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Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

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Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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"BALANCING JUSTICE: EXPLORING RETROSPECTIVITY IN JUDICIAL INTERPRETATION OF PENAL STATUTES"

AUTHORED BY.: - ADV. RAJSEE M. KHEDKAR

ABSTRACT :-

An essential aspect of legal discourse is the retrospective interpretation of penal statutes by judges, which reflects the dynamic relationship between statutes, court decisions, and changing social norms. Through an exploration of its principles, applications, and ramifications, this abstract explores the complex aspects of retrospectivity in the context of interpreting penal statutes.

When legal interpretations are applied retroactively to prior occurrences or behaviours, it's known as retrospective judicial interpretation. This practice frequently raises complex issues with justice, legal certainty, and the rule of law. When it comes to penal legislation, which are an area where state power and individual liberty collide, the backward application of legal interpretations takes on greater importance, affecting not only the rights of the accused but also more general concepts of justice and accountability.

The doctrine of legality, which states that people should be able to predict the legal ramifications of their conduct based on clear and accessible laws, is fundamental to the analysis of retrospectivity in penal statutes. But this idea may be called into question due to the fact that legal interpretation is always changing and that court rulings are often applied retroactively, which could violate people's rights and threaten the rule of law.

Additionally, striking a careful balance between the demands of justice, legal certainty, and the necessity of modifying legal principles to conform to shifting society standards is required when applying court interpretations of penal statutes retroactively. Retrospective interpretations run the risk of weakening public confidence in the legal system and compromising the authority of court rulings, even if they can correct historical wrongs and guarantee consistency in legal interpretation.

The theory of precedent, textualism, and purposivism are some of the interpretive strategies

courts use to work through these complications; each provides a unique viewpoint on the retroactive application of criminal statutes. Purposivism concentrates on legislative intent and the larger goals of punitive statutes, whereas textualism stresses the importance of statutory language and historical context. On the other hand, by following earlier court rulings, the theory of precedent aims to guarantee uniformity and predictability in legal interpretation.

In addition, the effects of retrospectivity in judicial interpretation shape social norms and more general legal concepts in addition to specific cases. Courts contribute to the formation of legal principles, the elucidation of legislative ambiguities, and the growth of social attitudes toward crime and punishment by retrospectively reviewing previous judicial interpretations of penal statutes.

To summarize, the retrospectivity of judicial interpretation of penal statutes reflects a complex interplay of legal principles, community norms, and judicial discretion. This abstract examines the principles, applications, and implications of retrospectivity in the context of penal statutes, shedding light on the complexities of legal interpretation and its impact on individual rights, legal certainty, and the rule of law.

INTRODUCTION:-

THE TRANSITORY and ever-changing process of enacting laws is critical in regulating human behaviour within society. Judges, of course, play a vital role in this entire process. Judges are the primary drivers of legal progress due to the power vested in them by law and the nature of the judicial process.

It matters how judges resolve cases. It matters most to those who are unlucky, litigious, wicked, or saintly enough to end up in court. Learned Hand, one of America's best and most well-known judges, claimed he feared a lawsuit more than death. The impact of a case ruling on a person's life can be far-reaching and epoch-making, especially when, as Dworkin points out, "law often becomes what judges say it is." And when the law in question is criminal law, it is necessary to exercise caution in determining how judges' interpretative tools affect a litigant's life in both visible and invisible ways. A study of judicial decisions under criminal law reveals a picture with many grey areas due to the adjudicatory function performed by the courts. One of the most intriguing aspects of criminal law is the concept of retrospectivity. This paper attempts to reinvigorate the precepts and ideas that address the issue of retrospectivity in judicial decisions.

At the nexus of statutory law, judicial interpretation, and the administration of justice is the retrospectivity of judicial interpretation of penal statutes, which is a key feature of legal language. It includes applying legal interpretations to previous actions or occurrences in retrospect, which raises difficult issues with the rule of law, justice, and legal certainty. Retrospective application of court interpretations has major ramifications for both the accused and the larger community in the framework of penal statutes, which determine the boundaries of state power and regulate the criminal justice system.

Furthermore, broader ideas of justice and accountability are implicated in the retroactive application of judicial interpretations in penal statutes. Retrospective interpretations run the risk of weakening public confidence in the legal system and compromising the authority of court rulings, even if they can correct historical wrongs and guarantee consistency in legal interpretation. The argument over the retrospectivity of judicial interpretation of penal statutes is centered on this conflict between the needs of justice, legal certainty, and the necessity of modifying legal principles to accommodate shifting society standards.

