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ACHIEVEMENTS, EXPERIENCES, MEMORIES AND LESSONS FROM THE INDIAN CONSTITUTION AND JUDICIARY

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ABSTRACT

The Indian Constitution, adopted on January 26, 1950, has been the cornerstone of the country's democratic framework, guiding governance, rights, and justice for 75 years. Over this period, the Supreme Court of India has played a pivotal role in interpreting the Constitution, protecting fundamental rights, and ensuring the rule of law. This paper explores the achievements, experiences, memories, and lessons derived from the journey of the Indian Constitution and judiciary, analysing their evolution and impact on democracy and society. Among its key achievements, the judiciary has safeguarded constitutional principles through landmark judgments, including *Keshavananda Bharati v. State of Kerala* (1973), which established the Basic Structure Doctrine, and *K.S. Puttaswamy v. Union of India* (2017), which recognised the right to privacy. The introduction of Public Interest Litigation (PIL) has made justice more accessible, while judicial activism has expanded the scope of fundamental rights. The judiciary has also played a crucial role in electoral reforms, federal disputes, and gender justice. Despite these successes, the judiciary has faced challenges, including political interference, judicial delays, and debates over the collegium system. The Emergency period (1975-77) tested judicial independence, leading to critical introspection. Lessons from these experiences highlight the need for judicial reforms, greater transparency in appointments, and improved access to justice. Additionally, technology-driven judicial processes and alternative dispute resolution mechanisms are vital for addressing case backlogs and improving efficiency. As India marks 75 years of its Constitution and judiciary, the focus must be on strengthening democratic institutions while preserving constitutional morality. The judiciary's role as guardian of the Constitution remains crucial in ensuring justice, liberty and equality in the evolving socio-political

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landscape. Moving forward, continuous reforms and adherence to constitutional principles will be essential for sustaining India's democratic ethos.

INTRODUCTION

The Constitution of India is a living document that has shaped the democratic ethos of the country. Drafted by Dr. B.R. Ambedkar and the Constituent Assembly, it laid the foundation for governance, fundamental rights, and judicial independence. Over the last 75 years, the Supreme Court has been instrumental in interpreting and safeguarding constitutional provisions. This paper explores the significant achievements, experiences, memories, and lessons derived from the journey of the Indian Constitution and its judiciary.

ACHIEVEMENTS OF THE INDIAN CONSTITUTION AND SUPREME COURT

1. STRENGTHENING DEMOCRACY AND RULE OF LAW

The Indian Constitution has successfully upheld democracy through regular elections, judicial independence, and separation of powers. The Supreme Court has reinforced the rule of law through various landmark rulings that ensure checks and balances in governance.

2. LANDMARK JUDICIAL DECISIONS

Several Supreme Court judgments have defined India's legal landscape:

- Keshavananda Bharati v. State of Kerala (1973): Established the Basic Structure Doctrine, ensuring that the core values of the Constitution remain intact.
- Maneka Gandhi v. Union of India (1978): Expanded the interpretation of Article 21, emphasising the right to life and personal liberty.
- Vishakha v. State of Rajasthan (1997): Laid the foundation for workplace safety for women, resulting in the Vishakha Guidelines against sexual harassment.
- K.S. Puttaswamy v. Union of India (2017): Declared the right to privacy as a fundamental right under Article 21.

3. PROTECTION OF FUNDAMENTAL RIGHTS

The Supreme Court has played a crucial role in protecting fundamental rights, such as freedom of speech (Article 19), equality before the law (Article 14), and protection against discrimination (Articles 15 and 16). The Court has consistently expanded the scope of these rights through progressive interpretations.

4. EVOLUTION OF JUDICIAL REVIEW

Judicial review has been a powerful tool in ensuring constitutional validity. The Supreme Court has invalidated unconstitutional laws and executive actions, ensuring that governance adheres to constitutional principles.

