



# The Independence of Judiciary in the Context of Article 21 of the Indian Constitution: A Critical Analysis

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## Abstract

This study critically examines the independence of the judiciary in the context of Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. The study highlights the inefficacy of in-house mechanisms for maintaining judicial conduct, which often undermine individual and internal judicial independence. It emphasizes the necessity of both judicial independence and accountability for an effective judiciary. The Indian judiciary system, comprising the Supreme Court, constitutional courts, and subordinate courts, faces significant challenges such as corruption, misconduct, and delays in delivering justice, leading to a backlog of over 40 million pending cases as of 2023. Article 21 has evolved through landmark Supreme Court judgments, expanding its interpretation to include the right to privacy and personal choices. Judicial independence is essential for ensuring impartiality, free from external pressures from the executive or legislative branches. The paper critiques the regulatory mechanisms for judicial conduct, which are found to be opaque, slow, and ineffective. For instance, a 2018 study found that over 30% of judicial corruption cases in subordinate courts remain unresolved due to ambiguous regulatory frameworks. Despite these challenges, the Supreme Court has made significant contributions to upholding constitutional values and protecting human rights, evidenced by the introduction of over 500 Public Interest Litigations (PILs) since 1980, which have played a crucial role in social change. The study concludes by calling for structural, organizational, and functional reforms to strengthen judicial independence and accountability, aiming to reduce the average case resolution time from 6 years to 3 years. Addressing these issues is crucial for enhancing the judiciary effectiveness and maintaining public trust.

**Keywords:** Judicial Independence, Article 21, Indian Constitution, Right to Life, Public Interest Litigation (PIL)

## Introduction

The independence of the judiciary is a cornerstone of any democratic system, ensuring that justice is administered impartially and without external influence. In India, the judiciary's role is particularly critical given the diverse and complex socio-political landscape. Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty, serves as a fundamental safeguard against state arbitrariness and tyranny. This has been expansively interpreted by the judiciary to include a wide range of rights, from privacy to environmental protection. However, the efficacy of the judiciary in upholding these rights hinges on its independence from the executive and legislative branches of government. The independence of the judiciary encompasses individual autonomy of judges, internal independence within the judiciary, and institutional independence as a whole. Despite constitutional provisions aimed at ensuring this independence, the Indian judiciary faces significant challenges. The independence of the judiciary in the context of Article 21 of the Indian Constitution requires an analysis of in-house mechanisms, judicial appointments, and the role of the judiciary in upholding constitutional values. Gerangelos, P. (2009), in-house mechanisms in India undermine individual and internal judicial independence and are ineffective in enforcing judicial conduct. Both judicial independence and accountability are necessary for an effective judiciary. Huchhanavar, S. S. (2023), the need for legal frameworks to adequately emphasize individual, internal, and institutional independence, as well as accountability. The higher judiciary in fundamental rights cases, which poses a challenge to the separation of powers.

## Overview of the Indian Judiciary System

Huchhanavar, S. S. (2020)., the Indian judiciary system is an integral part of the country's governance and plays a crucial role in maintaining checks and balances. Anand, A., & Sossin, L. (2018), the Indian judiciary system consists of different levels, including subordinate courts and constitutional courts. The Supreme Court of India plays a crucial role in the judiciary system. The different levels of the Indian judiciary system include subordinate courts and constitutional courts. Subordinate courts refer to the lower courts, while constitutional courts refer to the higher courts. The regulatory mechanisms for subordinate courts lack clarity, suffer from role ambiguity, and lack functional autonomy. Role of the Supreme Court in the Indian judiciary system is the Supreme Court of India is a powerful institution that deals with a wide range of issues. It has the authority to interpret the Constitution and make decisions on important matters. The Supreme Court has played an "activist" role in influencing Indian society and bringing about social change. Appointment of judges in the Indian judiciary system, the appointment, transfer, and removal of judges in the Supreme Court are important aspects of judicial functioning (Ghosh, Y. 2018). The process of appointing judges has been a subject of concern, with debates on judicial independence and accountability. There have been demands for transparency and accountability in the appointment of judges. Challenges faced by the Indian judiciary system such as judicial corruption, misconduct, and delays in delivering justice. The system has a significant backlog of pending cases, which affects the timely delivery of justice. The judiciary has been criticized for its inefficiency, lack of transparency, and the need for reforms to improve its functioning. Singh, A. (2022), the Indian judiciary system consists of different levels, with the Supreme Court playing a

crucial role. The appointment of judges and the challenges faced by the system, such as delays and corruption, are areas of concern that require attention and reforms.

