



INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

VOLUME 3 ISSUE 1

Peer-reviewed, open-access, refereed journal

IJLAR

+91 70421 48991
editor@ijlar.com
www.ijlar.com

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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

**FROM CONSTITUTIONALITY TO COMPASSION:
'THE THREAD OF JUSTICE V.R. KRISHNA IYER'S
PHILOSOPHICAL LEGACY' IN THE JUDGMENTS OF
JUSTICE P. SATHASIVAM**

AUTHORED BY - DRUVA P C

Justice P. Sathasivam was the 40th Chief Justice of India and the first judge to be appointed as a Governor of a state. Born on April 27th, 1949, in Kadappanallur Village, Tamil Nadu, Justice Sathasivam attended the Government Law College, Madras. He enrolled in the Bar in 1973 and began practicing in the Madras High Court. Soon after, he became an Additional Government Pleader and Special Government Pleader. After two decades of practice, on January 8th, 1996, Justice Sathasivam was appointed as a permanent judge of the Madras High Court. He spent eleven years at Madras and was transferred to Punjab and Haryana in 2007. In the same year, he was elevated to the Supreme Court. Six years later, he was sworn in as the 40th CJI on July 19th, 2013.

From Constitutionality to Compassion: The Journey of Justice P. Sathasivam

Born into a modest farming family, Justice Sathasivam overcame financial hardships and chose perseverance over abandoning his academic dreams. Driven by determination, he studied law at Government Law College, Madras (Chennai), overcoming struggles with English by reading newspapers daily. This practice shaped the clarity, empathy, and humaneness of his judicial writing. His life exemplifies resilience, humility, and the transformative power of education in achieving excellence against adversity.

By tracing the connection between Justice Krishna Iyer's visionary humanism and Justice Sathasivam's views highlights how both jurists transformed constitutional principles into living promises of dignity, empathy, and justice.

Justice System Grounded in Human Values

Justice Krishna Iyer in 1977, while confirming bail in *State of Rajasthan v. Balchand @ Balaiay*, famously wrote, “The basic rule may perhaps be tersely put as bail, not jail.” Since then, this principle has been reiterated multiple times.

Justice P. Sathasivam’s judgment in the **Jessica Lal murder case** reflects the deep humanity behind the law. He emphasized that justice is not just punishment but the humanization of the legal process, where the dignity of the victim and the pain of the family must be recognized. His decision showed that true justice is rooted in fairness, empathy, and moral responsibility.

Graham Staines triple murder case – commuting Dara Singh’s death sentence to life imprisonment demonstrates mercy, fairness, and proportionality in criminal justice, reflects concern for timely justice and humane treatment of convicts and Justice must balance law and punishment with compassion and human dignity.

Wide-Ranging Interpretation of Article 21

Justice V.R. Krishna Iyer revolutionized Article 21 by interpreting “life” as more than mere animal existence. He held that Article 21 guarantees dignity, fair procedure, humane treatment, and social justice. In **Maneka Gandhi**, he stressed that liberty cannot be restricted arbitrarily. In **Sunil Batra**, he declared that torture and solitary confinement violate Article 21’s dignity mandate. In **Hussainara Khatoon**, he introduced the right to speedy trial as part of Article 21. For him, Article 21 protected not just physical life, but humane living conditions, procedural fairness, and equality for the poor, making it a foundation of India’s human-rights jurisprudence.

Justice P. Sathasivam has consistently affirmed that human rights, dignity, and social justice are integral to Article 21, The **Lalita Kumari v. Government of Uttar Pradesh (2013)** judgment is a landmark in the constitutional interpretation of Article 21, especially for women’s rights. By mandating compulsory registration of an FIR upon receiving information about any cognizable offence, the Supreme Court expanded Article 21 beyond mere physical existence to include the

right to immediate legal protection, the right against arbitrary state inaction, and the right to a dignified and fair criminal process.

By strengthening Articles 14, 15, and 21, the judgment ensures equal access to legal remedies for women.

Social Justice Jurisprudence

Justice V.R. Krishna Iyer wrote:

“Social justice is the signature tune of our Constitution.”

He added that the “little man in peril of losing his liberty is the consumer of social justice.”

The **Rajiv Gandhi assassination case** is a landmark in criminal law and social justice jurisprudence in India. Beyond determining guilt and punishment, the case raised constitutional questions about the rights of convicts, fairness in the criminal justice process, and humane treatment under Article 21.

Justice P. Sathasivam and the judiciary emphasized that even death row convicts are entitled to dignity, timely justice, and social protection. Delays in the disposal of mercy petitions were recognized as a violation of fundamental rights, reflecting the principle that social justice extends not only to victims but also to offenders, Ensuring fairness.

