



## Mains Practice Question

**Q.** Analyze the role of the judiciary in shaping and interpreting the Constitution of India and its impact on the functioning of democratic institutions in the country. (250 words)

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### Approach

- Start your answer by discussing the role of judiciary in India in shaping and interpreting constitution.
- Discuss the impact of judiciary on functioning of democratic institutions in India.
- Conclude accordingly.

### Introduction

- The Constitution of India is the supreme law of the land and serves as the cornerstone of Indian democracy. The judiciary, as one of the three organs of the state, plays a crucial role in shaping and interpreting the Constitution. The interpretation of the Constitution by the judiciary is of immense significance as it lays down the foundation for the functioning of democratic institutions and provides a basis for resolving disputes.

### Body

- **Role of the Judiciary in Shaping and Interpreting the Constitution of India:**
  - The judiciary in India has the power of judicial review and is the ultimate interpreter of the Constitution. The power of judicial review enables the judiciary to declare a law unconstitutional if it is found to be in violation of the Constitution. This power ensures that the Constitution is protected and upheld by the judiciary.
  - The judiciary has interpreted the Constitution to ensure that the provisions of the Constitution are implemented effectively.
    - **Judicial Review:** One of the most important roles of the judiciary in shaping and interpreting the Constitution of India is through the power of judicial review.
      - The judiciary has the power to review any law or executive action that it considers to be in violation of the provisions of the Constitution. This power is exercised through the process of judicial review, which is the **power of the judiciary to declare a law or executive action unconstitutional.**
      - This power of judicial review has been instrumental in shaping the Constitution of India and ensuring that the provisions of the Constitution are implemented effectively.
  - **Judicial Activism:** The Indian judiciary has been instrumental in **shaping the Constitution** through its activism.
    - The judiciary has been proactive in interpreting the Constitution to ensure that the provisions of the Constitution are implemented effectively and to **ensure that the rights and freedoms of citizens are protected.**
  - **Landmark Judgements:**
    - The judiciary, through its interpretations and judgements, has been instrumental in shaping the Constitution of India.

- For example, in the landmark judgement of **Kesavananda Bharati vs. State of Kerala**, the Supreme Court laid down the **basic structure doctrine**, which holds that certain basic and essential features of the Constitution cannot be amended, even by a constitutional amendment. This judgement played a crucial role in shaping the Constitution and safeguarding its basic features.
- Further in **Maneka Gandhi v. Union of India**, 1978 case, the Supreme Court held that the **right to life and personal liberty, as enshrined in Article 21** of the Constitution, is an inherent and inalienable right. This judgement has had a profound impact on the functioning of democratic institutions in India, as it has **enabled citizens to challenge the actions of the government**, even when they threaten their fundamental rights.
- **Impact on the Functioning of Democratic Institutions:**
  - The judiciary plays a crucial role in India's democracy by interpreting the Constitution and ensuring that the state's organs, such as the executive and legislature, function within its parameters. It sets the standards for these institutions through its interpretations and judgements like:
    - **Promoting Good Governance:** The judiciary has the power to enforce the rule of law and to ensure that the government acts in accordance with the Constitution.
      - This helps to promote good governance and to prevent the abuse of power by the government.
      - For example, in the case of **S. R. Bommai v. Union of India**, the Supreme Court held that the President of India cannot dismiss a state government without following the proper procedure and without just cause.
    - **Ensuring Fair Elections:** The judiciary plays a critical role in ensuring that elections are conducted in a fair and transparent manner. It has the power to hear election-related disputes and to declare election results as valid or invalid.
      - For instance, in the case of **Lily Thomas v. Union of India**, the Supreme Court held that politicians who are convicted of criminal offenses cannot contest elections and must resign from their posts.
    - **Protecting the Independence of Institutions:** The judiciary has the power to **ensure the independence** of various democratic institutions, such as the Election Commission of India, the Comptroller and Auditor General of India, and the judiciary itself.
      - For example, in the case of **L. Chandra Kumar v. Union of India**, the Supreme Court held that the independence of the judiciary cannot be compromised and that the government cannot interfere in the appointment of judges.

## Conclusion

The judiciary plays a crucial role in shaping and interpreting the Constitution of India. Through its power of judicial review and activism, the judiciary ensures that the provisions of the Constitution are implemented effectively, protects the basic features of the Constitution, and safeguards the rights and freedoms of citizens.