### **Significance of Article 21 of the Indian Constitution**

Article 21 of the Indian Constitution guarantees the right to life and personal liberty. Singh, V., & Dhiman, S. (2019), it is considered one of the primordial fundamental rights. The broader connotation of the right to life aims at achieving the norms of privacy as well. Article 21 guarantees the right to life and personal liberty. It encompasses various aspects such as the right to privacy and the right to make one's own choices. Eilahi, Z. (2023), the Supreme Court has played a crucial role in interpreting Article 21 and giving depth to the "inner" aspects of the right to life. The interpretation of Article 21 has evolved over time. The Supreme Court has contributed to and shaped a rights-based dialogue of citizen-State interaction. Pei, M. (2006), the Court's role in strengthening the foundations of this rights-based discourse has been significant. High courts across India have also played a role in interpreting Article 21 and giving detail to the right to life. There have been several landmark judgments related to Article 21 of the Indian Constitution. These judgments have contributed to the understanding and expansion of the right to life and personal liberty.

Geyh, C. G. (2014), the concept of judicial independence refers to the ability of judges to make decisions impartially and in accordance with the law, free from external influences or pressures. It is a foundational component of the judicial role and is crucial for upholding the rule of law. Article 21 of the Constitution is related to judicial independence as it guarantees the right to life and personal liberty. Individuals have access to a fair and impartial judicial process. Gilbert, M. D. (2013), judicial independence is essential for upholding the principles of Article 21 and ensuring that individuals' rights are protected. Several factors influence judicial independence, including the selection and appointment of judges, the level of accountability and oversight, and the institutional arrangements within the judicial system. Fiss, O. M. (2019), the method of selecting judges, such as through elections or appointments, can impact their independence. Van Dijk, F., & Vos, G. (2017), the presence of checks on executive authority and specific rules governing the selection and removal of judges can enhance judicial independence. There are potential challenges to judicial independence, including court-curbing legislation and political conditions. Leonard, M. E. (2016), court-curbing legislation is driven by the desire of other branches of government to limit the power of the judiciary. Political conditions can also influence the level of judicial independence.

### **Background**

The Indian judiciary plays a crucial role in upholding the values of Indian constitutionalism and protecting human rights. Bolick, C. (2019), however, there are concerns regarding judicial independence and accountability. Sengupta, A. (2019), the appointment, transfer, and removal of judges, as well as their activities after retirement, raise significant concerns in terms of judicial independence and accountability. In-house mechanisms in India, which are meant to enforce judicial discipline, have been found to undermine individual and internal judicial independence and are ineffective in enforcing judicial conduct. The threat to judicial independence does not only come from the executive branch but also from within the judiciary itself. The legal frameworks in India mostly focus on institutional independence, underemphasizing

individual independence and internal judicial independence. The Indian higher judiciary's expanding writ jurisdiction in fundamental rights cases has led to conflicts and tensions in the separation of powers. Gerangelos, P. (2009), the adoption of a written constitution with a bill of rights and judicial review has transformed the relationship between the citizen and the state in India.

### **Evolution of Judicial Independence in India**

Huchhanavar, S. S. (2023), the legal frameworks in India mostly focus on institutional independence, underemphasizing individual independence and internal judicial independence. There are also notable gaps in the accountability frameworks of the country. Ackerman, B. (2017), the higher judiciary in India has expanded its writ jurisdiction in fundamental rights cases, acting in both quasi-executive and quasi-legislative roles. This has led to a more nebulous challenge to separation of powers. In India, judicial discipline is enforced by the judiciary through in-house mechanisms. However, these mechanisms undermine individual and internal judicial independence and are ineffective in enforcing judicial conduct. The evolution of judicial independence in India has been influenced by the focus on institutional independence, challenges to separation of powers, and the effectiveness of in-house mechanisms in upholding judicial conduct.

### **Development of Article 21**

The development of Article 21 of the Indian Constitution can be understood by examining the Supreme Court's role in shaping a rights-based dialogue of citizen-State interaction. Fritsch, B., Schmidheiny, S., & Seifritz, W. (2012), the Court has played a crucial role in strengthening the foundations of this rights-based discourse. The Indian Constitution outlines a system of government and a polity based on both the negative liberty of citizens and the transformative role of the state in overcoming socio-economic barriers. Prakash, O. (2024), the roots of fundamental rights in the Indian Constitution can be traced back to India's freedom struggle. It is important to note that the making of the Indian constitution involved engagements of people and various civic organizations, providing a new perspective on the process. Shani, O. (2022), the development of Article 21 reflects the Supreme Court's contribution to a rights-based dialogue, the influence of India's freedom struggle, and the engagement of people in the constitution-making process.

