining the run the show of law and securing protected values.

In the case of *Indira Gandhi v. Raj Narain*, the Court ruled against then Prime Minister Indira Gandhi's election, citing electoral malpractices. Despite immense political pressure, the Court upheld the rule of law and asserted its independence by holding even the highest political office accountable. This case underscores the judiciary's role as a check on executive power, even in the face of formidable political opposition.⁵ And to oppose this order emergency was imposed by the government in the country. Amid this dim chapter, respectful freedoms were suspended, and crucial rights were abridged. The government, beneath the attire of keeping up law and arrange, turns to dictator measures, including the capture of political adversaries and the censorship of the media. Within the notorious case of *A.D.M. Jabalpur v. ShivKant Shukla*⁶, too known as the Habeas Corpus case, the Incomparable Court, with a lion's share choice, ruled that amid the Crisis, the state might suspend the correct to protected cures, counting habeas corpus. This judgment was criticized for yielding to executive authority and its disappointment in maintaining principal rights within administrative excess. In the case of *S.R. Bommai v. Union of India* the hon'ble Supreme Court dealt with the controversial issue of imposition of President's Rule in states. The Court, while upholding the power of the President to dismiss state governments under exceptional circumstances, set strict guidelines to prevent its misuse for political purposes. By doing so, the Court sought to maintain the delicate federal balance enshrined in the Constitution while curbing executive overreach.

In the case of *Common cause and Ors. v. Union of India*⁷ which is also known as Sahara-Birla papers case in which a PIL filed by the NGO Common Cause seeking a court monitored probe in respect of documents retrieved by the Income Tax department while raiding offices of the

⁴ Kesavananda Bharati v State of Kerela (1973) 4 SCC 225.

⁵ Indira Gandhi vs Raj Narain(1975) 2 SCC 159.

⁶ ADM Jabalpur v. Shivkant Shukla,AIR 1976 SC 1207.

⁷ Common cause and Ors. v. Union of IndiaAIR 2018 SC (CIV) 1683.

Sahara and Birla group of companies, which allegedly had entries suggesting giving crores of rupees as bribe to Narendra Modi and other BJP leaders. The petition was denied by the Arun Mishra and Amitava Roy bench of justices. However, it was not a straight-forward dismissal. By stating that the "materials in question are not good enough to constitute offences to direct registration of FIR," the court definitively ended the matter. The petitioner might have been asked to pursue other legislative remedies, or the court could have simply dismissed the complaint. Rather than addressing the admissibility of the journal entries as evidence under Section 34 of the Indian Evidence Act⁸, the court continued to consider the merits of the case.

Further in the array of writ petitions, which were filed as public interest litigation, raises questions over the Indian Air Force's purchase of 36 Rafale fighter jets. The Supreme court's approach was criticized in the Rafale case as well. The Supreme court upheld the government's version of pricing and concluded that the government did not meddle in the choice of Reliance as an offset partner, but declined to order a probe into corruption allegations surrounding the deal due to the narrow scope of judicial review over defense deals.⁹

According to documents obtained by Mediapart, the two French judges in charge of the criminal investigation into allegations of "corruption," "influence peddling," and "favouritism" made a formal request for international cooperation in November 2022, but the Indian government has ostensibly refused to cooperate. The Modi government's attempt to save the Rafale contract by concealing two decades of defense corruption was also covered by The Caravan. It discussed and then buried the fact that the Enforcement Directorate and the Central Bureau of Investigation, both operating under Modi, had proof of bribes in 15 significant defense contracts.¹⁰

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⁸ Indian Evidence Act, 1872, § 34.

⁹ Manohar Lal Sharma vs Narendra Damodardas Modi AIR ONLINE 2018 SC 1376.

¹⁰ Saini, Krishn Kaushik, "Gupta Papers: Rafale Deal, AgustaWestland, and Sushen Gupta," The Caravan Magazine, Nov 2, 2023 <https://caravanmagazine.in/reportage/gupta-papers-rafale-deal-agusta-westland-sushen-gupta>

The Hindu revealed in February 2019 that, in a significant step, the Modi government had eliminated "anti-corruption clauses" from the Rafale agreement in 2016, shortly before the final contract was signed. The newspaper stated that this was the case in spite of prior protests from the Indian negotiation team.¹¹

The Ministry of Home Affairs and the Indian government's communications office did not reply to Mediapart. The government claimed that the ruling contained factual errors and needed to be corrected, which quickly embarrassed the court. The remarks made in the ruling about the CAG submitting a report on the deal's pricing details and the Parliamentary Accounts Committee confirming it were described as a misinterpretation of the data that the government had provided the court in a sealed cover.

