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

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ABSTRACT

“The law of all laws is that the rule of law must sustain the rule of life.”

- Justice V R Krishna Iyer

The Constitution of India, the paramount social document, enshrines the value of the democracy, that often brings about a new social order based on equality and justice through the instrumentality of law by establishing the conditions necessary for its achievement. The embarked journey from the structure of the rigid constitutionality towards a transformative arc of humanitarian compassion and social justice has been decisively pioneered by the profound philosophical essence and the legacy of Justice V R Krishna Iyer, later articulated as a reverberation, reflected through the significant judgments of Justice P Sathasivam. The core principles of philosophical ideals have been shifted into revolutionary precedents by inculcating the human-centric jurisprudence, substantial access to justice, judicial activism, social reforms, progressive sentencing philosophy, constitutional morality, reflections beyond the bench etc. The rulings of Justice P Sathasivam operationalized Iyer’s philosophical legacy of humanizing the justice system through a deeply compassionate approach which remarked as a guiding lighthouse in the legal framework. The realm of judgments conspicuously acknowledged and aligned with Iyer’s core tenures, placing notable emphasis for the right to life, humanizing the administration of the death penalty, restoring human dignity, people-centric approach, rights of marginalized groups, rights of prisoners and jail reforms, distributive justice etc. This paper, therefore examines the reflections of judgments rendered by Justice P Sathasivam in the Indian jurisprudence through the continued enrichment of compassionate social and legal integration of the philosophy of Justice V R Krishna Iyer in the ultimate attainment of justice.

Key words: Social justice, human-centric jurisprudence, judicial activism, human dignity, sentencing reforms.

INTRODUCTION

The judicial philosophy of Indian jurisprudence has been remarked by the legacy of Justice V R Krishna Iyer by his unwavering commitment to the social justice and his consistent sympathies towards the weaker sections of the society, often referred to as the conscience keeper of justice and thereby believed in a people-centric approach to justice. Through his judgments, he pioneered reformatory justice, viewing offenders as patients and criminality a curable deviance, a vehement abolitionist of capital punishment, introduced a liberal attitude towards bail, thus remembered as an institution of radical humanist whose concern for the poor defined his tenure.¹ Iyer's jurisprudence emanated the right to life, not merely as a right against execution, but as a right to a life of dignity². His progressive approach to criminal law was defined by the concept of 'correction' over 'retribution', arguing for the death penalty only in the rarest of rare cases and viewed law as a dynamic instrument for achieving the constitutional mandate of an egalitarian society. Justice P. Sathasivam has recognized Justice V R Krishna Iyer as a guiding lighthouse and his acknowledgment is mirrored through the remarkable judicial decisions. His judgments often displayed the caution and nuanced consideration of individual circumstances demanded by the rarest of rare principle. The spirit of the weighing of mitigating factors has been adjudged for the commutation of sentencing policies under the criminal law. The realm of the insights of Iyer's constitutional conscience has been adopted to ensure accountability and good governance.

JUSTICE V R KRISHNA IYER - THE PEOPLE'S JUDGE IN THE RHYTHM OF INDIAN JUDICIARY

In the lines of Justice Vaidyanathapuram Rama Iyer Krishna Iyer, justice is the foundation of progressive stability in society. Stability is not static, not inorganic condemned to be dead. The dynamics of societal justice is the key to human progress and, in the context, the complex concept of 'dharma', which is beautiful blend of law, righteousness and basic justice, becomes the cornerstone of the edifice of society.³

¹ Justice V R Krishna Iyer, Law and Life (Universal Law Publishing Co., 2008)

² The Constitution of India, art. 21.

³ V R Krishnayer, Law versus Justice, 224, (Deep and Deep Publications, 1989).

Throughout his tenure as the judge in the Supreme Court, his judgments and legal philosophy have marked an indelible impact on the legal thread of society, leaving the pages of profound judicial activism and social justice, influenced by his belief in the Constitution as a living document, balancing the symbol of law its spirit. Justice Iyer's judgment reflected a keen sense of empathy and a profound understanding of the complexities of Indian society. One of his notable contributions has marked in the realm of interpretation of Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. He also emphasized it also broadly included the right to a fair and reasonable procedure, thereby widening and enhancing the scope of the fundamental rights in India.⁴

Justice Iyer has marked the twilight in the Indian environment jurisprudence by delving into the scope of protection of the environment, upholding the right to a healthy environment as an integral part to the right to life, thus addresses the issues of ecological factors and imbalances, protection of natural resources, attaining sustainable development, thereby highlighted the importance of balancing industrial activities with environmental conservation.⁵ The significant stance of public health and environmental protection, by emphasizing the principle of 'Polluter Pay' was also a prolific judgment for the upgrading the right of the individuals to live in a healthy environment.⁶