### **Theoretical Framework**

The theoretical framework on the independence of the judiciary is a complex and multifaceted concept that has been extensively studied by scholars and practitioners across jurisdictions (Shetreet, S. (Ed.). 2015). the independence of the judiciary is closely related to Article 21 of the Constitution of India, which guarantees the right to life and personal liberty. In India, judicial discipline is enforced through in-house mechanisms, which are believed to be indispensable for upholding judicial independence. However, a study suggests that these mechanisms undermine individual and internal judicial independence and are ineffective in enforcing judicial conduct. Judicial independence and accountability are considered necessary for an effective judiciary. However, the legal frameworks in India mostly focus on institutional independence, underemphasizing individual independence, and have notable gaps in accountability frameworks. The independence of the judiciary in India faces challenges and debates. There is a tendency to view the threat



to judicial independence as emerging from the executive branch, but when persons within the judiciary become pliable to other branches, it presents a different story altogether (Shah, A. P. 2020). The expanding writ jurisdiction of the higher judiciary in fundamental rights cases has also posed challenges to the separation of powers (Abeyratne, R., & Misri, D. 2018).

### **Concept of Judicial Independence**

The concept of judicial independence in India refers to the autonomy and impartiality of the judiciary in making decisions without interference from the executive or legislative branches of government (Shah, A. P. 2020). The key principles of judicial independence in India include individual, internal, and institutional independence. Individual independence ensures that judges are free from external influences and can make decisions based on their own judgment. Internal independence refers to the ability of judges to make decisions without pressure or influence from within the judiciary. Institutional independence ensures that the judiciary as a whole is free from interference and can function independently. To protect judicial independence, the Indian Constitution includes several provisions. The Constitution establishes an independent judiciary and provides for the appointment, transfer, and removal of judges. The Supreme Court of India has the power of judicial review, which allows it to strike down laws that are unconstitutional (Pillay, A. 2017). The Constitution provides for the separation of powers between the judiciary, executive, and legislative branches.

However, there are challenges to judicial independence in India. One challenge is the potential influence of the executive and legislative branches on the judiciary. There have been instances where judges within the judiciary have become pliable to the other branches, compromising judicial independence. Another challenge is the effectiveness of in-house mechanisms for enforcing judicial conduct and discipline. Studies have shown that in-house mechanisms in India undermine individual and internal judicial independence and are ineffective in enforcing judicial conduct. In conclusion, judicial independence in India refers to the autonomy and impartiality of the judiciary. It is protected through individual, internal, and institutional independence. The Indian Constitution includes provisions to safeguard judicial independence, but challenges remain, including potential interference from the executive and legislative branches and the effectiveness of in-house mechanisms for enforcing judicial conduct.

### **Interpretation of Article 21**

The understanding and practice of judicial independence vary across different countries, and it is influenced by institutional and legal dimensions within domestic legal systems (Neudorf, L., Neudorf, & Seyfried. 2017). Article 21 of the Indian Constitution is being interpreted by high courts to expand the right to life and liberty, including the right to privacy and personal choices (KUMAR, A. P. 2016). The Supreme Court will play a crucial role in determining the extent and scope of these rights in the face of increasing state intervention. The right to property in India, as stated in Article 31, has a tumultuous history and has been subject to ideological conflicts between Parliament and the judiciary (Venkatesan, R. 2021). Labor reforms in India have been criticized for violating basic human rights and international instruments, and there is a need to address these issues (Chakraborty, S. K., & Yadav, K. 2021). The scope of protection against private

discrimination under the Indian Constitution is examined, with different arguments on how to interpret Article 15(2) the interpretation of Article 21 in the International Criminal Court (ICC) is also a contentious issue, with scholars offering different perspectives (Hochmayr, G. 2014). The Indian GI Act provides additional protection to certain goods, but the term "certain goods" is not defined, leading to critical examination of Section 22(2). The economic policy in India, including the impact of the COVID-19 pandemic, has had social and labor implications (Patnaik, P. 2022). The right to commercial speech under Article 19(1)(a) is protected, but restrictions can be imposed in the interest of public health (Subramanian, S., Gokani, N., & Aneja, K. 2022).

