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**BEACON OF JUSTICE: THE SUPREME COURT'S
CONSTITUTIONAL WAR ON CORRUPTION**

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Abstract

This paper, “*Beacon of Justice: The Supreme Court’s Constitutional War on Corruption*” explores the judicial evolution of anti-corruption jurisprudence in India through three landmark Supreme Court decisions—*Dr. Subramanian Swamy v. Dr. Manmohan Singh* (2012), *Manohar Lal Sharma v. The Principal Secretary* (2014), and *Ram Narain Popli v. Central Bureau of Investigation* (2003). Each judgment reflects the judiciary’s enduring commitment to transparency, accountability, and constitutional morality in public administration. The analysis demonstrates how the Court has systematically expanded the scope of judicial review to curb executive arbitrariness, reinforce the public trust doctrine, and reinterpret fiduciary duties within financial governance.

Through these cases, the Supreme Court has articulated a constitutional vision that places integrity and fairness at the core of governance, thereby transforming the relationship between citizens and the State. The paper argues that the Court’s interventions have not only corrected systemic corruption but also institutionalized preventive mechanisms that safeguard democratic values. By reaffirming that no public authority is beyond the reach of law, these judgments collectively illuminate the judiciary’s role as a beacon of justice—ensuring that the rule of law remains the foundation of India’s democratic and moral order.

Overview

The judicial reaction to corruption in India has been one of the hallmark features of constitutional administration in the past few decades. Corruption in public life, especially

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when it comes to distributing scarce resources, abusive exercise of statutory powers, or accommodation of political leaders and private beneficiaries, has continuously challenged the efficacy of India's democratic polity and the fundamental concept of the rule of law. Indian courts have continuously grappled with questions of the limits of executive discretion, the liability of public functionaries, and the means of advancing transparency in the management of public assets. The three judicial decisions discussed here—*Dr Subramanian Swamy v Dr Manmohan Singh and Anr*(2012)², *Manohar Lal Sharma v The Principal Secretary and Ors* (2014)³, and *Ram Narain Popli v Central Bureau of Investigation* (2003)⁴—form a landmark trilogy to understanding how the Supreme Court of India has approached such problems across different contexts and over time.

Each of these instances originated from situations that not only mirrored administrative and political disputes but also revealed inherent deficiencies in governance structures. In the case of *Dr Subramanian Swamy v Dr Manmohan Singh*, the Court was tasked with determining whether the competent authority, specifically the Prime Minister, had an obligation to act promptly when presented with a request for permission to prosecute a public servant under the Prevention of Corruption Act 1988. The conflict stemmed from the extensive 2G spectrum allocation scandal, in which claims of significant financial loss to the treasury were made due to arbitrary and malicious decisions regarding licensing. Central to the issue was the essential inquiry into whether delays in the approval or rejection of such requests could impede the citizen's right to pursue accountability from public officials. The judgment rendered by G.S. Singhvi J. reaffirmed that the executive could not provide protection to corrupt ministers or officials through inaction, thereby reinforcing the framework of accountability established under anti-corruption legislation.

These three judicial judgments collectively cover different parameters of corruption: responsibility at the high ministerial rank with regard to penalties for prosecution, systemic lawlessness in distribution of scarce national assets, and financial cheating involving public enterprises and private agents. A connecting theme in all of these cases is the Supreme Court's abiding dedication to the values of the rule of law, transparency, and responsibility, even with regard to spheres normally considered to be part of the executive domain alone. In

²*Dr Subramanian Swamy v Dr Manmohan Singh and Anr* (2012) 3 SCC 64.

³*Manohar Lal Sharma v The Principal Secretary and Ors* (2014) 9 SCC 516.

⁴*Ram Narain Popli v Central Bureau of Investigation* (2003) 3 SCC 641.

Dr. Subramanian Swamy's case, the Court made it clear that a citizen's right to seek prosecution should not be prevented by the Prime Minister's inaction. In *Manohar Lal Sharma*, the Court cancelled allotments of coal on a large scale and held that the process violated statutory prescriptions and constitutional values. In *Ram Narain Popli*, the Court upheld convictions for conspiracy and corruption despite lengthy arguments applying to the commercial nature of the transactions, thus showing its unwillingness to accept technicalities in cases of financial impropriety.

The judicial actions taken in these instances underscore the conflict inherent in the separation of powers alongside the necessity of judicial review. The executive branch frequently contended that its actions—such as the issuance of licenses, the distribution of coal blocks, or the management of financial transactions—constituted policy matters that were not subject to judicial examination. Nevertheless, the Court consistently maintained that when such actions are arbitrary, conducted with mala fide intent, or infringe upon statutory and constitutional provisions, the judiciary possesses not only the authority but also the obligation to intervene. The implication is unequivocal: public authority is a fiduciary responsibility, and its misuse, regardless of whether it arises from delay, discretionary judgment, or collusion, will prompt judicial rectification.

