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Judicial Course Corrections & Need for Judicial Finality


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A constitutional court exists in a democracy, provokes strong emotions, and functions under the public eye. But there is a difference — crucial and constitutional — between recognising a judgment's public consequences and letting public opinion shape judicial outcomes. In 2025, that line began to blur.

Over the last year, the Supreme Court reversed eight of its own judgments, a tally rare in recent memory. Several others were recalled, reopened, or substantially modified. Many of these did not emerge from the slow grind of doctrinal reconsideration. Instead, they occurred sometimes within weeks or months, often following waves of media outrage, street-level anxiety, and political discomfort.

While each may be defensible on its own, the cumulative effect raises a troubling question: Are judicial course corrections being driven by legal reconsideration, or by public unease?

Some examples stand out. In August 2025, the court ordered authorities to remove stray dogs from public spaces and place them in shelters. But after weeks of public outrage, it allowed their return to the streets under revised guidelines. A November judgment defining the Aravalli hill range was put in abeyance after widespread criticism, with the court setting up a committee to reassess ecological impacts.

Earlier in the year, the court had expanded a year-round ban on firecrackers in the asphyxiated Delhi-National Capital Region (NCR) on environmental grounds, but later permitted green firecrackers during Diwali.

In another significant move, the Supreme Court recalled its *Vanashakti* judgment, which had invalidated retrospective environmental clearances under the Environment (Protection) Act. A larger bench held that the earlier order had not adequately considered binding precedents, thereby reopening a settled environmental issue. Other examples include corporate governance cases, such as the Bhushan Power & Steel liquidation plan, a Rajasthan panchayat dispute, and staying the Delhi High Court order in the abominable Unnao rape case.

Together, these episodes suggest more than coincidence. Repeated reversals risk diluting the very quality that gives constitutional adjudication its force: Finality.

The Constitution does not forbid the court from correcting itself. On the contrary, it provides formal mechanisms for this — review petitions, curative petitions, and, in rare cases, recall. But these mechanisms are deliberately narrow, intended to correct clear errors of law, fact, or procedure. Recalls, especially, are for extraordinary circumstances — fundamental flaws that make the original judgment legally unsustainable. They are not intended as instruments of second thoughts or changed moods.

When final judgments are revisited without a clear showing of error, confusion reigns and predictability suffers. So does the authority of the court. Legal observers have expressed unease about recalls and modifications coinciding with changes in bench composition, raising concerns about whether outcomes are becoming contingent on who hears the matter rather than what the law requires.

The court too has acknowledged this. In November 2025, justices Dipankar Datta and AG Masih warned that reopening and overturning its own rulings — sometimes at the behest of parties seeking a fresh outcome — "undermine(s) the authority and credibility" of the apex court.

Justice BV Nagarathna spoke even more plainly: A judgment once rendered must hold its anchor in time for it is "written in ink, not sand". Judgments cannot be tossed out just because the faces on the bench have changed.

The Supreme Court is not an ordinary appellate court. Under Article 141, its judgments are binding law. Governments, lower courts, regulators, and citizens act on the principle that when the court speaks, it does so with finality. When that premise weakens, so does public trust. Litigants return without new facts or law, but with new tactics — "bench hunting," fresh interlocutory applications, or waiting for a more favourable judicial moment.

Governments may test the durability of adverse rulings. And the public may come to expect accommodation rather than impartiality. What emerges is jurisprudential instability.
None of this is to deny judicial fallibility.

Every serious legal system accepts that courts can err. Yet, at its core, judicial discipline is about institutional restraint. Departures must be rare and serious. Anything less risks turning constitutional adjudication into judicial musical chairs.

Public outrage is inevitable. Yielding to it is not. In the long-run, the legitimacy of the Supreme Court will rest on its ability to balance urgency with restraint. The greatest courts are not those that never err, but those that err less because they speak more carefully.

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