5. SOCIAL JUSTICE AND PUBLIC INTEREST LITIGATION (PIL)

The introduction of PILs in the 1980s transformed the judiciary into an accessible institution for the common citizen. Cases like *MC Mehta v. Union of India* (1986) on environmental protection and *People's Union for Democratic Rights v. Union of India* (1982) on labor rights have had significant socio-legal impact.

EXPERIENCES OF THE INDIAN JUDICIARY AND CONSTITUTION

Over the past 75 years, the Indian judiciary has experienced significant changes, challenges, and growth. The evolution of constitutional interpretation, judicial activism, and the balancing of powers between the three organs of the state—executive, legislature, and judiciary—have been key highlights of this journey. Below are some of the major experiences that have shaped the Indian judiciary and its functioning.

1. CONSTITUTIONAL AMENDMENTS AND THEIR IMPACT

The Indian Constitution, despite its robustness, has been frequently amended to address socio-political changes. Some amendments strengthened democracy, while others raised concerns about potential governmental overreach.

- 42nd Amendment (1976): Introduced during the Emergency, this amendment curtailed judicial review and expanded the power of the executive. It altered fundamental rights and limited the scope of judicial intervention. However, the judiciary later restored constitutional supremacy through the *Minerva Mills* case (1980) by reaffirming the Basic Structure Doctrine.
- 44th Amendment (1978): Reversed many provisions of the 42nd Amendment, restoring the judiciary's power and fundamental rights, particularly protecting the right to life and liberty.
- 73rd and 74th Amendments (1992): Strengthened local self-governance by giving constitutional status to Panchayati Raj institutions and municipalities, reinforcing grassroots democracy. These experiences highlight the judiciary's role in maintaining constitutional supremacy while navigating political pressures.

2. JUDICIAL INDEPENDENCE AND CHALLENGES

Judicial independence has been a cornerstone of Indian democracy, but it has faced significant challenges:

- Collegium System vs. Executive Interference: The Second Judges Case (1993) established the collegium system for judicial appointments, ensuring judicial independence. However, debates over transparency continue, especially after the NJAC case (2015), where the Supreme Court struck down the National Judicial Appointments Commission (NJAC), reinstating the collegium system.
- Pressure During the Emergency (1975-77): The judiciary faced immense political pressure, and its credibility was tested in *ADM Jabalpur v. Shivkant Shukla* (1976), where it ruled in favor of the government, allowing suspension of fundamental rights. The case remains a dark chapter in judicial history, later overruled in the *Puttaswamy* judgment (2017), reaffirming fundamental rights.

3. ROLE OF JUDICIARY DURING POLITICAL AND SOCIAL CRISES

- Landmark Electoral Reforms: In *Indira Gandhi v. Raj Narain* (1975), the Supreme Court held that the Prime Minister's election could be questioned, setting a precedent for electoral accountability.
- Judicial Interventions in Social Justice: Cases like *Mohini Jain v. State of Karnataka* (1992) and *Unni Krishnan v. State of Andhra Pradesh* (1993) recognised the right to education, leading to the 86th Constitutional Amendment (2002), which made education a fundamental right.

4. Balancing Judicial Activism and Judicial Restraint

- **Rise of Public Interest Litigation (PIL):** The 1980s saw the emergence of PILs, making justice more accessible. Cases like *MC Mehta v. Union of India* (1986) on environmental protection and *Vishakha v. State of Rajasthan* (1997) on workplace safety for women reshaped legal frameworks.
- **Concerns of Judicial Overreach:** While activism has addressed social injustices, concerns arise when the judiciary interferes in policy matters, as seen in cases involving economic policies, governance, and legislative matters.

MEMORIES FROM 75 YEARS OF CONSTITUTIONAL AND JUDICIAL EVOLUTION

Over the years, certain moments stand out as defining events in the history of India's judiciary and constitutional governance. These memories highlight the judiciary's resilience, mistakes, and role in shaping modern India.