Dr Subramanian Swamy v Dr Manmohan Singh and Anr (2012)

The judicial case of *Dr Subramanian Swamy v Dr Manmohan Singh and Anr* marks a turning point in the history of anti-corruption litigation in the Indian courts, directly flowing from the scandals surrounding the allotment of 2G spectrum licenses. The decision, delivered by Hon'ble Justice G.S. Singhvi on a two-judge bench, analyzed matters going beyond the immediate scandal and to the fundamental relationship of the citizen to the executive and criminal law framework relevant to corruption. The issues before the Court were two-pronged: first, whether a private citizen had the stature to move for permission to file a case of prosecution against a public servant for offenses under the Prevention of Corruption Act 1988 (PCA); and second, whether the concerned authority required to grant such permission was bound to give a decision to the application within a time span designated in *Vineet Narain v Union of India* (1998) 1 SCC 226 and within governmental rules.

These incidents are a consequence of the events following A. Raja's appointment as the Minister for Communication and Information Technology in the month of May 2007. Dr.

Subramanian Swamy, who had been actively focusing on matters of public corruption, filed a detailed representation on 29 November 2008 to the then Prime Minister, Dr. Manmohan Singh, seeking approval to file a case of prosecution against Raja under the PCA. This representation alleged that the grant of 2G licenses on a "first-come, first-served" basis to entities like Swan Telecom and Unitech was a violation of Clause 8 of the United Access Services License guidelines of 2005, and caused a staggering loss of over Rs. 50,000 crores to the exchequer. The charges made by Swamy were backed with detailed evidence, including manipulation of share structure to move beyond legal restrictions, replacement of concerned officials who had complained of impropriety in the process of licensing, and immediate sale of stakes to overseas entities at handsome profits by the licensees. He argued that the licenses were allotted on a price of 2001 levels despite a huge surge in the numbers of subscribers to the telephones, and caused a huge undervaluation of spectrum assets, and stated the Minister did not follow suggestions from the Telecom Regulatory Authority of India (TRAI), who had recommended for executing auction processes on a transparent basis.

Despite repeated reminders, Swamy did not receive a categorical response from the Prime Minister's Office for over a year. In March 2010, the Department of Personnel and Training wrote back to him stating that, since the Central Bureau of Investigation (CBI) had already registered a First Information Report (FIR) back in October 2009, the question of sanction would be relevant after the investigation had concluded. Dissatisfied with this inaction, Swamy approached the Delhi High Court in the hope of a writ of mandamus to force the Prime Minister to come to a decision on his application. The High Court dismissed his petition on the grounds that, since there was an ongoing investigation being conducted by the CBI, it was not fitting to impose a decision on sanction at this time. Thereafter, Swamy appealed to the Supreme Court, and this resulted in the present judgment.

The constitutional issue before the Supreme Court was whether such long inaction constituted a breach of the statutory scheme of the PCA and the rules engrafted in Vineet Narain. Section 19 of the PCA provides for previous sanction of the concerned authority as a condition for prosecuting a public servant. This section is crafted as a protection to ensure no frivolous or vexatious litigation against officials performing their duties. But the issue before the Court was whether the authority can keep the decision on sanction pending forever and thus thwart a citizen's right to procure prosecution of corrupt officials. Singhvi J. opined that sanction

under Section 19 is not a mere formality but a real protection. But it couldn't be a cloak for corruption. The Court also opined that the rules of procedure issued subsequent to Vineet Narain contemplated decisions on applications for sanction to be normally made within a period of three months, extendable for a further period of one month if consultation of the Attorney General or any other authority was necessary. In the present case, unreasonable delay of over a year was thus not defensible.

A significant element of the judgment was its endorsement of the standing of private citizens in corruption-related legal actions. The Court acknowledged that, within a parliamentary democracy, citizens possess a valid interest in ensuring that public officials do not exploit their positions for personal enrichment. By determining that Dr. Swamy, as a civic-minded individual, had the right to seek authorization, the Court broadened the participatory aspect of anti-corruption enforcement. It dismissed the idea that the prosecution of ministers could solely be initiated by political adversaries within the political framework or by governmental entities. Rather, it emphasized that corruption constitutes an offense against the general public, asserting that all citizens are entitled to demand accountability.

In its ruling on the Prime Minister's function, the Court carefully distinguished between genuine administrative consideration of requests for sanction and unwarranted delay. It referred to the affidavit filed on behalf of the Director of the Prime Minister's Office, who reported that the file had initially been marked for consideration in December 2008 by the Prime Minister; the matter, however, lay dormant within administrative corridors without achieving a final decision. It was held by Singhvi J. that although the Prime Minister was not to be held personally responsible for mala fide conduct, the unreasonable delay vitiated the essential purpose of Section 19 of the PCA. The Court was firm on the point that if a citizen comes to the ultimate executive authority with an all-encompassing grievance, it is the constitutional obligation of such an authority to reply with due alacrity. A default in this direction amounts to abdication of responsibility and dilutes faith in governance.

The ruling also analyzed the relationship between the imposing of sanction and the status of pending investigations. The Union argued it would be prudent to delay a decision on sanction until the CBI concluded its investigation on the 2G spectrum case. The Court, however, rejected this explanation, stressing that the law does not make the sanction dependent on the finalization of the process of investigation. Instead, Section 19 provides for an initial

consideration on the basis of the material placed before the authority for granting sanction. The question of whether there exists prima facie evidence is relevant to the trial aspect, not to the sanction granting stage. In combining both different procedures, the executive practically delayed the statutory process. In consequence, the Court held the decision on sanction should be made within the time limits specified in Vineet Narain, and any delays after this period being open to judicial review.

