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The Supreme Court at 75 in Search of Its Future

By: Abhinav Sekhri

A survey of the Supreme Court's evolving role across law and judicial administration reveals deepening structural crises. Yet amid clear-eyed critiques, the essays in the volume reflect an enduring belief that the Court's accumulated authority still permits the possibility of renewal.

Few judicial tribunals have managed to capture the popular imagination across the globe as the Supreme Court of India has in its 75 years of existence. Any story of independent India today warrants a discussion on the contributions made by the Court. Its willingness to shed old norms of legal procedure to make a direct impact in the lives of millions of Indians has ensured that even the most disadvantaged can turn to the judiciary with hope.

Overview

Of course, as the saying goes, hope can often be the most heartbreaking. Has this also been true of the Supreme Court of India? To commemorate and critically reflect on the Supreme Court's platinum jubilee, a new collection of essays - *(In)Complete Justice? The Supreme Court at 75: Critical Reflections*, edited by Justice (Retired) Dr. S. Muralidhar-was published earlier this year.

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The volume contains 24 essays-including two interviews-spanning a diverse range of topics, organised across six sections. The contributors are individuals who regularly engage with the Court, largely comprising judges and lawyers. For instance, Justice (Retired) Madan Bhimarao Lokur and Justice (Retired) S. Ravindra Bhat contribute essays on the structure of the judiciary and judicial appointments, offering insights uniquely informed by their experience on the bench.

The section on criminal law and the Supreme Court features comprehensive pieces by senior advocates addressing substantive penal law, criminal procedure, and sentencing. Notably, Nitya Ramakrishnan's essay frames the discussion around the proliferation of "deviant" legislation that has become increasingly common.

The essays on substantive areas of law are authored by subject-matter experts and are, as a result, both comprehensive and well-balanced. The concluding sections, which focus on legal education and the Supreme Court, as well as on the Court's future, tackle topics and offer perspectives that are seldom addressed in other volumes aimed at a general readership. Special mention must also be made of the incisive and evocative sketches that accompany several of the chapters.

As signalled by the book's title and Justice Muralidhar's editorial introduction, the unifying theme across these essays is one of critical reflection on the Supreme Court's history, rather than the mere grandstanding that characterises some commemorative volumes. Does the book achieve this ambition? To a considerable extent, it does.

The breadth of informative essays-covering topics ranging from the judiciary's structure and various areas of substantive law, to questions of equality and the Court's impact on marginalised communities, as well as legal education and the profession-offers a comprehensive panorama of the Supreme Court's role in shaping independent India. One comes away from the book with the strong impression that there is scarcely any facet of life in India left untouched by the Court's reach.

It is a testament to the editorial effort that, despite the subject's vastness and the diversity of contributors, the sense of cohesion within the volume rarely falters.

Different readers will have their own favourite essays, given the wide range of tones, topics, and approaches represented in this collection. Since the essays are not necessarily connected beyond the thematic grouping of each section, readers can easily select sections that most pique their curiosity.

As for my own preferences, I found Justice (Retired) G.S. Patel's essay on environmental law and the Court to be especially rewarding—much like many of his memorable judicial opinions. I also enjoyed the interviews, particularly the conversation with Indira Jaisingh, which reflects on her journey in the legal profession and the sweeping changes she has witnessed in legal practice at the Supreme Court.

Other highlights included the section on equality, as well as the essays by Mohan Gopal and P. Sainath, each exploring different facets of the Court's engagement with the constitutional ideal of equality. Gopal offers a forceful critique of the Supreme Court's handling of caste, pointing to its conflation of caste and class in Indian society. Meanwhile, Sainath sheds light on the disparate treatment of similarly placed litigants, raising difficult and necessary questions for the judiciary to confront.

Perceptible Shifts

Older readers may remember that when the Supreme Court marked its golden jubilee in 2000, the occasion also saw the publication of several books. Of these, two volumes published by Oxford India—then in its prime—arguably stood out from the rest.

The first was *Supreme but not Infallible: Essays in Honour of the Supreme Court of India*, a collection of 24 essays edited by senior lawyers. The second volume, *Fifty Years of the Supreme Court of India: Its Grasp and Reach*, was organised and edited by the Indian Law Institute. Interestingly, some contributors to *(In)Complete Justice?* also wrote for these earlier collections 25 years ago.

Comparing *(In)Complete Justice?* with these two volumes, one senses both continuities and, more strikingly, some clear shifts in the Court's trajectory over the past quarter-century.

Perhaps the most notable of these is the current state of the Court's jurisprudence. While critiques of inconsistent judgments have only grown louder, it is now somewhat troubling to observe, as some commentators do, that in certain areas there has been no significant jurisprudential development at all.

Important judgments have certainly been delivered, but what made them notable were their specific facts, rather than any path-breaking legal principles they established. Comparing these volumes across time also reveals that many areas of law that were unsettled in 2000 remain so even today—a point made most starkly in K. Chandru's essay on labour law and the Court.

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The next aspect is the shift in what contributors consider important or noteworthy in commemorative volumes such as this. Unlike the golden jubilee reflections, where the books focused predominantly on legal issues, *(In)Complete Justice?* devotes many essays to matters of judicial administration.

Judicial appointments, judicial delays, judicial discipline, the disparities in access to justice between rich and poor, and technological interventions in delivering justice—these are just a few of the topics explored in *(In)Complete Justice?* that were scarcely discussed in the volumes published in 2000. This change perhaps reflects the growing crises in judicial administration. Observers 25 years ago may have cautiously anticipated the system's ability to self-correct, but today, there is a widely shared sense that problems in judicial administration have now surpassed a tipping point.

There is, as well, a marked difference in the tone between the two sets of volumes. The platinum jubilee of the Supreme Court arrives at the end of a decade defined by the resurgence of a strong central government—one that has not hesitated to engage in turf battles with the judiciary. According to several contributors in *(In)Complete Justice?* this shift has diminished the Court's power within India's political framework and eroded its prestige amongst ordinary citizens, particularly due to judgments criticised as politically motivated.

In contrast, 25 years ago, the Supreme Court was arguably at the height of its power and prestige. The central government, then a patchwork coalition, was unable to resist judicial orders that aimed to hold the highest offices accountable. The prevailing balance of political power fostered the illusion that there was nothing the Supreme Court could not do, and perhaps encouraged a sense of hubris—a belief that the Court should involve itself far beyond its core judicial function, taking upon itself the task of cleaning up every Augean stable it encountered.

The sense of hubris that animated many circles in 2000 is almost entirely absent in 2025, as the pages of *(In)Complete Justice?* make clear. The hope that the Supreme Court would continue to serve as a vehicle for transformation in society and politics has given way to a wistful longing for past glory among those who witnessed it firsthand-accompanied by sharp and clear-eyed criticism of the present.

There is considerable uncertainty about the Supreme Court's future reflected throughout these essays, a result of the upheavals of the past 25 years. Yet, it is a testament to the enduring institutional credit of the Supreme Court that this uncertainty remains strongly imbued with hope.

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