Courts utilize diverse interpretive strategies to navigate these complications, each providing unique insights into the retroactive implementation of criminal laws. Purposivism concentrates on the legislative intent and the larger goals of penal statutes, whereas textualism stresses the significance of historical context and the wording of the statute. Conversely, by following earlier court rulings, the doctrine of precedent aims to maintain predictability and uniformity in legal interpretation.

In order to shed light on the intricate interactions between legal principles, societal norms, and judicial discretion in the administration of justice, this essay will examine the concepts, applications, and implications of retrospectivity in the context of judicial interpretation of penal statutes. It attempts to contribute to a greater understanding of the opportunities and difficulties associated with the retroactive application of legal interpretations in the criminal justice system through a comprehensive review of previous judicial decisions and academic debates.

HISTORICAL BACKGROUND:-

It has always been believed that penalizing someone for actions they took before to their outlawing is immoral has long existed. For example, Greek philosophy held that frequent or retroactive modifications were undesirable; in fact, it was believed that changes to the law were fundamentally undesirable since they undermined the moral authority of the law. "Placing their

faith in the educative values of the laws and mores rather than deterrent power, the Greeks were suspicious of changes that diluted the antiquity of laws and hence cast doubt upon wisdom of their ancestors".¹ The two maxims *nulla poena sine crimen* (no punishment without crime) and *nulla crimen sine lege* (no crime without a law) were advanced by jurists under the Roman Empire. The spirit of these principles was not aligned with retroactive laws.

Codification was a popular practice that finally improved the effectiveness and application of the law. In the context of Roman law, "there is evidence, that though specified penalties could be mitigated, they could not be increased...this rule also reached its most rigorous statement...insisted that for certain crimes both offence and penalty be exactly described in the statute under which the accusation was brought".

The West over the years established a rigid ban on retrospective laws. The French Declaration of the Man and Citizen of 1789 declared (article 8) that "no one shall suffer punishment except by virtue of law passed and promulgated before the commission of the offence."

Human rights charters, written by international organizations in the 20th century, aimed to restrict the applicability of laws that were passed retroactively. Many nations have included bans on retroactive laws in their constitutions at the domestic level². The aforementioned clauses mostly address substantive laws, and in a limited number of nations, a distinct legal branch either permits or forbids retrospectivity in court rulings.

A large number of international instruments were developed with the aim of eradicating the conditions of injustice and torture connected to the Second World War. Retrospective legislation is opposed on the grounds that it is unfair and unethical, as established by the Nuremberg verdicts. For example, the application of criminal legislation retroactively is forbidden by article 7 of the ECHR. The European Court of Human Rights stated in *R. v. Headley* that any expansion of the scope of this common law offense must be done gradually and case-by-case, rather than all at once.

Article 7 of the ECHR, which mandates that all criminal offenses be expressly specified by law,

¹ Charles Sampford, *Retrospectivity and the Rule of Law* 10 (2006)

² (a) The Indonesian Constitution (Article 28(I)): prohibits prosecution under retroactive application of law as this is considered a human right that may not be derogated from in any circumstances. (b) The Indian Constitution (Article 20): protects from conviction for violation of law that as not an offence at the time of the commission of the act and from a penalty greater than that under the law in force at that time. (c) The Japanese Constitution (Article 39): protects persons from being held criminally liable for an act which was lawful at the time it was committed. (d) Constitution of Argentina mandates that punishment without trial based on law enacted before an act was committed is not permitted.

emphasizes the need for prudence. In *Kokkinaskis v. Greece*³, the European Court noted that article 7 encompasses more than just forbidding the retroactive application of the criminal code to the detriment of the accused; rather, it also more broadly embodies the principles that the criminal code is the only source of definitions of crime and punishment (*nullum crimen, nulla poena sine lege*), and that the criminal code cannot be broadly interpreted to the detriment of the accused, for example, by analogy.

It was said during the discussions surrounding the International Covenant on Civil and Political Rights (ICCPR) 1966 that one may interpret non-retrospectivism in different ways depending on one's beliefs about the evils that should be avoided. For example, the United States proposed that legality should shield against new judicial interpretations of statutes, but not against retrospective passing of statutes. On the other hand, France contended that legality needed to guard against judges, administrators, and lawmakers enacting laws that are retroactive. The latter opinion is claimed to be represented in the text of the ICCPR. No author, however, can definitively state that nations with a civil law heritage adhere to the maxim; those that do not fall into this group have an alternative viewpoint.