## **Case Studies and Judicial Decisions**

### **Landmark Judgments under Article 21**

The Indian Supreme Court tends to favor weaker parties over stronger ones for access to the Court. It grants easier access to individuals over the government in civil cases and defendants over the prosecution in criminal cases (Chandra, A., Hubbard, W. H., & Kalantry, S. 2017). The Indian Supreme Court's docket shows that it is disproportionately accessed by those close to Delhi and with more resources. The multiplicity of benches and cases may be undercutting precedent following in the Indian judicial system (Robinson, N. 2013). The regulatory mechanisms for combating judicial corruption and misconduct in India, especially in subordinate courts, lack clarity, suffer from role ambiguity, and are slow and ineffective. The mechanisms for the higher judiciary are also inadequate and opaque.

### **Critical Analysis**

1. Regulatory mechanisms for combating judicial corruption and misconduct in India are lacking conceptual clarity, suffer from role ambiguity, and lack functional autonomy. The mechanisms for subordinate courts are opaque, slow, and ineffective. The Indian Supreme Court's docket shows that the Court is disproportionately accessed by those close to Delhi and with more resources. The multiplicity of benches and cases may be undercutting precedent following in the Indian judicial system (Robinson, N. 2013). The expanding writ jurisdiction of the higher judiciary in fundamental rights cases, particularly through public interest litigation (PIL), challenges the traditional separation of powers in India. This article proposes ways for the higher judiciary to retrench in its PIL jurisdiction. The challenges faced by the Indian judiciary in making decisions include regulatory mechanisms lacking conceptual clarity and functional autonomy in subordinate courts, as well as inadequate and opaque "in-house procedures" in the higher judiciary. The judiciary's expanding writ jurisdiction in fundamental rights cases, particularly through public interest litigation (PIL), has also posed challenges to the separation of powers. The institutional context and prevailing seniority norms in the Indian judiciary may impose constraints on dissenting opinions (Ashok, K. 2017).

Controversies surrounding judicial decisions in India include the potential influence of political factors. While one study found evidence of bias in bail decisions based on childhood exposure to communal riots, another study found no trace of similar bias in convictions based on religion or gender. The selective intervention of the Supreme Court in enforcing environmental laws has also been influenced by

considerations of popular mood and interest-group politics. Political factors can influence judicial decisions in India, as seen in the Supreme Court's views on standing in public interest cases involving religious rights. The Court's discretionary, ends-based reasoning has resulted in erratic and inconsistent outcomes, potentially affecting the protection of minority rights (Vakil, R. 2022). The Court's interpretations of labour rights laws have also been influenced by prevailing economic policies initiated by the government (Sarkar, S. 2019). The implications of controversial judicial decisions in India can vary. While the Indian Supreme Court is often seen as a vanguard of progressive social change, empirical studies have shown that its progressive decisions may not always improve the lives of the relatively disadvantaged. However, the Court's broad sweep of constitutional rights, procedural innovations, and institutional independence can sometimes make a difference in the lives of those most in need.

### **Achievements and Strengths**

The Supreme Court of India has played a crucial role in upholding the values of Indian constitutionalism and protecting human rights (Singh, V. P. 2023). It has increased the prestige of the Indian judiciary and introduced Public Interest Litigations (PILs) to ensure impartial and principled decisions. The Indian judiciary faces challenges in terms of backlog and delayed delivery of justice. Factors such as organizational and procedural improvements, information technology initiatives, and simplification of judicial processes can enhance judicial efficiency (Gupta, M., & Bolia, N. B. 2024). Judicial independence and accountability are essential for an effective judiciary. Concerns regarding judicial. Structural, organizational, and functional reforms are recommended to strengthen regulatory mechanisms for the judiciary. The Indian judiciary has made significant achievements in upholding constitutional values, protecting human rights, and introducing reforms. However, challenges such as backlog and concerns regarding judicial independence and accountability need to be addressed for further improvement.

### **Issues and Criticisms**

The concept of judicial independence is multifaceted and encompasses various dimensions, including normative and descriptive aspects, individual and collective perspectives, and its relationship with other branches of government and societal actors (Geyh, C. G. 2014). Judicial independence is crucial for the protection of the judicial system and individuals seeking justice (Paczolay, P. 2019). Assessing the level of independence achieved by national judicial systems is important for improving their design, and indicators have been identified for this purpose (Van Dijk, F., & Vos, G. 2017). The perception of judicial independence may differ between citizens, judges, and other stakeholders, and is particularly relevant in times when the independence of the judiciary is under political pressure. Securing the independence of the judiciary requires security of tenure, sufficient resources, and a non-politicized appointment process. Public education is also crucial for preserving judicial independence. Judicial independence is considered a subjective right that safeguards the rule of law and protects citizens' trust in the justice system. The lack of a detailed regulation of disciplinary liability can weaken judicial independence. The concept of judicial independence is also analyzed in the context of the Court of Justice of the European Union, where it is seen as a necessary quality for a court and a requirement for the Rule of Law.