The ruling's consequences extended beyond the special case of A. Raja. In explaining the right of the citizen to seek to hold people accountable and reinforcing the value of swift judicial decision-making, the Court delivered a ruling that curtailed the discretion of the executive branch of keeping officials beyond the reach of the law. It clearly signaled legal protections should not be made into impediments to holding people accountable. This doctrinal advancement allowed citizens and civil society organizations to begin and pursue corruption cases without the limitations of administrative delay. In this regard, the ruling established a constitutional basis for follow-up public interest cases challenging allocations of resources, including the case of coal blocks in Manohar Lal Sharma v Principal Secretary. Even though of different factual foundations, the two judgments shared a similar devotion to transparency and fairness in governance.

At a deeper level, the ruling reflected the Supreme Court's evolving jurisprudential understanding of the separation of powers. It was the argument of the executive branch that decisions on sanctions lay wholly within its jurisdiction and did not come under judicial review. The Court, however, held that whilst the content of the decision—the question of whether to grant or reject the sanction—is within the executive's discretion, the process may not be arbitrary or unlimited. Judicial review includes the requirement to ensure decisions are made within a reasonable time span and are made on relevant grounds. This mature understanding preserved the executive's prerogative whilst simultaneously affirming the role of the judiciary as guardian of legality and responsibility. In striking this balance, the Court again stressed its constitutional duty to prevent the abuse of authority.

It is important to note that the Court did not order the Prime Minister to sanction Raja. Instead, it was concerned with clarifying legal limits on timeliness and locus standi and leaving the decision on sanction to the relevant authority. This restrained stance demonstrates the Court's awareness of institutional limits. But the principle it derived—that a sanction must

issue within three months, or at the absolute fullest, four—had important consequences for governance. It placed a legal burden on the executive to move quickly on requests for sanction and thus reduced possibilities for political shielding of corrupt officials. In practice, it meant that powerful ministers could no longer depend on long delays within the administration to avert proceedings.

Even though the case resulted from the special circumstances of the 2G spectrum row, its values have ramifications applying to all cases of public corruption. By basing its reasoning on both statutory interpretation and constitutional values, the decision reinforced the process of accountability within a democratic polity of India. It helped create an improved inclusive model of anti-corruption enforcement, in which citizens, civil society, and judiciary become a collective bulwark against governmental inertia. Above all, it sent the message that the upper echelons of governmental authority are not above the law and, therefore, again and again stressed the ethos of accountability as a foundational aspect of a constitutional polity.

Manohar Lal Sharma v. The Principal Secretary and Others (2014)

The decision in *Manohar Lal Sharma v The Principal Secretary and Others* forms one of the most important decisions made by the Supreme Court of India pertaining to the administration of natural resources. This case arose from the quarrels over the granting of coal blocks that took place between 1993 and 2010, a process, often referred to as the "coal scam" or "Coalgate." Central to the case was the question of the legality, transparency, and constitutional legitimacy of allocations of coal blocks to private companies made by the Central Government. In an opinion written by Lodha C.J. on behalf of a court comprising Lokur J., the Court performed an exhaustive examination of the legal framework governing mining activities, the roles of both Union and State Governments, and the constitutional principle governing the administration of natural resources, to wit, that they are placed in the trust of the State for the well-being of citizens. The decision was a ruling that found allocations made within the period stated to be arbitrary, unlawful, and unconstitutional and thus challenged the bedrock practices of the executive in the disposal of resources.

The case emerged from a series of public interest litigations; the inaugural one being initiated by Manohar Lal Sharma in 2012. The petitions contested the allocation of coal blocks to private entities by the Central Government on multiple grounds: the failure to adhere to the obligatory stipulations of the Mines and Minerals (Development and Regulation) Act of 1957

(MMDR Act), contravention of Section 3(3)(a)(iii) of the Coal Mines (Nationalisation) Act of 1973 (CMN Act), infringement of the public trust concerning natural resources, arbitrariness and lack of transparency in the procedure, and mala fides in favoring unqualified companies. When the case was presented for preliminary hearing in September 2012, the Court issued a notice to the Union of India, instructing it to address a range of specific inquiries, including the criteria employed for allocation, the process undertaken, the mechanisms implemented to avert inequitable benefits, and the rationale for not adopting competitive bidding as a policy since 2004. This initial delineation of issues suggested the Court's commitment to subjecting the allocation process to thorough judicial examination.

The statutory regime was instrumental in crafting the Court's reasoning. The Mines and Minerals (Development and Regulation) Act of 1957 provides for the statutory basis of the regulation of mining activities and mineral development. Section 2 of the Act provides that it is for the purpose of public interest for the Union to exercise control over mining and mineral development. Sections 4 and 5 place restraints on reconnaissance, prospecting, and mining activities, requiring licences or leases to be granted in strict conformity with the Act and its relevant rules. Significantly, coal and lignite are listed in the First Schedule, and therefore require prior approval of the Central Government for the grant of any license or lease. Section 11 also lays down the preferential rights of applicants. Section 17 and Section 17A grant special powers to the Central Government to notify areas for purposes of conservation or allotment. The Act is complemented by the Mineral Concession Rules of 1960, regulating the grant and renewal of licenses and leases. Moreover, the Coal Mines Nationalization Act of 1973, enacted after the Coal Mines (Taking Over of Management) Act of 1973, nationalized coal mines with the purpose of reorganizing and encouraging scientific development. Section 3 of the Coal Mines Nationalization Act vested ownership of coal mines in the Central Government, apart from express narrow exceptions. Notably, Section 3(3)(a)(iii) prohibited private enterprises from carrying on coal mining activities except in admissible circumstances. The combined effect of such legislative enactments was to bring coal mining under stern public regulation and permit permitted avenues for private participation, whilst conforming to well-defined statutory safeguards.