When the central government came with the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (the "Aadhaar Act")¹² was declared constitutionally valid by the Supreme Court in this case, despite Justice D.Y. Chandrachud's dissent. The decision also established the legality of the Act's Senate passage. Another controversial ruling rendered by the Supreme Court was the Aadhaar judgment, which recognized that the introduction of the Aadhaar Act as a money bill was lawful. According to Justice A.K. Sikri's majority ruling, the Act could be introduced as a money bill because Section 7¹³ specifies that Aadhaar-based identity identification will be carried out for the delivery of subsidies, benefits, or services chargeable on the consolidated fund of India. According to the prevailing view, this coincidental relationship with the Indian Consolidated Fund qualified it as a money bill. This reasoning is really perplexing.¹⁴

JUDICIAL INDEPENDENCE: SAFEGUARDING THE JUDICIARY FROM EXTERNAL INFLUENCES

The idea of judicial independence originated with the French philosopher Montesquieu's "Separation of Powers" thesis, which dates back to the 18th century. Even yet, it took some time for the idea of an independent judiciary to take hold in England until it was legally

¹¹ The Hindu, "Government waived anti-corruption clauses in Rafale deal," The Hindu, Feb 11, 2019, <https://www.thehindu.com/news/national/government-waived-anti-corruption-clauses-in-rafale-deal/article61543440.ece>

¹² The Aadhaar (Targeted Delivery Of Financial And Other Subsidies, Benefits And Services) Act, 2016

¹³ The Aadhaar (Targeted Delivery Of Financial And Other Subsidies, Benefits And Services) Act, 2016 §7.

¹⁴ Justice K.S. Puttaswamy and Anr. vs. Union of India (UOI) and Ors. WP (Civil) No. 494 of 2012

approved in the Act of Settlement in 1701. Maintaining the public's trust in the legal system, defending individual rights, and preserving the rule of law all depend on the judiciary's independence being safeguarded. The concept of judicial independence like the idea of equality “once loosed..is not easily cabined.”¹⁵ Yet profligate invocation of judicial independence, whether by judges or their supporters, risk the “wages of crying wolf”,¹⁶ the dilution of the concept to the point that not even its core is recognizable. Paul Bator wisely observed that the judicial independence “is an immensely powerful political ideal.”¹⁷ and that powers in perceived conflict with it may be constitutional in theory but “anti-constitutional in spirit.”¹⁸

The constitution of India lays down the provision to uphold the judicial independency and ensure that judiciary’s functioning is not affected by kind of external affairs. Article 50 of the Constitution ensures complete independence of the judiciary and frees it from executive control.¹⁹ One of the Directive Principles of State Policy is stated in it, which is that the state must take action to keep the judiciary and executive branches apart.

INTERNATIONAL COMPARISONS: LESSONS FROM OTHER JURISDICTIONS

The Supreme Court of India frequently finds itself under scrutiny in light of international jurisprudence as it negotiates the difficult terrain between upholding constitutional values and caving in to political pressures. A thorough understanding of the difficulties and tactics used by courts around the globe to reconcile their roles as defenders of the rule of law and arbiters of political disputes can be gained by comparing their judicial systems to those of other countries.

United States: The US Supreme Court represents an intriguing case study on the relationship between political dynamics and constitutional interpretation according to its extensive record of historic judgements. The United States Supreme Court's jurisprudence provides lessons regarding the significance of judicial independence, the function of judicial review, and the influence of party politics on judicial decision-

¹⁵ Archibald Cox, *Foreword: Constitutional Adjudication and the Promotion of Human Rights*, 80 HARV. L. REV. 91, 91 (1966).

¹⁶ John Hart Ely, *The Wages of Crying Wolf A Comment on Roe v. Wade*, 82 YALE L.J. 920, 920(1973).

¹⁷ Paul M. Bator, *The Constitution as Architecture: Legislative and Administrative Courts Under Article I I*, 65 IND. L.J. 233, 268 (1990).

¹⁸ *Id.*

¹⁹ INDIA CONST. art. 50.

making. Congress has mandated since 1948 that the justices abstain from cases under specific conditions, such as any case in which it would be reasonable to doubt their impartiality. Justices with conflicts of interest are also left with a great lot of discretion because the statute does not clearly outline how to challenge a justice's failure to recuse. Congress has historically used its constitutional authority to control ethics at the Supreme Court, and it must respect the separation of powers and the justices' independence in making decisions. It has been clearly portrayed that Congress has been violating the separation of power and judges independence in making judicial decisions as Congress has the authority to regulate Supreme Court Ethics.²⁰

