

Political Dilemmas in India and the Role of Supreme Court in Constitutional Interpretation.

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Abstract:

The Indian Constitution is the supreme law of the land and serves as the foundation of the Indian democracy. It was adopted by the Constituent Assembly on 26th January 1950 and has since been amended multiple times. The Constitution outlines the fundamental rights, directive principles of state policy, and the powers and responsibilities of various organs of the state. As the Constitution is a dynamic and living document, its interpretation by the judiciary has played a crucial role in shaping its meaning and scope. The Supreme Court of India has been at the forefront of interpreting the Constitution and has developed various approaches and methods to do so. The judicial interpretation of the Constitution has also had a significant impact on the development of constitutional law in India. This research article seeks to analyse the various approaches and methods used by the judiciary in interpreting the Indian Constitution. It aims to understand how the Supreme Court has evolved its interpretation of the Constitution over time and the impact of such interpretation on constitutional law. Additionally, the article examines the challenges and controversies surrounding the interpretation of the Constitution, including debates over judicial activism and the role of the judiciary in the legislative process. Overall, this research article provides a comprehensive overview of the interpretation of the Indian Constitution and its impact on constitutional law in India. It sheds light on the evolving nature of the Constitution and the crucial role played by the judiciary in interpreting and implementing it.

Keywords: Political Dilemmas, Constitution, Government Policy, Etc.

Introduction:

When exercising its power to review the constitutionality of governmental action, the Supreme Court has relied on certain "methods" or "modes" of interpretation—that is, ways of figuring out a particular meaning of a provision within the Constitution. This report broadly describes the most common modes of constitutional interpretation; discusses examples of Supreme Court decisions that demonstrate the application of these methods; and provides a general overview of the various arguments in support of, and in opposition to, the use of such methods of constitutional interpretation.

Textualism: Textualism is a mode of interpretation that focuses on the plain meaning of the text of a legal document. Textualism usually emphasizes how the terms in the Constitution would be understood by people at the time they were ratified, as well as the context in which those terms appear. Textualists usually believe there is an objective meaning of the text, and they do not

typically inquire into questions regarding the intent of the drafters, adopters, or ratifiers of the Constitution and its amendments when deriving meaning from the text.

Original Meaning: Whereas textualist approaches to constitutional interpretation focus solely on the text of the document, originality approaches consider the meaning of the Constitution as understood by at least some segment of the populace at the time of the Founding. Originalists generally agree that the Constitution's text had an "objectively identifiable" or public meaning at the time of the Founding that has not changed over time, and the task of judges and Justices (and other responsible interpreters) is to construct this original meaning.

Judicial Precedent: The most commonly cited source of constitutional meaning is the Supreme Court's prior decisions on questions of constitutional law. For most, if not all Justices, judicial precedent provides possible principles, rules, or standards to govern judicial decisions in future cases with arguably similar facts.

Pragmatism: Pragmatist approaches often involve the Court weighing or balancing the probable practical consequences of one interpretation of the Constitution against other interpretations. One flavour of pragmatism weighs the future costs and benefits of an interpretation to society or the political branches, selecting the interpretation that may lead to the perceived best outcome. Under another type of pragmatist approach, a court might consider the extent to which the judiciary could play a constructive role in deciding a question of constitutional law.

Political Dilemmas in India:

India, being the world's largest democracy, faces numerous political dilemmas that stem from its diverse population, complex social structures, and historical legacies. Some of the key political dilemmas in India include:

1. **Religious and Communal Tensions:** India is a land of diverse religions, with Hinduism, Islam, Christianity, Sikhism, Buddhism, and Jainism being some of the major religions practiced in the country. The communal tensions between different religious groups often lead to political unrest and conflicts.
2. **Caste System:** The caste system, although officially abolished, still plays a significant role in Indian society. Discrimination based on caste continues to be a major challenge in Indian politics, affecting social mobility and political representation.
3. **Regional Disparities:** India is a vast country with significant regional disparities in terms of development, infrastructure, and opportunities. Bridging these gaps and ensuring equitable growth across all regions poses a major political dilemma for policymakers.
4. **Corruption:** Corruption is a pervasive issue in Indian politics at various levels. From bribery to embezzlement, corruption undermines governance and erodes public trust in the political system.
5. **Poverty and Inequality:** Despite economic growth, India still grapples with high levels of poverty and income inequality. Addressing these socio-economic challenges requires effective political strategies and policies.

Role of Supreme Court in Constitutional Interpretation:

The Supreme Court of India plays a crucial role in interpreting the Constitution and resolving legal disputes that have far-reaching implications for the country's governance. Some key aspects of the Supreme Court's role in constitutional interpretation include:

1. **Guardian of the Constitution:** The Supreme Court acts as the guardian of the Indian Constitution and ensures that all laws and actions are in conformity with its provisions. It has the authority to strike down any law that is found to be unconstitutional.
2. **Judicial Review:** The Supreme Court has the power of judicial review, which allows it to review the constitutionality of laws passed by the legislature or actions taken by the executive branch. This power serves as a check on the other branches of government.
3. **Interpreting Fundamental Rights:** The Supreme Court interprets and protects fundamental rights enshrined in the Constitution, such as the right to equality, freedom of speech, right to life, etc. Its interpretations often shape public policy and have a profound impact on society.
4. **Settling Disputes:** The Supreme Court resolves disputes between different levels of government, between states, and between individuals or entities. Its decisions set legal precedents that guide future cases and clarify legal principles.
5. **Public Interest Litigation (PIL):** The Supreme Court entertains PILs filed by citizens or organizations on matters of public interest. This mechanism allows for greater access to justice and enables the court to address issues affecting society at large.

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