The real and effective interpretation of human rights in the Constitution was given by Justice V R Krishna Iyer by upholding the rights of the accused, undertrial prisoners, thereby declaring that handcuffing is strictly against the human dignity under Article 21 of the Constitution.⁷ The implantation of the prison reforms for the need for humane treatment of prisoners was evolved through the landmark judgment of Justice Iyer in *Sunil Batra v. Delhi Administration*, which emphasized the need for upholding human rights by extending the ambit of Article 21 to include the right of prisoners.⁸ Also, the commutation of death penalty to life imprisonment, deeming the imposition of death penalty erroneous in principle but not arbitrary⁹ and thereby the introduction of the 'rarest of rare' doctrine later signified the ambit of humane and equitable approaches to capital punishment.¹⁰

⁴ Maneka Gandhi v. Union of India, AIR 1978 SC 597 (India).

⁵ Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh & Ors., AIR 1985 SC 652 (India).

⁶ Municipal Council, Ratlam v. Vardhichand, AIR 1980 SC 1622 (India).

⁷ Charles Sobhraj v. Superintendent of Central Jail, AIR 1978 SC 1514 (India).

⁸ AIR 1980 SC 1579 (India).

⁹ Rajendra Prasad v. State of Uttar Pradesh, AIR 1979 SC 916 (India).

¹⁰ Bachan Singh v. State of Punjab, (1980) 3 SCC 24 (India).

Justice Krishna Iyer was an eminent jurist who exhibited great independence of thought and action and was influenced by his own sense of dominant need of the times. The scope of the term ‘industry’ has been effectively broadened under Section 2(j) of the Industrial Disputes Act, 1947, which established ‘Triple Test’ in the case of *Bangalore Water Supply and Sewerage Board v. A Rajappa*¹¹ by overruling the judgment of Supreme Court which had a restrictive and limited line of interpretation.

In the words of Justice Iyer, “Public Interest Litigation is the incarnation of judicial activism in its people-oriented litigation dimension and environmental preservation. Justice becomes a living reality only if PIL becomes a pragmatic facility for the common people” Justice Iyer along with Justice P. N Bhagawati laid down the foundations for filing PILs. “Freedom behind the bars is part of our constitutional trust... If wars are too important to be left to the generals, surely prisoners’ right is too precious to be left to the jailors”¹².

JUSTICE P. SATHASIVAM – AN ENDURING OF COMPASSIONATE THREAD

Justice Palaniswamy Sathasivam, served as the 40th Chief Justice of India, and the first CJI to be later appointed as the Governor of Kerala, was recognized for the centenarian’s humanistic approach to issues, promoting peace, clarity, judicial reforms. His notable contribution lauded for the human rights, social justice, safeguarding of the fundamental rights, protection of marginalized groups, electoral matter reforms, upholding the essence of the democratic structure of the Constitution.

“His expertise in legal and political; fields are well spoken off, but there is one characteristic that would individualize Justice Iyer among other legends is that he always handled issues with an insightful humanistic approach”

- Justice P Sathasivam

The judicial philosophy of Justice V R Krishna Iyer has been reflected as a guiding lighthouse through the notable judgments of Justice P. Sathasivam i.e., in alignment with and deep acknowledgment of the foundational legal principles of Justice Iyer.

¹¹ AIR 1978 SC 548 (India).

¹² Prof. Upendra Baxi, Law, Justice and Society, (Amita Dhanda, Arun Thiruvengadam, Kalpana Kannabiran ed., Oxford University Press, 2025).

Delay in execution is torture

The Supreme Court reaffirmed the value in due process of law, the ‘delay in execution is torture’ in the landmark judgment of *Shatrughun Chauhan v. Union of India*¹³. The bench comprising of Justice P Sathasivam commuted the death sentences of fifteen convicts to life imprisonment. The core argument mirrored Justice Iyer’s philosophy; the inordinate and delay in deciding mercy petitions amounts to torture. This judgment also acts as a shield to protect the prisoner from the agony of hovering death, effectively humanizing the administration of the death penalty. Besides this profound dictum, the Supreme Court regarding the position with respect to delay in granting or rejecting mercy petitions, the Supreme Court also laid down several guidelines to safeguard the interests of the prisoners such as minimum period of fourteen days is to be stipulated between the rejection of the petition and the execution, providing the prisoner the time to mentally prepare himself and to meet his family members, also the execution of the prisoner who is not in a mentally or physically fit state is also prohibited. Thus, this judgment had made a formula that the solitary confinement in prisons before the rejection of the mercy petition was held to be unconstitutional by upholding that the judiciary stands as the guardian of the fundamental rights.