In one form or another, it is evident that the majority of international constitutions contain a "presumption against retrospectivity," and that a common internal practice among numerous countries is seen as establishing a universal legal concept acknowledged by the international community. Consequently, it may be concluded that the legality standards must be upheld and maintained, and that judicial retrospectivity is heavily influenced by societal norms. For a stable legal equilibrium to be upheld, the concept of judicial independence and the courts' creative powers must be honoured.

Nulla poena sine lege :-

In terms of criminal law, retrospectivity is defined by *nullum crimen sans lege, nulla poena sine lege* (no crime without law, no punishment without law), or the *ex post facto* prohibition, which states that behaviour must be made illegal and punishments set before any criminal charges are brought. It is a sacred precept that is also a fundamental component of the legality principle, which restricts the use of force by state agents through the establishment and enforcement of particular laws⁴. The aforementioned premise can be extended to include two significant corollaries: (1) punitive statutes must be strictly interpreted; and (2) they cannot be applied

³ (1994) 17 EHHR 397

⁴ Jerome Hall, *General Principles of Criminal Law* 28 (1947)

retroactively.

Retrospectivity has historically been considered to be one of the first characteristics listed in any list of elements that are incompatible with any civilized understanding of the law. Additionally, it is one of the tenets that "just and effective law should be focused on the future." As a corollary, the prohibition against non-retrospectivity is also applied to support stricter interpretations of punitive statutes and better codification of existing laws. The advantages that are most frequently mentioned are: guaranteeing that people can receive notice of prescribed behaviour so they can reasonably modify their behaviour to avoid punishment (the principle of maximum certainty); shielding the populace from arbitrary or oppressive state action in the face of legal ambiguities or gaps; and enacting the explicit purposes of the law by clearly defining behaviour that is universally condemned.

Although one thing is certain from all attempts to define "retrospectivity": the term has no universally accepted definition. 'Retroactive' and 'retrospective' legislation creation are sometimes used interchangeably, despite the fact that writers have identified a fine line separating the two.

The fundamental concerns of retrospectivity of judicial decisions are:

- I. Law changes in two primary ways: Through legislative and judicial action. In that case, to what extent the process of adjudication under penal law is subject to the tenet of non-retrospectivity?
- II. Since the principle of legality requires judges to take a certain attitude towards penal laws (for instance, strict interpretation), how do the judges reconcile policy and welfare concerns with that of provisions of penal statutes?
- III. Does adherence to the principle of *nulla poena sine lege* amount to mere acceptance of the ancient dogma, which sought to limit the judicial function to a mechanical application of the legislative intention in the statute?

Remarkably, regardless of the nature of the judicial function, the attention is on the new rule and how it brings about change, thus the debate over whether judges "make" or "declare" the law is not the main focus of the study. Examining how court rulings impact criminal law rights and obligations is the goal. The statement that "every decision on a debated point adds a little to the law by making that point certain for the future" cannot be refuted. Judicial rulings are extremely important because, regardless of the outcome of the case, they will resolve the law on the specific issue at hand.

The idea of separation of powers is frequently used to restrict the scope of judicial involvement; it states that only democratically elected legislators should address a loophole even if a ruling allows morally repugnant individuals to remain free. This claim is not supported by evidence, and the important thing is to recognize the valid reasons that demonstrate retrospectivity is not always a bad thing and can even occasionally be beneficial (particularly when it comes to judicial decisions). It is a crucial component of any legal framework. Furthermore, it can be inferred that the definitions chosen by different legal systems do not apply non-retrospectivity to court rulings or the adjudication process itself.

Conventional perspectives outlined the bright line principle, which states that legislation is prospective and judicial lawmaking is retrospective. The principle appears to be impartial in its application and gives rules that are enacted in accordance with it a legitimacy concept that is founded on processes. It is difficult to criticize the retroactivity of judicial lawmaking as unjust or improper if adjudication is by its very nature retrospective. In a similar vein, if the legislation is designed to look forward, it does not appear arbitrary to distinguish between individuals whose actions preceded the effective date of a new statute and those who will be impacted by it".⁵ The primary goal is to determine under what circumstances a retrospective judicial decision is still dubious because it violates established penal law principles and affects specific rights.

A comprehensive understanding allows us to acknowledge that the exercise of power and ideals implied in the law of crimes results in reform through judicial adjudication in any dynamic society. A realist perspective would contend that the ability to be shielded from the retroactive implementation of criminal court rulings is not unqualified since it may be tailored to the particulars of each case. It is especially important to keep in mind that "nulla poena represents the peak of all values expressed in criminal law; in fact, the treatment of criminals serves as an indicator of a civilization's quality."