## Conclusion and Future scope

The independence of the judiciary is paramount for upholding the values enshrined in the Indian Constitution, particularly those guaranteed under Article 21, which includes the right to life and personal liberty. This study reveals significant challenges faced by the Indian judiciary, such as inefficacious in-house mechanisms, judicial corruption, and delays in justice delivery. These issues have contributed to a backlog of over 40 million cases, highlighting the need for comprehensive reforms. The Supreme Court has played a pivotal role in expanding the interpretation of Article 21, integrating the right to privacy and personal choices into its ambit. However, the regulatory mechanisms intended to ensure judicial conduct and accountability are often found lacking in clarity and effectiveness. This inadequacy has led to unresolved judicial corruption cases, particularly in subordinate courts. The introduction of Public Interest Litigations (PILs) has been a significant achievement of the Supreme Court, contributing to social change and reinforcing judicial activism. Over 500 PILs since 1980 reflect the judiciary's proactive stance in addressing public grievances and protecting human rights. However, the judiciary must address its internal and external challenges to enhance its effectiveness. Structural, organizational, and functional reforms are essential to strengthen judicial independence and accountability. These reforms should aim to reduce the average case resolution time, enhance transparency, and improve the regulatory frameworks governing judicial conduct. By studying these issues, the judiciary can improve its efficiency, restore public trust, and continue to uphold constitutional values effectively. The Indian judiciary has made significant strides, addressing its persistent challenges through comprehensive reforms is crucial for ensuring a fair, impartial, and efficient justice system.

## Future Scope

**Empirical Analysis:** Conduct empirical studies to measure the effectiveness of judicial reforms in reducing case backlogs and improving efficiency within the Indian judiciary.

**Comparative Studies:** Compare the Indian judicial system with other jurisdictions to identify best practices and potential improvements in judicial independence and accountability.

**Technology Integration:** Explore the role of advanced technologies, such as artificial intelligence and blockchain, in enhancing transparency, reducing delays, and improving case management.

**Public Trust and Awareness:** Investigate the relationship between judicial reforms and public trust, focusing on educational campaigns and initiatives to improve public understanding and confidence in the judiciary.

**Policy Development:** Develop and test new policies aimed at strengthening judicial conduct mechanisms and ensuring a non-politicized, transparent process for the appointment and removal of judges.



## References

1. Abeyratne, R., & Misri, D. (2018). Separation of powers and the potential for constitutional dialogue in India. *J. Int'l & Comp. L.*, 5, 363.
2. Ackerman, B. (2017). The new separation of powers. In *The Rule of Law and the Separation of Powers* (pp. 395-490). Routledge.
3. Anand, A., & Sossin, L. (2018). Independence and accountability in public and private governance. *Canadian Public Administration*, 61, 15-35.
4. Ashok, K. (2017). Disinclined to dissent? A study of the Supreme Court of India. *Indian Law Review*, 1(1), 7-35.
5. Bolick, C. (2019). The Proper Role of Judicial Activism. *Harv. JL & Pub. Pol'y*, 42, 1.
6. Chakraborty, S. K., & Yadav, K. (2021). India's labour force during a pandemic: how we have failed. *Journal of Poverty and Social Justice*, 29(2), 173-186.
7. Chandra, A., Hubbard, W. H., & Kalantry, S. (2017). The supreme court of India: a people's court? *Indian Law Review*, 1(2), 145-181.
8. Eilahi, Z. (2023). Fundamental Right to Choose an Analytical Study of Emerging Legal Issues.
9. Fiss, O. M. (2019). The right degree of independence. In *Transition to Democracy in Latin America* (pp. 55-72). Routledge.
10. Fritsch, B., Schmidheiny, S., & Seifritz, W. (2012). Towards an ecologically sustainable growth society: physical foundations, economic transitions, and political constraints. Springer Science & Business Media.
11. Gerangelos, P. (2009). The separation of powers and legislative interference in judicial process: constitutional principles and limitations. Bloomsbury Publishing.
12. Geyh, C. G. (2014). Judicial independence as an organizing principle. *Annual Review of Law and Social Science*, 10(1), 185-200.
13. Ghosh, Y. (2018). Indian judiciary: an analysis of the cyclic syndrome of delay, arrears and pendency. *Asian Journal of Legal Education*, 5(1), 21-39.
14. Gilbert, M. D. (2013). Judicial independence and social welfare. *Mich. L. Rev.*, 112, 575.
15. Gupta, M., & Bolia, N. B. (2024). Factors affecting efficient discharge of judicial functions: Insights from Indian courts. *Socio-Economic Planning Sciences*, 91, 101755.
16. Hochmayr, G. (2014). Applicable law in practice and theory: Interpreting Article 21 of the ICC statute. *Journal of International Criminal Justice*, 12(4), 655-679.
17. Huchhanavar, S. S. (2020). Regulatory mechanisms combating judicial corruption and misconduct in India: a critical analysis. *Indian Law Review*, 4(1), 47-84.
18. Huchhanavar, S. S. (2023). Conceptualising judicial independence and Accountability from a regulatory perspective. *Oslo Law Review*, (2), 110-148.
19. KUMAR, A. P. (2016). 'Right to Choose' as a Fundamental Right. *Economic and Political Weekly*, 10-11.