United Kingdom: The legal system in the United Kingdom has historically been based on the principle of parliamentary sovereignty. However, the conflicts between judicial review and legislative supremacy are highlighted by the UK Supreme Court's changing position, especially after the Human Rights Act of 1998 was passed. The UK Parliament made sure that the nation's supreme court was separate from the other arms of government and that it was perceived as such through the Constitutional Reform Act. In reality, the Supreme Court handles very few judicial review matters involving the government, despite the fact that political interest in the court is often concentrated on these types of issues. A large percentage of cases include parties from outside the UK and are typically of extremely high value. These matters include commercial and chancery work (such as business law, trusts, tax, and insolvency). Although the courts don't base their decisions on politics as a whole some of those kinds of cases are politically contentious. When a public authority exercises power granted by Parliament, the court makes sure that the authority is used correctly, for the intended purpose, and in accordance with the legislation that Parliament passed.²¹

South Africa: The South African Constitutional Court, which was founded in the wake of apartheid, is a prime example of the revolutionary power of judicial activism in promoting social justice and democratic values. Lessons on the proactive role courts can play in addressing historical injustices and promoting inclusive governance can be

²⁰ Martha Kinsella, Congress Has the Authority to Regulate Supreme Court Ethics and Duty, Brennan Center for Justice, Jul. 17, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/congress-has-authority-regulate-supreme-court-ethics-and-duty>.

²¹ The Parliamentarian, "Parliamentary Procedure Under COVID-19: What You Need to Know," 74 The Parliamentarian 153 (2021), <https://issuu.com/theparliamentarian/docs/parl2021iss3finalsingle/s/13515325> (last visited April 5, 2024).

learned from the South African judiciary, which has a progressive interpretation of the Constitution and expansive jurisprudence on issues like equality, dignity, and socioeconomic rights. Courts gained enormous authority when liberal constitutionalism defeated legislative dominance on a worldwide scale. The change in South Africa's constitution appears to represent this worldwide trend.. As Kelemen argues, there has been a global movement 'away from traditional notions of parliamentary supremacy towards models of democracy in which constitutional courts have the power of judicial review'.²² The concept of justiciability. According to this theory, "those issues not properly suited for adjudication because such issues belong to the domain of the executive, the legislature, or the political process" should be avoided or refrained from being decided by the courts.²³ The judicial review theory has allowed the executive and legislative branches to attempt to undermine the privileged position held by the judiciary. They assert that their mission is more popular than the judiciary's.

The South African experience corresponds with wider worldwide trends, in which courts have taken a more active role in defending constitutional values and restraints on the authority of governments. The trend away from conventional ideas of parliamentary control and toward forms of government where constitutional courts act as bulwarks against tyranny and injustice is reflected in the shift towards constitutional supremacy and the strengthening of judicial review.

CONCLUSION

This research paper concludes with an in-depth examination of the Supreme Court of India's critical role in striking a delicate balance between defending constitutional principles and giving in to political pressure. We have followed the Court's development from its colonial beginnings to its emergence as the defender of justice and equality in a sovereign democratic country by using a historical perspective.

A persistent element in this research has been the inherent conflict between political forces and constitutional objectives. We've looked at how the Court—which was established on the values of equality, justice, and the rule of law—has frequently encountered political pressure from the

²² Kelemen (note 41 above) 295. See also J Ferejohn 'Judicializing politics, politicizing law' (2002) 65 Law & Contemporary Problems

²³ C Okpaluba & M Mhango, Between separation of powers and justiciability: Rationalising the Constitutional Court 's judgment in the Gauteng e-tolling litigation in South Africa' (2017)

public, partisanship, and legislative and executive branches. In spite of these obstacles, the Court has persisted in its will to interpret and implement the Constitution in an unbiased manner, protecting fundamental constitutional values from infringement.

Furthermore, the comparative study we conducted with the legal systems of other nations, such as the United States, the United Kingdom, and South Africa, has given us important new insights into the potential and problems the Indian court faces. The general idea of defending judicial independence and upholding the rule of law is universal, even though every jurisdiction has its own particular dynamics.

The Supreme Court of India confronts both difficult and exciting challenges in the future. The Court must adapt to the shifting political, social, and legal environments as the country advances in the twenty-first century. In spite of growing political pressure and public scrutiny, it must continue to be watchful in defending its independence and integrity. The Supreme Court shall remain a ray of hope and resiliency in India's democratic path by respecting the values of justice, constitutionalism, and the defense of individual rights.

In a nutshell it is impossible to overestimate the Supreme Court of India's vital role in preserving constitutional ideals and fending off political pressure. We are reminded of the unwavering dedication to justice and the rule of law that serves as the cornerstone of India's democratic culture when we consider its path. The Court is a symbol of flexibility and tenacity in the face of adversity, clearing the path for future generations to enjoy a better future.