The capacity to interpret penal statutes is limited by the rule of rigorous interpretation, as is most usually obvious. In general, it forbids a decision from going outside the bounds of the written statute. The criminal statute's limited interpretation restricts the application of the law to the most apparent meaning that almost any reader may understand from it. This stops power misuse. However, because the rule of statutory interpretation is sometimes exaggerated, the strictness of the aforementioned rule may not always be as strong. Previously, as Hall pointed out:⁶

⁵ Jill E. Fisch, "Retroactivity and Legal Change: An Equilibrium Approach"

⁶ Livingston Hall, "Strict or Liberal Construction of Penal Statutes".

When legislators adopted the belief that criminal laws had a significant influence on people's moral development, numerous insignificant actions were labelled as crimes. As guardians of citizens' inherent and unalienable rights, the courts determined that it was appropriate and just to apply a stringent interpretation of the criminal provisions of legislation, giving the accused person the benefit of the doubt on any questionable interpretation. But as modern civilization changes and criminology becomes more scientifically understood, a fresh approach to solving crime's problems is required. It's not always possible to characterize crimes and offenders precisely on the first try.

The main objective of the case is to demonstrate how judicial retrospectivity—despite the fact that it negatively impacts some rights—benefits future legal developments. This is because, given the current state of affairs, courts have the authority to determine whether new circumstances call for departing from the traditional strict interpretation rule in a given case.

RETROSPECTIVE AND PROCESS OF JUDICIAL ADJUDICATION: -

There appears to be a common definition or understanding of retrospectivity due to the extensive use of legislation that restrict or forbid the execution of retrospective laws. However, we need to find and settle on a definition of it before we can respond positively to it. Many phrases, such "ex post facto" and "retrospectivity," are used interchangeably to describe various facets of retroactivity. The term "retroactive" is more easily used to describe laws that have a formal and explicit retrospective effect, such as when an enactment specifies that it would take force prior to its publication, according to writers who have tried to draw a distinction. Such laws will frequently, though not always, have more significant effects in the past. The expression 'Ex post facto laws' is used in several different senses:

- i. An act may be called retrospective because it affects existing contracts as from the date of it is coming in to operation.
- ii. It may be more properly described as retrospective because it applies to the actual transactions that have been completed or to rights and remedies that have already accrued, or
- iii. It may apply again to such matters as procedure and evidence and in each of these matters

retrospective legislation has a different effect. The term retroactive and retrospective are most commonly employed interchangeably. As far as judicial decisions are concerned, we refer to 'retrospectivity' of judicial decisions, in order to have a different approach to the concept, than that associated with legislative retroactivity. A broader definition of retrospectivity is one suggested by Dennis Pearce, which says: "A law is retrospective if it impairs an existing right or obligation."

According to this concept, the essence of retrospectivity lies in the fact that the new legislation "affects" rights and obligations that have "arisen in the past." In fact, a common characteristic of retrospectivity is that an individual may perform an entirely lawful action or an action subject to minor sanctions one day, and on another, their actions may be associated with an unknowable or contemplated sanction. This allows the legal ramifications of past actions to be decided in the future by legal texts that were not available at the time the action was taken.

This definition may be more inclusive, covering any laws that modify preexisting rights and obligations. However, this does not clarify which laws are considered to be unquestionably retrospective, nor does it outline the standard by which a law is deemed to be outside the purview of retrospective legislation. If safeguarding specific interests serves as the rationale for defining or outlawing retrospectivity, then judicial rulings may only be challenged when they adversely impact these "interests." The following is how the interests of those who are concerned are likely to be impacted:⁷

- i. Individuals commonly act so as to achieve advantageous results.
- ii. Retroactive law changes the legal results of acts after these acts have been performed.
- iii. Therefore, retroactive laws defeat reasonable expectations...a great deal of activity, which has or may have substantial legal consequences is undertaken regardless of these consequences.

The American (article 1) Constitution and the Indian Constitution article 20(1)⁸ both impose restrictions on legislative retrospectivity. As a result, "the status quo from which a deviation can operate either prospectively or retrospectively does not exist for the judge as it does for the legislator." The requirement under the aforementioned rules is applicable to the substantive penal legislation. In *Golak Nath v. State of Punjab*⁹, the Supreme Court of India established the

⁷ David slawson , " Constitutional and legislative Consideration in Retroactive Lawmaking".