Against this statutory backdrop, the Court analyzed the process of allocation devised by the Central Government. Coal blocks from 1993 to 2010 had been allocated using a process of

screening committees rather than competitive bidding. The petitioners argued that this process was not backed by any statutory provision, was tainted with arbitrariness, and effectively conveyed highly valuable natural assets to private firms without meaningful returns to the public exchequer. The Court noted that even as far back as 2004, it had been suggested to have a process of competitive bidding, yet the Government continued to use screening committees for allocation without any logical reason. The argument of the Attorney General, who stated that allocation letters served no purpose except as a "letter of intent" and did not confer mining rights, was not accepted, for the Court held that the allocations, on a practical plane, extended a large measure of benefits and expectations and consequently enabled issue of lease subsequently from the State Governments. Inevitably, therefore, the process of allocation had definitive and binding legal consequences.

The Court's consideration of the involvement of State Governments was of equal significance. The States of Jharkhand, Chhattisgarh, Odisha, Maharashtra, Andhra Pradesh, Madhya Pradesh, and West Bengal were notified, as a large majority of the coal blocks in question lay within their jurisdictions. Their views on the nature of allocations, the involvement of the States in the process, and the arrangements entered into between State public enterprises and private entrepreneurs were sought. Even if States were a part of subsequent clearances and the grant of leases, the Court concluded the central process of allotment actually excluded them. This finding once again emphasized arbitrariness of the mechanism, as the leeway for States' discretion was eliminated without a fitting legal or constitutional foundation. In upsetting the federal balance contemplated in the MMDR Act, the allotting process also breached the constitutional principle of distribution of powers.

A basic principle invoked by the Court was the trusteeship of natural resources. Through a reference to earlier constitutional jurisprudence, the decision reminded us once again that such resources as coal are placed in trust with the State for the benefit of the people and are not to be granted as privileges to a few private parties. Constitutional requirements ensure transparency, reasonableness, and the prevention of arbitrariness in any allotment of resources. The Court pointed to the fact that the process utilized by the screening committee was without objective criteria, showed inconsistency in evaluating applications, and failed to secure the interest of the public. It thus violated not just the statutory provisions but also Article 14 of the Constitution, forbidding arbitrary State action. In treating natural resources

as private wealth and not a trust of a public nature, the Government acted in contradiction to its constitutional obligations.

The decision also countered the argument that decisions pertaining to policy are exempt from judicial intervention. The Union had contended that the allocation process was an economic policy matter within the executive's domain. The Court recognized the fact that whereas policy decisions are generally afforded judicial deference, they are still bound to conform to constitutional limits. In situations where a policy results in arbitrariness, discrimination, or violates statutory duties, it becomes amenable to judicial review. In this case, the process of allocation was wanting on all these accounts. The Court categorically held that policy does not override statutory provision and reinforced the fact that executive discretion to allot resources is circumscribed by the values of transparency and fairness. In effect, whereas affirming the principle of separation of powers, the Court reiterated its constitutional duty to scrutinize arbitrariness of executive action.

An additional significant aspect of the judgment was its approach to differentiating between illegality and irregularity. The Court delineated procedural shortcomings that might not invalidate an allocation from substantive breaches of statutory provisions that render allocations null and void. In the context of coal block allocations, the violations were neither minor nor technical but rather fundamental to the issue of legality. The screening committee lacked a statutory foundation, its guidelines were ambiguous and inconsistently enforced, and allocations were granted to companies that were either ineligible or deficient in necessary experience. This constituted a systemic breakdown, rendering the entire procedure unconstitutional. The Court's ruling to declare all allocations illegal exemplified its position that a partial rectification of the process was neither feasible nor advisable. Permitting certain allocations to remain valid would perpetuate illegality and erode public confidence.

The decision also had a significant impact on both constitutional and economic aspects. By annulling all allotments between 1993 and 2010, the Court made it clear that illegalities in the distribution of resources cannot be cured through subsequent clearances or investments. This ruling resonated across industries dependent on coal block allotments, including power, steel, and cement industries. However, the Court remained unmindful of economic dislocation apprehensions, claiming that the rule of law and constitutional values are above commercial inconvenience. This way, the decision reestablished the fact that economic development

cannot be sought at the cost of legality and transparency. It stressed on the fact that conformity with statutory and constitutional requirements is a necessary, non-negotiable condition for industrial development.

A prominent aspect of the ruling was its dependence on painstaking statutory interpretation. Hon'ble Chief Justice Lodha placed immense focus on the framework built under the MMDR Act, the CMN Act, and the Mineral Concession Rules, demonstrating how the allotment process deviated from legislative intent. This intense invocation of statutory provisions served two purposes: it placed the ruling securely within the positive law universe, whilst at the same time answering potential criticism of judicial intervention. In demonstrating the allocations to be in breach of express statutory mandates, the Court announced its role in applying legislative intent rather than implementing its own favorite economic agenda. This reinforced the legitimacy of judicial intervention in areas normally believed to fall within the executive arm's purview.