1. ROLE OF JUDICIARY IN STRENGTHENING FEDERALISM

- The judiciary has played a critical role in maintaining the balance between the centre and states.
- In *SR Bommai v. Union of India* (1994), the Supreme Court ruled that Article 356 (President's Rule) cannot be misused to dismiss state governments arbitrarily. This landmark ruling ensured the protection of federalism.
- Water-sharing disputes, such as the Cauvery River dispute, have also been adjudicated by the Supreme Court, emphasising its role in resolving inter-state conflicts.

2. EXPANSION OF FUNDAMENTAL RIGHTS AND HUMAN RIGHTS JURISPRUDENCE

- The interpretation of Article 21 (Right to Life and Personal Liberty) has evolved significantly.
- In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (1981), the Supreme Court ruled that the right to life includes the right to live with dignity.
- The *K.S. Puttaswamy* case (2017) recognised the right to privacy as a fundamental right, reshaping data protection and personal liberty laws.

3. JUDICIARY'S ROLE IN ELECTORAL AND POLITICAL REFORMS

- In *Lily Thomas v. Union of India* (2013), the Supreme Court struck down a provision that allowed convicted legislators to contest elections, promoting clean politics.
- The judiciary has consistently ruled against corruption, most notably in the 2G Spectrum case (2012) and Coal Block Allocation case (2014), where it annulled arbitrary government allocations.

4. JUDICIARY'S ROLE IN WOMEN'S RIGHTS AND SOCIAL REFORMS

- *Shah Bano Case* (1985): Recognised the right of Muslim women to maintenance postdivorce, leading to the Muslim Women (Protection of Rights on Divorce) Act, 1986.
- *Navtej Singh Johar v. Union of India* (2018): Decriminalised homosexuality by reading down Section 377, affirming LGBTQ+ rights.
- *Sabarimala Temple Entry Case* (2018): Allowed women of all ages to enter the temple, challenging religious orthodoxy.

5. JUDICIARY'S RESPONSE TO GLOBAL CHALLENGES

The COVID-19 pandemic saw the Supreme Court taking suo moto cognizance of migrant labourer distress and healthcare shortcomings, ensuring government accountability in managing the crisis.

LESSONS LEARNED FROM 75 YEARS OF CONSTITUTION AND JUDICIARY

1. NEED FOR JUDICIAL REFORMS

Despite its achievements, the judiciary faces several challenges:

- **Judicial Pendency:** Over 4 crore cases are pending in Indian courts, affecting timely justice. Fast-track courts, alternative dispute resolution mechanisms, and digitalization of court processes must be strengthened.
- **Transparency in Appointments:** The collegium system has faced criticism for opacity. Judicial appointment reforms must ensure a balance between independence and accountability.

2. STRENGTHENING ACCESS TO JUSTICE

While PILs have democratized justice, access to legal aid remains a concern for marginalized groups. Expanding legal aid programs and simplifying procedures can bridge this gap.

3. ENSURING CONSTITUTIONAL MORALITY OVER POLITICAL INTERESTS

The judiciary must resist populist pressures and uphold constitutional values, as seen in past judicial failures during the Emergency. Courts must prioritize constitutional morality over religious or political considerations, ensuring equality and non-discrimination.

4. ROLE OF TECHNOLOGY IN JUDICIAL PROCESSES

The use of technology in courts, such as e-filing and virtual hearings, has improved efficiency, but rural accessibility remains a challenge. Bridging the digital divide is essential.

5. STRENGTHENING THE SEPARATION OF POWERS

The judiciary must maintain its independence and avoid excessive interference in executive and legislative functions. Judicial activism must be balanced to prevent overreach.

CONCLUSION

As India celebrates 75 years of its Constitution and Supreme Court, it is evident that the judiciary has been a guardian of democracy, fundamental rights, and justice. While the Supreme Court has delivered transformative judgments and upheld constitutional supremacy, challenges such as judicial delays, political interference, and the need for reforms remain. Moving forward, the focus must be on strengthening judicial efficiency, ensuring access to justice, and preserving the core values of the Constitution. The journey so far has been remarkable, but the future demands continued commitment to constitutional ideals.

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