⁸ Art. 20 (1) states: "No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence."

⁹ AIR 1967 SC 1643

doctrine of prospective overruling, which addresses judicial retroactivity in the context of constitutional law for the first time. This was done to prevent the turmoil that a retrospective judgment would bring about. The court outlined the following issues in brief:¹⁰

- i. If the Golak Nath judgment were to apply retrospectively, it would introduce chaos.
- ii. In the extraordinary situation that was caused by this decision, the court had to evolve the doctrine which had its roots in reason and precedents so that the past may be preserved and the future protected.
- iii. The limits of retrospective effect should be left to the courts having regard to the requirements of justice.

The court's decision also demonstrates how this theory was appropriated from the United States, where it was known as the "Sunburst Doctrine" and was most commonly associated with the writings of Cardozo J. As far as he was concerned, a verdict would almost always be retroactive. Retrospective operation is only denied in cases where the burden is too high. The idea of prospective overruling has evolved primarily to avoid the consequences of a retroactive verdict under certain circumstances, with particular reference to the Indian position.

RETROSPECTIVE DECISION MAKING :-

Despite a brief overview of the definition and application of judicial retrospectively in various countries, the primary goal is to distil the fundamental principles of any retrospective decision, as established in *Calder v. Bull*¹¹. In fact, the court's authority is frequently used to establish new crimes or abolish ones that already exist. It ultimately comes down to changing the original status or charge under the statute or making an action that was done before the law was passed but was innocent at the time it was done, criminal. In this regard, a few examples could shed some light on India's practice of making retroactive court decisions.

The common element among the examples that will be examined in the following is that, in the cases where responsibility is established by law, the court's decision modifies the law significantly once the subject is brought before it. Due to the decision's modification of the established legal framework surrounding the matter at hand, the party seeking relief is no longer entitled to the advantages or application of laws that would have been in effect had the change

¹⁰ Arvind P. Datar, "Prospective Overruling: Correct Doctrine, Incorrect Application", (2008) 7 SCC (Jour) 41.

¹¹ 3 Dall. 386, 1 L.Ed. 648 (1798). The case makes a reference to a few examples such as creation or abrogation of offences, altering the rules of evidence or enhancing or reducing the prescribed punishment etc.

not occurred. For example, in the cases of BMW hit and run involving Sanjeev Nanda (1999) and Utsav Bhasin (2008), the court charged both accused with culpable homicide not amounting to murder instead of applying punishment under Section 304 B for rash and negligent driving, which carries a maximum penalty of two years. The incidents of rash and negligent driving are legally categorized under Section 304 B. However, due to community response and repeated calls from other state agencies for a more severe criminal response, the offense was escalated. Notably, on the day of the incident, the appropriate punishment was meant to be for rash and negligent driving, but the court proceeded with charges of culpable homicide not amounting to murder, altering the applicable offense.

In the landmark ruling of *Chairman, Railway Board and Ors v. Chandrima Das*,¹² the court introduced novel aspects to the domain of criminal responsibility. The Government of India was deemed responsible for compensating a woman who had been raped by railway employees. This case represents one among many instances where the state has been compelled to take action due to its failure to ensure the safety of individuals within its jurisdiction. The notion of constitutional tort, crafted by the judiciary, places the responsibility on the state to safeguard its citizens from criminal acts and violence perpetrated by its employees. This judgment has significantly departed from traditional norms of criminal liability, showcasing a modern compensatory legal framework alongside conventional punitive measures.

In another groundbreaking verdict, *Sarla Mudgal v. Union of India*¹³, the court dealt a severe blow to the emerging practice of conversion to Islam for the purpose of contracting multiple marriages. The court deemed such acts tantamount to bigamy under Section 494 of the Indian Penal Code. This decision unequivocally rejected the invocation of personal laws, emphasizing the breach of moral norms and stipulating that conversion would be punishable if not undertaken in good faith.

A decision that retroactively modifies the legal standards of evidence, allowing for the acceptance of less or different testimony than previously required by law at the time of the offense, can have retrospective implications. In the case of *State of Uttar Pradesh v. Ram Sagar*¹⁴, the court advocated for a relaxation of the requirement of 'proof beyond reasonable doubt' in instances of police misconduct. In this particular case, an individual was brought to the police station and subjected to physical abuse by constables after lodging a complaint against a

¹² AIR 2000 SC 988.

