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# The Supreme Court is the Final Interpreter of Indian Constitution

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## ABSTRACT

*This research paper will analyze the subject “The supreme court is the final interpreter of Indian constitution” This paper will be dealing with different constitutional provisions which makes the Supreme Court the final interpreter of Indian constitution. The research paper will also consider the different opinions of the different scholar’s and their interpretation on the Supreme court of India. The research paper will also draw attention towards the controversy or criticism that comes in the way of the Supreme court while interpreting the provisions of the Indian constitution. Ultimately the research paper will try to cover all the possible aspects which would give justice to the topic “The supreme court is the final interpreter of the Indian constitution”. With due respect to each and every opinion mentioned in the paper the aim is to brief about every aspect involved with this respectfully topic.*

**Keywords:** constitutional provisions, Justice In Indian Context.

## I. INTRODUCTION

India is called as the world’s largest democracy. The constitution of India is the greatest pillar and guide for this democracy and the supreme court of India is the sole interpreter and protector of the constitution of this world’s largest democracy.

The Indian Supreme court has been called “the most powerful court in the world” for its wide jurisdiction, its expansive understanding of its own power, and the billion plus people under its authority. Independence of judiciary is one of the important salient features of Indian constitution.

But every coin has two sides. This applies here also, due to the fragmented or crippled bench structure (where only cases are usually decided by only two or three out of 31 judges) along with the large volumes of cases, the political or social scholars and policy makers have a very uneven picture of the courts functioning- highlight on the high profile cases and near silence on the common people concerns.

In spite of the side of the Supreme Court which everyone is concerned of, the Indian citizens

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till today have a good amount of belief that though the political parties or legislature can turn their back in the opposite direction of the social causes the Supreme Court will still have peoples back when it comes to the protection of the fundamental rights.

The people in India still believe in the concept of “Naya Devata” god of justice which can do no wrong. This research paper will definitely bring both sides of the coin into the picture, which is the main aim of any research i.e. to give a balanced view of the given topic.

## **II. CONSTITUTIONAL PROVISIONS**

- 1) Article 13 – Declares all law as unconstitutional if against the fundamental rights.
- 2) Article 32- Constitutional remedies.
- 3) Article 137- Review its own judgment
- 4) Article 226- Original jurisdiction of Supreme Court.

### **(A) Concept of Justice**

Equity implies that every individual be dealt with decently, and offered similar chances. Equity alludes to the way that all Indian residents ought to get social, monetary, and political equity. Starting from the beginning of human progress, the idea of equity has been focal. These are secured through various provisions of Fundamental Rights and Directive Principles.

### **(B) Justice In Indian Context**

The referencing of 'equity' in the preface means not exclusively to establish a climate wherein social, financial and political equity is guaranteed yet additionally to work emphatically against any type of segregation existing in the general public in view of station, local area race, religion etc.

The ideal of equity - social, monetary and political - was embraced from the Russian Insurgency. Equity has been created because of various perspectives. The Indian idea of equity was spread by old Indian logicians like Manu and Kautilya.

### **(C) Justice under Indian Constitution**

In the prelude of the Indian Constitution, the possibility of equity is solidly settled. The Indian Constitution's drafters ensured that equity was incorporated on the grounds that they comprehended the significance of laying out equity in a country. The possibility of equity cherished in the preface of the Indian constitution is likewise reflected in Articles 14, 15, 16, and 17. These articles are remembered for the third segment of the constitution, which ensures every resident certain principal freedoms.

Article 39A of the Indian constitution contains arrangements connecting with "Equal Justice and Free Legal Aid."

### **III. WHAT IS THE BRIEF HISTORY OF THE SUPREME COURT OF INDIA?**

The declaration of Managing Demonstration of 1773 laid out the High Court of Judicature at Calcutta as a Court of Record, with full power and authority.