Ram Narain Popli v. Central Bureau of Investigation (2003)

The decision in *Ram Narain Popli v Central Bureau of Investigation* is one of the most exhaustive examinations made by the Supreme Court on matters of law relating to criminal conspiracy, wrongful conduct of public officials, and the requirements of evidence for complex financial crimes. This case was decided in 2003 and was a consequence of an early 1990s securities scam run by Harshad Mehta, a scandal which rocked the Indian financial world severely and exposed enormous collusion on the part of brokers, financial institutions, and public enterprises. Whereas the main differences in *Manohar Lal Sharma* concerned the grant of coal blocks, and in *Dr Subramanian Swamy* concerned authorization for prosecution, the decision in *Popli* concerned fraudulent banking and investment practices and the participation of officials from Maruti Udyog Limited (MUL), UCO Bank, and others in supporting such practices. In essence, it brought to light a different though equally destructive facet of corruption—a financial misconduct and exploitation of fiduciary duties by public officials for private gains.

The factual scenario was complex and involved a large number of participants. Ram Narain Popli was an Assistant Manager in UCO Bank and was charged with arranging illegal dealings between MUL and stockbrokers from Harshad Mehta's group. These dealings concerned the purchase and sale of units from the Unit Trust of India (UTI) through Ready

Forward (RF) agreements, short-term loans collateralized by government securities. In principle, such agreements were legal instruments for the administration of short-term liquidity in banks. But in practice, the mechanisms were usurped by such brokers as Harshad Mehta for stealing money from banks. The charge was that officers of MUL and UCO Bank entered into RF deals without the necessary statutory and regulatory safeguards, and thereby enabled Mehta and others to garner illegal financial gains. Popli was charged under Section 120B (criminal conspiracy), Section 420 (cheating), Section 467, Section 468, Section 471 (forgery and using forged documents) of the Indian Penal Code (IPC), and Section 5(1)(d) and Section 5(2) of the Prevention of Corruption Act 1947, the predecessor of PCA 1988.

At trial, it was contended on behalf of the prosecution that Popli and others had willfully avoided procedures and fabricated documents to sneak in transactions that resulted in wrongful loss to MUL and UCO Bank and pecuniarily benefited Harshad Mehta's firm. Popli and others were convicted by the trial court and substantive sentences meted out to them under the IPC and PCA. In appeal, Popli challenged both the guilt and the evidence basis of the conviction. The case before the Supreme Court therefore called for an exhaustive examination of the ingredients of conspiracy, liability of public servants in financial crimes, and the standard of proof to be applied to uphold convictions in complex cases wherein direct proof of corrupt intent is seldom possible.

An important part of the ruling is its detailed explication of the law of conspiracy. The Court asserted that conspiracy, being by its nature a secret offence, is seldom provable from immediate evidence. It has to be concluded instead from the conduct of the parties concerned, the circumstances of the transactions, and the cumulative effect of the facts as a whole. The Court summed up that if a group of people coordinate their actions to a mutually criminal objective, conspiracy can be inferred even if each of them does not occupy the same position. Under this doctrine, the Court held that Popli and other officials of MUL and UCO Bank had conspired to facilitate fraudulent RF transactions for the benefit of the brokers. Uniformity of conduct on their part—including signing off on documents without due diligence, overlooking deviant patterns, and facilitating the smooth movement of money—the Court held was sufficient to establish the existence of a conspiracy. Therefore, the Court rejected Popli's defense of following instructions and not having any malicious intent.

The Court made a detailed examination of the standard of proof to be utilized in cases of corruption. Popli's case claimed that the prosecution did not establish beyond a reasonable doubt that he obtained any pecuniary benefit or acted maliciously. The Court explained that, under Section 5(1)(d) of the PCA 1947, it is not necessary for the prosecution to prove the receipt of actual unlawful compensation. It is sufficient to prove that a public servant misuses his office to obtain for any person a valuable thing or pecuniary benefit. This extended definition of "benefit" indicated that Popli's actions of brokering deals to the advantage of the brokers, with no benefit to himself, came within the ambit of corruption. The Court also indicated that corruption far exceeds the receipt of money directly in transaction; it embraces all acts wherein a public servant puts his office at the disposal of private interests in breach of his public responsibility.

The forging and utilizing of forged documents were also a significant part of the case. Prosecutors introduced evidence to demonstrate that the documents employed within the RF transactions were forged for concealing imbalances. Popli's position was that he did not engage in drafting or utilizing forged documents. But the Court held that his active role in processing and signing off on transactions involving forged documents was an illustration of constructive liability. By knowingly handling documents with obvious aberrations, he was not in a position to exclude liability. The Court emphasized the fact that when officials of the public service, through willful ignorance or acquiescence, enable fraud, they are equally culpable for forgery-related crimes. This broad definition of liability ensured officials did not possess a plea of ignorance when the reality clearly established awareness and participation.

A major theme of the ruling involved the fiduciary duties of public officials. The Court stressed the fact that bank officials who are placed in charge of public funds must adhere to the greatest degree of integrity and diligence. A departure from this fiduciary responsibility, especially if it results in personal benefit, is considered a betrayal of trust. Popli's actions of allowing for irregular RF transactions were taken to be a breach of this fiduciary responsibility. The Court indicated that the trust of the public in financial institutions is dependent on the integrity of officials, and any compromise of this dimension has the potential to destabilize the financial system as a whole. In convicting Popli and others, the Court made it abundantly clear that acts of breach of fiduciary responsibility in financial institutions would not be tolerated.

