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Indian Public Law, Constitutional Federalism, and Comparative Post-Colonial Jurisprudence

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Abstract

This research paper presents an extensive critical analysis of modern Indian jurisprudence, constitutional law, and public governance. Focusing on the 1950 Constitution of India, asymmetric federalism, the Basic Structure doctrine, and the landmark rulings of the Supreme Court of India, this study examines how Indian legal institutions reconcile transformative constitutionalism with socio-economic democracy. Furthermore, it investigates advancements in Public Interest Litigation (PIL), digital public infrastructure law (India Stack), and environmental constitutional jurisprudence.

Keywords: of modern Indian jurisprudence , asymmetric federalism, Public Interest Litigation

1. Introduction:

Indian Constitutional Foundations and Legal Humanities

The Indian legal tradition represents one of the largest and most complex democratic legal frameworks globally, combining common law legal structures with transformative constitutional principles and indigenous legal traditions. Centred around premier academic institutions such as the National Law School of India University (NLSIU) in Bengaluru and the Faculty of Law at the University of Delhi, Indian scholarship has profoundly reshaped post-colonial jurisprudence and constitutional theory.

From foundational debates in the Constituent Assembly to contemporary Supreme Court jurisprudence, Indian jurists have continuously advanced doctrines of social justice, fundamental rights, and executive accountability.

This paper examines modern Indian legal research, exploring constitutional federalism, judicial review mechanisms, digital governance, and comparative public law.

2. Transformative Constitutionalism and the Basic Structure Doctrine

The enactment of the 1950 Constitution established India as a sovereign, socialist, secular, and democratic republic. Scholars at NLSIU and Delhi University have extensively analyzed the evolution of the Basic Structure doctrine, formulated by the Supreme Court in the landmark Kesavananda Bharati case.

This foundational doctrine restricts parliamentary amendment powers, preserving core constitutional features such as judicial independence, rule of law, federalism, and secularism.

This body of research offers vital frameworks for understanding how constitutional courts safeguard democratic democracy against legislative encroachment.

3. Public Interest Litigation (PIL), Fundamental Rights, and Judicial Activism

India's Supreme Court pioneered Public Interest Litigation (PIL) in the late 1970s, expanding locus standi to grant marginalized citizens direct access to justice.

Public law scholars critically examine the expansion of Article 21 (Right to Life and Personal Liberty) to include human dignity, clean environment, privacy, and right to education.

Recent academic inquiry focuses on balancing judicial activism with executive administration, ensuring structural remedies for systemic human rights challenges.

4. Asymmetric Federalism, Center-State Relations, and Local Governance

The Indian constitutional setup demonstrates a sophisticated model of asymmetric federalism, balancing national unity with regional autonomy.

Legal scholars analyze constitutional mechanisms governing fiscal federalism, emergency provisions, and legislative competence distribution between the Union and States.

This research explores how constitutional mechanisms adapt to cultural, linguistic, and socio-economic diversity across India's states.

5. Digital Public Infrastructure (India Stack), Data Protection, and Environmental Law

India has pioneered Digital Public Infrastructure (DPI), developing statutory frameworks for digital identity, data protection (DPDP Act), and algorithmic governance.

Indian legal researchers conduct leading studies on constitutional privacy guarantees, cybersecurity law, and public sector data governance.

Concurrently, Indian environmental jurisprudence has advanced rights-based climate litigation, public trust doctrines, and sustainable development standards.

6. Conclusion: The Indian Paradigm in Contemporary Global Jurisprudence

The study of Indian public law reflects a dynamic synthesis of post-colonial transformation, constitutional innovation, and institutional adaptation. The Indian model provides invaluable lessons for pluralistic democracies worldwide.

By integrating basic structure review, public interest access, digital public infrastructure, and environmental rights, Indian jurisprudence remains central to comparative law.

Ultimately, the Indian paradigm demonstrates that constitutional stability and social justice thrive upon an unwavering commitment to democratic rule of law and human rights.

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