The **Safai Karamchari Andolan v. Union of India (2014)** judgment stands as a powerful affirmation of social justice, human dignity, and constitutional morality. The PIL was filed by Safai Karamchari Andolan (SKA), an organization consistently fighting to end the caste-based and dehumanizing practice of manual scavenging. Although the law prohibiting manual scavenging existed since 1993, the practice continued unabated.

The Supreme Court, under the Bench headed by Justice P. Sathasivam, delivered a path-breaking order declaring manual scavenging unconstitutional and violative of Articles 14, 17, and 21. Justice Sathasivam reiterated that the right to life includes the right to live with dignity.

Justice P. Sathasivam's approach in this case reflects the social justice vision that has long guided the Indian judiciary, echoing the legacy of Justice V.R. Krishna Iyer, who described social justice as the "signature tune" of the Constitution. The Court recognized deep-rooted caste discrimination in this case.

Thus, the Safai Karamchari Andolan case is not merely a judicial decision. It reclaims dignity for a marginalized community.

PIL Early Architect

The **Ratlam Municipality case**, decided by Justice V.R. Krishna Iyer, is a landmark case that is foundational to public interest litigation (PIL) in India. It established the principle that a statutory body, like a municipality, cannot escape its responsibility to provide basic amenities by pleading a lack of funds. The judgment is also significant for establishing the "polluter pays" principle and urging judges to understand cases better by directly visiting the site. This case shows judiciary protecting vulnerable through strong human-centered governance.

Justice Sathasivam echoed Krishna Iyer's broad, humane Article 21 approach. **Jessica Lal, Rajiv Gandhi mercy petition delays, and other victim-rights matters**, he placed the common citizen at the heart of constitutional protection, holding the State accountable for fair investigation, speedy trial, and protection against arbitrary action. Both judges share a commitment to social justice, constitutional compassion, and protecting the vulnerable, with Ratlam providing the philosophical foundation and Sathasivam carrying it forward in modern criminal justice.

Justice V.R. Krishna Iyer and Justice P. Sathasivam together shaped a humane and socially responsive PIL philosophy. Krishna Iyer pioneered PIL by liberalizing locus standi.

Right-Based Approach to Procedural Law

In the case *Maneka Gandhi v. UOI*

Justice V.R. Krishna Iyer held that Article 21 cannot be undermined by rigid or flawed procedural laws. Any procedure affecting life or liberty must be fair, not arbitrary or absurd, and must

enhance—not weaken—the substantive right. Procedural formalities cannot justify violating constitutional dignity or justice.

He also dealt with gender bias prevalent not just in the society but in the Government at highest level of employment, In **the case of Muthamma**, an Indian Forest Service officer, his judgment resulted in the removal of discrimination against women officers, setting the balance right. Thus, he broke through the ‘glass ceiling’ with gender parity in traditional practices in public employment.

Justice P. Sathasivam (former Chief Justice of India) referred to the principles established in the landmark **Maneka Gandhi v. Union of India** case in numerous judgments, primarily to reinforce the concepts of natural justice, fairness, and the expansive interpretation of fundamental rights under the Constitution of India.

One prominent instance of this reference was in the case of **Lalita Kumari v. Government of Uttar Pradesh and Others (2013)**, where Justice Sathasivam headed the Constitution Bench that delivered the judgment.

In this judgment regarding the mandatory registration of First Information Reports (FIRs) for cognizable offences, the principles from the Maneka Gandhi case were implicitly and explicitly relied upon to emphasize that the procedure established by law must be just, fair, and reasonable.

Fairness and Due Process is followed in

1993 Mumbai blasts case (Sanjay Dutt) – ensured that even high-profile individuals are treated equally before the law.

In **Mohammad Khalil Chisti case** – setting aside wrongful conviction upholds procedural fairness, evidence-based judgment, and protection of innocent individuals. It was held that Justice requires impartiality, adherence to due process, and protection of rights for all individuals.

Justice Sathasivam carries forward Krishna Iyer’s compassionate constitutionalism. His landmark rulings—Resurgence India, Graham Staines, and PUCL on NOTA—strengthen transparency, participation, and accountability, affirming that democratic law must uphold human dignity, constitutional fairness, and a citizen-centric vision of justice.

Justice Sathasivam reflects Krishna Iyer’s legacy by blending constitutional principles with empathy, showing how law becomes humane, compassionate, and deeply rooted in social justice. When the time tends to leap around authoritarian governance, or the new formula of malign use of Artificial intelligence - it becomes the need of the hour to uphold the essence of VR Krishna Iyer and Justice p Sadasivam which is - Constitutionality to Compassion.