The ruling also had long-term effects on applying men's rea to corruption cases. The defence argued Popli did not have criminal intent because he did not personally benefit directly from the deals. But the Court clarified that in cases of conspiracy and corruption, mens rea is not confined to the demonstration of immediate personal benefit. It also comprises the intent and the knowledge to further an illegal agenda, though the immediate recipient of the benefit is a different person. In adhering to this notion, the Court did not allow the breadth of the case law on corruption to become too narrow. It also acknowledged the reality that many types of cases of corruption are cases of indirect help, wherein public officials utilize the office to assist private enterprise rather than directly assisting themselves.

The Popli judgment further illustrated the judiciary's awareness of the intricacies associated with white-collar crime. The Court recognized that intricate financial fraud schemes frequently do not produce a clear evidentiary trail. In these instances, the role of circumstantial evidence and inferences drawn from behavior becomes essential. Consequently, the Court endorsed the trial court's use of behavioral patterns and supportive circumstances as a basis for determining culpability. This practical methodology was imperative to ensure that individuals committing financial crimes are not shielded by the complexity of their tactics. Moreover, it emphasized the necessity for evidentiary standards to evolve in response to the realities of corruption cases, where direct evidence is infrequently available.

Comparative Themes of the Judgments

The three judgments in question—*Dr Subramanian Swamy v Dr Manmohan Singh and Anr* (2012), *Manohar Lal Sharma v The Principal Secretary and Ors* (2014), and *Ram Narain Popli v Central Bureau of Investigation* (2003)—have been delivered in different settings and across different decades. However, collectively, they show a consistent pattern in the Supreme Court's case law on anti-corruption. Each of the judgments was concerned with different types of corruption: the executive's default in granting clearance for prosecuting a minister, the illegality and irregularity in coal block allotments, and the conspiracy amongst public servants and private mediators for financial improprieties. Despite such differences, there are a range of comparative themes emerging—which include the responsibility of public officials, the quantum of judicial review, the constitutional prohibition of arbitrariness, and the evolution of standards of evidence in corruption cases. An understanding of such

themes across the three judgments allows for an articulated understanding of the Court's standpoint on corruption as a pervading danger to governance and constitutional regime.

The initial comparative theme is the Court's firm stance on the accountability of public officials across all tiers. In the case of *Dr Subramanian Swamy v Dr Manmohan Singh*, the question arose regarding whether the highest political office—the Prime Minister—could postpone a decision on granting permission to prosecute a minister indefinitely. The Court determined that the Prime Minister is obligated to render a decision within a reasonable timeframe, thus reinforcing the notion that accountability extends to even the most influential political figures. In the case of *Manohar Lal Sharma v The Principal Secretary*, the Court broadened this doctrine to encompass the collective actions of the executive in terms of resource distribution, asserting that the government must not distribute natural resources arbitrarily, lacking transparency or adherence to statutory requirements. In *Ram Narain Popli v CBI*, the attention shifted towards mid-level officials within financial institutions, yet the Court maintained that they too are subject to accountability for violations of fiduciary responsibility and involvement in fraudulent activities. The comparative observation underscores that accountability is not limited to a specific tier of governance; be it a Prime Minister, a Cabinet Minister, a secretary, or a bank officer, all are governed by the rule of law and are susceptible to judicial oversight in the face of corruption allegations.

The second comparative theme addresses the extent and limits of judicial review. In all three cases, the executive argued the exclusive nature of its powers. In *Dr Subramanian Swamy*, it was argued that permission for prosecution was an executive prerogative not subject to judicial timelines. The Court disagreed, however, arguing that whereas the matter of decision rests with the executive, its process should not be frustrated by delays. In *Manohar Lal Sharma*, the Union argued the grant of coal blocks was a matter of economic policy and therefore beyond judicial review. The Court, however, stressed that policies are amenable to review if they violate statutes or constitutional principles, notably Article 14. In *Ram Narain Popli*, the defense argued the Court should not imply conspiracy on the mere absence of immediate evidence, and thus sought judicial restraint in white-collar crime cases. In marked contrast, however, the Court affirmed that conspiracy can be, and rightly should be, inferred from probabilities, adjusting standards of proof to the sophistication of financial crime. In comparison, it is clear that whereas the Court affirmed the doctrine of separate powers, it

continuously extended the ambit of judicial review to ensure executive discretion was not a cloak for corruption.

A third theme of the Court's reasoning was its dependence on the constitutional concept of non-arbitrariness as entrenched in Article 14. In *Swamy*, arbitrariness consisted in the unduly long delay in acceding to sanction and interfering with the right of the citizen to prosecute. The Court detected such inaction to be a sort of arbitrariness incompatible with the values of constitutional governance. In *Sharma*, arbitrariness consisted in the lack of objective parameters for governing the grant of coal blocks, and so the Court set aside the full process as unconstitutional. In *Popli*, arbitrariness was detected in officials leaving aside their fiduciary responsibility and collusion in fraudulent dealings, and so violating the reasonable expectation of fairness and integrity in office. In different contexts, therefore, the Court applied Article 14 not just as a guarantee of formal equality but also as a substantive check on the arbitrary invocation of power, whether in delay, discretion, or collusion.