Restoration of human dignity

In the landmark judgment of *Safai Karamchhari Andolan v. Union of India*¹⁴, the issue existed in the referred case was the persistent practice of manual scavenging, which Justice P Sathasivam termed “inhuman and a violation of Article 17. The court directed the government to identify families of manual scavengers and provide rehabilitation and compensation. This reflects Justice Iyer’s ‘Social Engineering’, using the gavel not just to interpret law, but to eradicate the deep- rooted social evils and uplift the downtrodden, thereby enhanced and restored the ambit of ‘human dignity’.

Also, in the landmark judgment of *Lalitha Kumari v. State of Uttar Pradesh*¹⁵, the constitutional bench headed by Justice P Sathasivam held that the registration of First Information Report has been made mandatory under Section 154 of the Code of Criminal Procedure when the information discloses the commission of a cognizable offence and no preliminary inquiry is permissible. On the other hand, if the information received does not

¹³ MANU/SC/0043/2014 (India).

¹⁴ (2014) 11 SCC 224 (India).

¹⁵ AIR 2014 SC 187 (India).

disclose a cognizable offence, but requires the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not and thereby the court issued certain guidelines regarding the registration of the First Information Report.

National Assets and Welfare of People

Justice P Sathasivam reiterated a socialist principle deeply held by Justice Iyer i.e., natural resources belong to the people in the judgment of *Reliance Natural Resources Ltd. V. Reliance Industries Ltd.*¹⁶ which contended the balancing rhythm of ‘national assets and welfare of people.’ The judgment emphasized that the government holds natural resources in a trust for the citizens, and they cannot be subject to private family arrangements or corporate whims, ensuring distributive justice.

Electoral Reform of NOTA

The very significant and landmark judgment mandating the inclusion of a ‘None of the Above’(NOTA) option on Electronic Voting Machines (EVMs) was framed in the dictum of *People’s Union for Civil Liberties (PUCL)v. Union of India*¹⁷. The principle of democratic participation formulated by Justice Iyer has been inflicted in the preferred judgment of Justice P. Sathasivam, and opined that, “If introducing a NOTA button can increase the participation of democracy then, in our cogent view, nothing should stop the same. The voters’ participation in the election is indeed the participation in the democracy itself.” thus enriched the concept of electoral reform of NOTA.

Electoral Transparency

One of the major judgment by the bench, headed by Justice P. Sathasivam as the Chief Justice of India which pronounced the dictum of electoral transparency in *Resurgence India v. Election Commission of India*¹⁸ made it mandatory for Lok Sabha nominees to fill all information in nomination papers without leaving blanks, and to make is compulsory for the returning officers to ensure that the affidavits are complete in all respects and to reject the affidavits having blank particulars as it was necessary to maintain purity of elections, upholding voters’ right to information about their candidates and improving electoral transparency.

¹⁶ AIR 2010 SC 285 (India).

¹⁷ (2013) 10 SCC 1 (India).

¹⁸ AIR 2014 SC 344 (India).

The arena of Social Justice

The realm of social justice to the Persons with Disabilities was discussed in the *Union of India v. National Federation of the Blind*¹⁹. This judgment exemplifies the application of Justice Iyer's philosophy by addressing the social inequalities faced by persons with disabilities. It reflected a shift towards the social model of disability, wherein the focus moves from the individual's impairment to the societal barriers that create disadvantage. The bench comprised of Justice P. Sathasivam as the Chief Justice of India, mandated a three percent horizontal reservation for persons with disabilities in government employment, and clarified that fifty percent reservation ceiling does not apply to disability quotas, and thus ensured the right to dignity and acted against the arbitrary role of the state, thereby safeguarded the rights of the persons with disabilities in public employment.

CONCLUSION

The prolific judgments of Justice P. Sathasivam are a testament to the enduring philosophical legacy of Justice V R Krishna Iyer, characterized by the revolutionary vision for a human-centric jurisprudence, social justice, equality, judicial activism and transformative constitutionalism. Justice Sathasivam was of the view that Justice Iyer always strived to evolve a consensus on the issues involved and tried to explore strategies to promote peace. His innovative interpretation of statutes, development of poverty jurisprudence and third world vision of social justice have won wide appreciation through his remarkable legacy and thus remained as the guardian of the nation's conscience, a living tradition, securing the 'rule of life' as the paramount principle of Indian legal system

¹⁹ (2013) 10 SCC 772 (India).