- It was laid out to hear and decide all grievances for any wrongdoings and furthermore to engage, hear and decide any suits or activities in Bengal, Bihar and Orissa. The High Courts at Madras and Bombay were laid out by Lord George - III in 1800 and 1823 separately.
- The India High Courts Act 1861 made High Courts for different territories and annulled High Courts at Calcutta, Madras and Bombay and furthermore the Sadar Adalats in Administration towns.
- These High Courts had the qualification of being the most elevated Courts for all cases till the making of Administrative Court of India under the Public authority of India Act 1935.
- The Government Court had purview to address questions among territories and administrative states and hear requests against Decisions from High Courts.
- After India achieved freedom in 1947, the Constitution of India appeared on 26 January 1950. The High Court of India additionally appeared and its most memorable sitting was hung on 28 January 1950.
- The law announced by the High Court is restricting all Courts inside the area of India.
- It has the force of legal survey - to strike down the authoritative and chief activity as opposed to the arrangements and the plan of the constitution, the conveyance of force among Association and States or antagonistic to the key freedoms ensured by the Constitution.

#### **What are the Constitutional Provisions?**

- The Indian constitution accommodates an arrangement of High Court under Part V (The Association) and Section 6 (The Association Legal executive).
- Articles 124 to 147 to some extent V of the Constitution manage the association, autonomy, ward, powers and techniques of the High Court.
- The Indian constitution under Article 124(1) states that there will be a High Court of

India comprising a Main Equity of India (CJI) and, until Parliament by regulation recommends a bigger number, of not in excess of seven different appointed authorities.

- The Jurisdiction of the Supreme Court of India can broadly be categorized into original jurisdiction, appellate jurisdiction and advisory jurisdiction. However, there are other multiple powers of the Supreme Court.

#### **IV. SUPREME COURT- AS THE FINAL INTERPRETER OF THE INDIAN CONSTITUTION**

**1. Constitutional qualities:** High Court under legitimate overview can take a gander at the legality of guideline and pioneer requests of both the Central and state governing bodies. On evaluation, if they are seen as violative of the Holy characteristics, they can be reported as unlawful and invalid by the High Court. In *K.Gopalan v/s Territory of Madras* the court kept up with that the constitution is transcendent and a goal guideline to be genuine, must in all cases be in congruity with the laid out requirements.

**2. Protection of basic freedoms:** Article 13 declares that all guidelines that are clashing with or in trashing of the Fundamental Honors will be invalid and void. Article 32 guarantees the choice to move the High Court for the necessity of the Vital Opportunities and empowers the High Court to provide courses or orders or writs for that inspiration. For example, in the *Navtej Singh Johar* case, the High Court has held that portion 377 of IPC is unlawful.

**3. Check on leader activity:** Each state action is to be taken a stab at the ground of regulation and order. Indian Constitution is government in nature and it is the safeguarded commitment of the Great Court to translate the constitution. Under its remarkable district, the High Court keeps the public power inside their limits by lawful interpretations.

**4. Check on overbearing inclinations:** High Court safeguards residents against official overabundances and leader intervention. It shields our country from oppression of leaders and councils through legal surveys. Without legal survey and legal activism, different regulation or chief activities could subvert the actual soul of a majority rules government.

**5. Reviewing own choices:** Article 137 of the constitution of India engages the High Court to survey its own request or judgment. This force of adjustment commits the legal executive right to its own errors. According to the adjustment of conditions and conditions and appearing of new realities and regulations the High Court and High Court overrule and save their own decisions and orders. The High Court has done this on multiple occasions, for instance in *Kesavananda Bharati* case. This case maintained the progressions in 24th amendment in Article 368 and Article 13 of Indian Constitution by overruling *Golaknath* Judgment of 1967.

## **V. WHAT ARE THE RECENT ISSUES IN SUPREME COURT?**

- Expert of Program: It alludes to the honor of the Central Equity to comprise Seats to hear cases.
- The discussion has arisen in the High Court over outright force of Boss Equity on the legal organization.
- The SC has maintained various times that "the Central Equity is the expert of the list also, he alone has the right to comprise the Seats of the Court and dispense cases to the Seats so composed."
- Be it the Main Equity of India or Boss Equity of any high court it is the person in question who heads the regulatory side. This incorporates distribution of issues under the watchful eye of an adjudicator as well.