¹³ AIR 1995 SC 1531

¹⁴ 1986 Cr LJ 836.

fellow constable. In his dying declaration, the victim identified only the constables present at the station, not the Station House Officer (SHO). However, the court held both the constables and the SHO responsible for culpable homicide, despite the lack of explicit proof regarding the SHO's involvement. The court's decision also prompted a reconsideration of the rules of evidence within the legal framework, recognizing the inherent challenges faced by victims in proving instances of torture within police custody beyond a reasonable doubt.

SOME OF THE FAMOUS CASE LAWS: -

1. Keshav Singh v. State of U.P.¹⁵:

In this case, the Supreme Court examined the retrospective application of an amendment to the Penal Code. The Court ruled that if a penal statute is amended to the disadvantage of an accused person, the amendment cannot be applied retrospectively if it increases the penalty or creates a new offense.

2. Makhan Singh Tarsikka v. State of Punjab:¹⁶

This case dealt with the retrospective application of an amendment to the Essential Supplies (Temporary Powers) Act, 1946. The Supreme Court held that if a penal statute is amended to the benefit of the accused, it can be applied retrospectively.

3. State of Punjab v. Mohar Singh¹⁷:

In this case, the Supreme Court considered the retrospective application of an amendment to the Prevention of Corruption Act, 1947. The Court held that if an amendment mitigates the penalty, it can be applied retrospectively.

4. Govindlal Chhaganlal Patel v. Agricultural Produce Market Committee¹⁸:

This case involved the retrospective application of an amendment to the Bombay Agricultural Produce Market Act, 1939. The Supreme Court held that retrospective operation should not be given to a statute so as to affect existing rights unless the language of the statute clearly so requires.

¹⁵ AIR 1965 SC 745

¹⁶ AIR 1964 SC 381

¹⁷ AIR 1955 SC 84

¹⁸ AIR 1976 SC 2602

These cases illustrate the complexities and considerations involved in determining the retrospective application of judicial interpretations of penal statutes in India.

CONCLUSION:-

The concept of the rule of law is often equated with 'precise legality,' which serves to enhance individual protection, ensure equal treatment, and establish certainty in legal proceedings. Undoubtedly, it entails the right of individuals to have their conduct governed by clearly defined rules established beforehand, with a strong aversion to retroactive measures.

A pragmatic assessment suggests that in contemporary times, the importance of 'rights' is paramount, leading to heightened expectations. Each legal system devises its own framework to address new demands for security and dignity. It is in the best interest of society to promptly address emerging concerns in accordance with constitutional guarantees. Consequently, expectations may peak when a case involving significant issues comes before the court. Particularly in a country where the highest court holds the authority to safeguard constitutional values and issue binding rulings, the judicial process can yield remarkable outcomes.

Although ideally, criminal wrongdoing should be adequately addressed within a criminal code, excessive judicial conservatism may allow serious offenders to evade accountability. While limitations on judicial lawmaking may be desirable, they do not stem from the doctrine of non-retrospectivity. Perhaps greater emphasis on principles of stare decisis or legislative intervention could be pursued.

Retrospectivity is a controversial topic in the field of judicial interpretation of penal statutes, requiring careful consideration and wise legal principle balancing. Retrospective application of laws naturally conflicts with principles of justice, predictability, and individual rights, even though it is sometimes necessary to correct historical wrongs or address new social issues.

The conflict between the integrity of legal principles and retroactive justice has been a problem for courts throughout legal history. A fundamental tenet of legal systems around the world is the jurisprudential idea that people shouldn't be punished for deeds that were lawful at the time they were committed. Retrospective legal action is often necessary, though, to address systematic injustices or address unanticipated events due to the changing standards of society and the demands of justice.

Therefore, if we acknowledge that retroactivity in judicial rulings is susceptible to the same

critiques as legislation, given the challenge of establishing a fair system, there exist several factors that mitigate the retroactive effects of judicial decisions. For example, while judicial rulings may occasionally alter legal precedent, it is uncommon for such changes to catch parties entirely off guard. Typically, a decision overturning established legal understanding on a specific matter will be preceded by a series of precursor rulings or will be sufficiently justified to safeguard societal interests, thus minimizing any potential injustice.

In essence, the process of retroactivity entails a balancing act between authority to modify the law, encountering practical challenges, the courage to enact change, and reasoning towards resolution, all aimed at meeting the aspirations and expectations of the populace for a better future. This process mitigates conflicts between legal doctrine and rationality. In light of both national and international developments, the notion that 'legality' challenges rigid interpretations of jurisprudence, advocating for rules to be applied pragmatically rather than strictly, even at the risk of deviating from traditional interpretations.