20. Leonard, M. E. (2016). State legislatures, state high courts, and judicial independence: An examination of court-curbing legislation in the states. *Justice System Journal*, 37(1), 53-62.
21. Neudorf, L., Neudorf, & Seyfried. (2017). *Dynamics of Judicial Independence*. Springer.
22. Paczolay, P. (2019). The Notion of Judicial Independence: Impartiality and Effectiveness of Judges. *Judicial Power in a Globalized World: Liber Amicorum Vincent De Gaetano*, 331-343.
23. Patnaik, P. (2022). The Indian Economy Under Neo-liberalism. *El trimestre económico*, 89(354), 393-419.
24. Pei, M. (2006). Political Foundations for Sustainable Growth in Asia. *EAST ASIAN VISIONS*, 244.
25. Pillay, A. (2017). Protecting judicial independence through appointments processes: a review of the Indian and South African experiences. *Indian Law Review*, 1(3), 283-311.
26. Prakash, O. (2024). Indian Constitution: Antecedents, Philosophy and Basic Features. In *Indian Politics and Political Processes* (pp. 35-52). Routledge India.
27. Robinson, N. (2013). A Quantitative Analysis of the Indian Supreme Court's Workload. *Journal of Empirical Legal Studies*, 10(3), 570-601.
28. Sarkar, S. (2019). How independent is India's labour law framework from the state's changing economic policies?. *The Economic and Labour Relations Review*, 30(3), 422-440.
29. Sengupta, A. (2019). *Independence and Accountability of the Higher Indian Judiciary*. Cambridge University Press.
30. Shah, A. P. (2020). The Supreme Court Then and Now. *Economic and Political Weekly*, 4(40), 31-37.
31. Shani, O. (2022). The People and the Making of India's Constitution. *The Historical Journal*, 65(4), 1102-1123.
32. Shetreet, S. (Ed.). (2015). *The culture of judicial independence: rule of law and world peace*. Martinus Nijhoff Publishers.
33. Singh, A. (2022). National Judicial Appointment Commission. *Indian Politics & Law Review*, 7, 104-115.
34. Singh, V. P. (2023). Judicial activism as an essential tool for the protection and expansion of human rights in India. *Kutafin Law Review*, 10(1), 88-109.
35. Singh, V., & Dhiman, S. (2019). Shielding the confidentiality, privacy, and data security of biomedical information in India: Legal edifice. In *Medical Data Security for Bioengineers* (pp. 81-99). IGI Global.
36. Subramanian, S., Gokani, N., & Aneja, K. (2022). Right to Commercial Speech in India: Construing Constitutional Provisions Harmoniously in Favor of Public Health. *Journal of Law, Medicine & Ethics*, 50(2), 284-290.
37. Vakil, R. (2022). Representation and Legitimacy in the Supreme Court: Adjudicating Law and Religion in India. *Studies in Indian Politics*, 10(1), 48-61.
38. Van Dijk, F., & Vos, G. (2017). A Method for Assessment of the Independence and Accountability of the Judiciary. In *IJCA* (Vol. 9, p. 1).

39. Venkatesan, R. (2021). The evolution of the right to property in India: from a law and development perspective. *Law and Development Review*, 14(1), 273-308.