A pertinent comparative matter is the public trust principle. In *Manohar Lal Sharma*, the Court explicitly applied the public trust doctrine, holding that natural resources, such as coal, are in trust for the people to be administered and distributed transparently and duly. Although the doctrine was not explicitly invoked in *Swamy* or *Popli*, its spirit permeated both judgments. In *Swamy*, the Court's invocation of an expeditious decision on the sanction for prosecution served to underscore the concept of public authority as a trust to be exercised for the public good, not for the purpose of protecting officials from accountability. In *Popli*, the Court's reliance on the fiduciary responsibility of bank officials was yet another expression of the trust principle, whereby public officials are to be regarded as trustees of public funds and of public trust. The comparative examination reveals to what an extent the public trust doctrine extends within anti-corruption law, from environmental and resource cases to any and all cases where public authority is being asserted.

An important theme running across the judgments is the Court's evolving of standards of evidence to suit the complexities of cases concerning corruption. In *Popli*, the Court recognized the rarity of proof of conspiracy and corruption being directly established and often being deduced from inferred conduct and contextual considerations. In *Swamy*, the Court agreed that prima facie material filed by a citizen was sufficient to justify a decision on sanction, rejecting the argument that the decision should be reserved until the conclusion of a

full-fledged investigation. In *Sharma*, the Court concluded that the want of objective criteria and discrepancy in the decisions of the screening committee constituted substantial evidence of both arbitrariness and illegality, albeit in the absence of direct evidence of individual bribery. These cases collectively reflect the Court's malleability of standards of proof, cognizing the fact that corruption invariably thrives in secrecy and consequently needs an inferential process for establishment of proof.

The comparative approach highlights the Court's express emphasis on deterrence. In *Swamy*, deterrence was achieved through setting tight time limits for sanction decisions to avert executive delay from being an amnesty for corrupt ministers. In *Sharma*, deterrence was achieved through setting aside all allocations made over a period of 17 years, sending the signal that unlawful practices in distribution of resources would be met with intolerance regardless of economic unrest. In *Popli*, deterrence was embedded in the Court's unwillingness to show mercy to convicted officials, reiterating the fact that white-collar crime does not call for lax punishments to ensure the integrity of financial institutions. In each case, the Court made its decisions not simply on the basis of personal responsibility but also on the basis of systemic deterrence, recognizing the fact that corruption requires structural corrections.

Finally, the trilogy of judgments collectively demonstrates the Court's guardianship of constitutional morality. In *Swamy*, constitutional morality compelled even the Prime Minister to actively respond to a citizen's plea for sanction and thus enforced the equality before the law principle. In *Sharma*, it enjoined allotment of natural assets in aid of the common good, not as charity for favored industries. In *Popli*, it insisted on discharge of the fiduciary functions of public functionaries, for non-compliance amounts to erosion of public trust in institutions. This moral aspect of the Court's reasoning reveals how anti-corruption law in India goes beyond mere statutory compliance; it is the commitment to enforcing the constitutional morality of responsibility, fairness, and probity in public life.

Legacy and Impact on Indian Anti-Corruption Jurisprudence

The combined effect of *Dr Subramanian Swamy v Dr Manmohan Singh and Anr* (2012), *Manohar Lal Sharma v The Principal Secretary and Ors* (2014), and *Ram Narain Popli v Central Bureau of Investigation* (2003) can be best grasped not in singularity but within a judicial history that has dramatically defined India's anti-corruption law. Aligned and scalar

though they are across time and circumstances, the judgments show how the Supreme Court, confronted with charges of corruption within different echelons of governance, developed doctrines and precepts whose impact still resonates on India's accountability and public law. Their lasting impact is a reinforcement of constitutional dominance, establishment of precedents binding executive discretion, and an empowerment of the citizen's right to insist on integrity from public functionaries.

The first element of legacy arises from the case of *Dr. Subramanian Swamy v. Dr. Manmohan Singh*. This decision essentially transformed the dynamic between citizens and the executive with regard to matters of corruption. In holding that any citizen was entitled to seek permission to prosecute a public servant under the Prevention of Corruption Act, and requiring such requests to be disposed of within a specified timeframe, the Court reinforced the participatory aspects of democracy. It eliminated the insulation of delay hitherto protecting ministers and officials from being brought to book. The consequences of this principle have proved to be long-standing: with the invocation of constitutional timeframes for sanction, the executive ceased to have the right to continuously stall corruption prosecutions. In addition, the decision emboldened civil society participants and citizens to become monitors and thereby reinforced a participatory regime of governance. In so doing, it extended the application of *Vineet Narain v. Union of India* to a new domain, so that the executive's function of regulating corruption prosecutions did not become an alibi for dodging responsibility.

