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The Supreme Court of India has reaffirmed its deep commitment to the activist role dawmed by it traceable distinctly from the emergency era. Courts across the world today are mostly activist in understand, delving into and remedying social issues apart from legal constructions and matters of pure legal concern under the garb of assessment of constitutionality, basic structure to name a few. The Indian Supreme Court has been no difference noticeably from the 1970s since the Dark Days of the court.

The catena of judgments before the retirement of the Hon’ble Chief Justice has shown the Apex Court’s commitment to resolve issues of a broader concern in the absence of action by the Executive/Legislature or even in cases of no timeframe for action. In the landmark verdict upholding the Right to Privacy and ruling declaring some provisions of the Aadhaar Act to be unconstitutional has been monumental in terms of applying the Fundamental Right to Privacy already determined in the first Puttaswamy verdict. The court also declared two controversial provisions of the Indian Penal Code criminalizing Homosexuality (S 377) and Adultery (S 497) as unconstitutional showing commitment and rigidity of the Constitution. A dark horse among the verdicts delivered is the verdict enabling the Live Streaming of cases of national importance in the Supreme Court reaffirming transparency and informed citizenry as the indispensable pillars of a democracy.

Deflecting from these matters, a verdict was also passed in the Sabarimala case where the court in principle rejected all arguments prohibiting the entry of women into the shrine. Academically, the construction of the court invalidating the ‘custom’ as violative of Article 14 appears to be arising from a lopsided interpretation of concept of Equality envisaged by our Constitution. Practically, while it is commendable that many social aspects and controversial and widely prevalent societal practices are being reviewed at the touchstone of Equality and Constitutional values, there is a treasure of academic research that lies in analyzing the source or the power of the court and limitations also calling for a need to assess the potential limitations of the exercise of power of court and appropriate accountability measures in the lack of time the fear of a judicial totalitarianism is academically imminent. However, the court has indeed contributed immeasurably to upholding core constitutional principles.

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Thanking Note

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AMIT SINGHAL
Editor-in-Chief

On behalf of the esteemed members of the Editorial Board, Honourable Members of the Advisory Council & the members of the Publishing Unit