### **(A) Social Justice**

- Civil rights indicate equivalent treatment of all residents with no qualification in light of rank, variety, race, religion, sex, etc.
- It implies the shortfall of honors to any segment of the general public and simultaneously making arrangements to improve in reverse areas (SCs, STs and OBCs) and ladies. Because of these distinctions, no individual ought to be denied the social conditions expected for advancement.
- The act of social fairness fills in as the establishment for the possibility of civil rights. All in all, it is pushing balance alongside value.
- The High Court of India announced civil rights and legal surveys to be two key components of the Indian constitution on account of S.R. Bommai v. Association of India.

### **(B) Economic Justice**

- Monetary equity signifies non-segregation between individuals in view of financial elements. It involves the cancellation of glaring riches, pay, and property incongruities.
- Everybody ought to be repaid similarly for equivalent work, and everybody ought to have the chance to make money.
- People ought not to be dealt with diversely based on their monetary status. Nobody ought to be denied an opportunity in light of their monetary circumstance. Any

individual's absence of chances ought to still up in the air by their monetary circumstance.

- Financial equity is the disposal of destitution through the expansion of public abundance and assets and the fair dissemination of this abundance among all members in its creation.

### **(C) Political Justice**

- Political equity is that everybody has an equivalent, free, and fair open door to take part in legislative issues without bias.
- It implies that everybody has equivalent admittance to political workplaces and equivalent contribution in government processes. The public authority's tasks should be fair according to a political point of view. Any individual ought to be dealt with similarly no matter what their political standing and shouldn't get any advantages. No matter what an individual's political connection, each regulation ought to apply to them similarly.

### **(D) Relationship between Social, Economic and Political Justice**

- The three sorts of equity are completely interconnected. The other two should be available before one can be gotten.
- Distributive equity, which alludes to taking out financial imbalances and changing foul play welcomed on by managing or exchanges between unequal's in the public eye, is suggested by the expression "Social and Monetary Equity."
- The Prelude, as I referenced previously, is the initial segment of the Constitution. The subsequent part is about Key Privileges, and the third part is about Order Standards.
- All the Constitution of India has seriously vowed to its residents judges social, financial, and political; freedom of thought articulation, conviction, confidence, and love; equity of status and of chance; and to advance among the all brotherhood guaranteeing the pride of the individual and the solidarity of the country.
- Articles 14 and 15 of the Indian Constitution's Part III contain arrangements connecting with correspondence that maintain every one of the three sorts of equity. A 103rd sacred change was passed in 2019 too to ensure financial equity for all. This change's law depended on the utilization of financial equity.

### **(E) Role of Judiciary**

- Legal executive fills in as the watchman of crucial privileges and the defender of social

liberties.

- It is essential to the execution of the three distinct sorts of equity ensured by the Indian Constitution.
- The legal executive has been pivotal in laying out equity in the country and making the possibility of equity expressed in the prelude a reality. In such a manner, the legal executive's methodology has been moderate, and it has exhibited through its choices that equity is a fundamental part of a created and well behaved society.
- The court has maintained the possibility of civil rights in cases like *Maneka Gandhi v. UOI* (right of freedom).

## **VI. CONCLUSION**

The legal executive has been assuming a wonderful part by the method of legal survey for Keeping up with the matchless quality of the constitution. The legal executive is the principal angle which shields the vote-based system and guarantees harmony, equity and great request. The constitution has furnished the legal executive with freedom and enough powers to hold the chief under wraps making the High Court the last appointed authority of the constitution. Further developed equity organization is fundamental for better majority rules government. The composers of our constitution remembered this thought for the preface as well as in parts III and IV of the Indian Constitution since they comprehended that without the presence of all types of equity, no general public could form a protected society. This makes the Introduction the main piece of the Constitution. The Indian Constitution maintains social requests through various articles relating to basic freedoms and core values for public arrangement. Equity is important to safeguard this request.

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