The second important dimension of legacy is drawn from the case of *Manohar Lal Sharma v. The Principal Secretary*. The nullification of 214 coal block allocations was unprecedented both in magnitude and consequences. In striking down allocations covering almost two decades, the Court highlighted the fact that illegality in the administration of resources cannot be justified on the basis of passage of time or earlier investments. This vigorous application of judicial review established transparency and legality as fundamental prerequisites to the allocation of natural resources. The consequences of this decision extended beyond the coal sector; it radically redefined governance of natural resources on an across-the-board basis. The principle of natural resources being entrusted to the people for the good of the people, and therefore, being obligated to be allocated on a transparent and equitable basis, emerged as a corner stone of Indian jurisprudence. Additionally, the decision had important economic

and political consequences. It upset settled industrial habits, compelled the introduction of transparent auction procedures for allocation of resources on the part of the government, and solidified the role of the judiciary as a constitutional check on arbitrary executive actions. Its legacy is thus institutional and doctrinal: it irreversibly altered the regime through which governments undertake allocations of resources.

The third part of legacy stems from the case of *Ram Narain Popli v CBI*. Whereas it did not attain the same degree of public prominence as the 2G or the coal cases, its contribution lies in its bolstering of the legal rules governing conspiracy and fiduciary duties in financial corruption cases. The fact that the Court established conspiracy on the basis of circumstantial evidence, in tandem with the ruling that public officials are liable for corruption despite the absence of personal benefit, ensures that white-collar crimes do not skirt liability through technicalities. In addition, the ruling's focus on the primacy of fiduciary duties in financial institutions' integrity brought to the law of corruption a fresh dimension. It acknowledged the fact that corruption extends beyond the limits of bribery to include breach of trust and collusion in financial transactions. This doctrinal development has a long tail, since subsequent financial misbehavior cases have invoked *Popli* to hold liable those officials who facilitate illicit private advantages. This case's legacy is to have expanded the contours of corruption law to keep abreast of the complexities of modern financial crimes.

Together, these three decisions helped to create a legal regime that has both a preventive and a corrective role to play. Preventive, inasmuch as they created rules designed to deter subsequent violations—the tight time limits for penalty in *Swamy* and transparency in processes as in *Sharma*. Corrective, inasmuch as they overturned earlier illegal conduct—the vacation of earlier unlawful acts of coal block allotment in *Sharma* and confirmation of convictions in *Popli*. This interplay of prevention and correction ensured that the fight against corruption was not reduced to straightforward punitive measures against sporadic offenders but included a widest possible call for systemic change in governance arrangements.

A noteworthy and lasting impact of such judgments is their reshaping of the parameters of judicial review. Critics often argue that judicial intervention in matters of policy subverts the principle of separation of powers. However, such cases reflect the fact that the Supreme Court delicately balanced the interest in showing deference to executive policy and its constitutional duty to reduce arbitrariness and illegality. In *Swamy*, the Court did not impose

a decision on whether to grant a sanction but insisted on a decision being made within a time bound. In *Sharma*, it did not dictate the mode of allocation of coal but insisted on the adopted process being legally and constitutionally compliant. In *Popli*, it did not question the legitimacy of RF deals as financial instruments but punished their fraudulent use. This fine sensibility ensured the Court acted within its constitutional role whilst expanding the parameters of responsibility. The remedy, therefore, is marked by a more entrenched but balanced concept of judicial review in corruption cases.

Judgments created systemic consequences extending beyond the judicial sphere. *Swamy* reconfirmed citizen intervention in governance with the recognition of the right of citizens to obtain clearance, and hence fortifying the role of civil society in checks on public functionaries. *Sharma* redefined governance of natural resources, compelling governments to resort to auction processes for enhancing transparency and efficiency. *Popli* underscored the criticality of integrity in financial institutions, providing a firm deterrent signal to bank officials and regulators. Together, the outcome redrafted governance architectures, positioning transparency and accountabilities as fundamental constitutional requirements rather than desirable values.

Conclusion

These three Supreme Court judgments being considered today—*Dr Subramanian Swamy v Dr Manmohan Singh and Anr* (2012), *Manohar Lal Sharma v The Principal Secretary and Ors* (2014), and *Ram Narain Popli v Central Bureau of Investigation* (2003), respectively—all provide a detailed judicial consideration of the means utilized to tackle corruption in Indian public life. Emanating from different factual situations—the 2G spectrum scandal, the issue of coal block allotments, and the securities scam—they all converge on a single constitutional principle: corruption, in the guise of executive inertia, random distribution of resources, or complicity in financial fraud, is inherently inimical to the values of a republic and to the rule of law.

In the case of *Dr. Subramanian Swamy*, the Court articulated the principle that the decision to grant sanction for the prosecution of a minister must occur within a reasonable period, thereby upholding the role of citizens in promoting accountability. The ruling illustrated that delays, which often serve as protection for the influential, are inherently unconstitutional when they inhibit the execution of statutory responsibilities. In the matter of *Manohar Lal*

Sharma, the Court annulled nearly two decades of coal block allocations, reaffirming the public trust doctrine and emphasizing that natural resources should not be treated as arbitrary gifts but rather as assets entrusted to the populace. In Ram Narain Popli, the Court emphasized the legal principles surrounding conspiracy and fiduciary duties, clarifying that financial fraud enabled by public officials constitutes corruption, even in the absence of direct personal gain.

The impact of these cases persists over time. They transformed not only the framework of anti-corruption legislation but also the constitutional structure pertaining to accountability. These cases illustrated that the judiciary functions not solely as a decipherer of legal texts but also as the protector of constitutional ethics, thereby guaranteeing that governance is grounded in legality, transparency, and equity. The overarching message conveyed through all three rulings is clear: any manifestation of corruption constitutes a violation of constitutional principles, and the judiciary will take action to avert it.