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JUDICIAL REVIEW: EXPLORING THE ROLE OF THE JUDICIARY IN CONSTITUTIONAL INTERPRETATION

INTRODUCTION:

To maintain the balance of Power, all three pillars of democracy have to work accordingly. Among the three, the Judiciary has the special power to check the Constitutionality of the laws brought by the Government. To ensure that the law holds the Constitutional Principles, the Supreme Court has to interpret the Laws in a way that upholds the Rights granted by the Constitution of India. While interpreting, the Judiciary has to also consider that the liberty of citizens is not infringed by any means. The draft below sheds light on the occasions in which the Supreme Court used its power of Judicial Review and interpreted the laws in a manner that is still celebrated among the readers. The Supreme Court understands the expectations that it has on its shoulders while delivering the judgments. Let us dive into the depth of the matter of interpretation.

BODY:

Looking into the space of Judicial Activism and Judicial Review, the Judges are supposed to be the absolute experts of the Constitution and the knowledge that they hold is nothing less than what tribals have over their forest. Apart from some filmy portrayals of the Courtroom scenes and assumptions about the fees of lawyers, the field of law is also known for the complex legal language that is being used regularly by professionals.

French Political Philosopher Montesquieu introduced the world with the theory of 'Checks and

Balances¹ that differentiates the roles of Executive, Legislature, and Judiciary. As per this, the Legislative brings a bill into the Parliament, and if it gets passed in both Houses then it turns into an Act, Executives have to execute that and, in the end, if somebody challenges the Constitutionality of the Act then the role of Judiciary is to interpret it.

Article 137 of the Indian Constitution² authorizes the Supreme Court to interpret the laws passed by the Parliament and also its previous judgments. The mentioned provision makes the government accountable for what it does. Over the years, the Supreme Court used this power to practice Judicial review and also gave landmark judgments which ensured the citizens that the Justice stands tall among all.

Keshavananda Bharati Case³ is the most classic example of the same. The Apex Court made an end to a long awaiting Government versus Judiciary tussle and delivered a landmark judgment. Similarly, the Court did some of the epic interpretations in many cases, including Maneka Gandhi vs Union of India⁴, Indira Gandhi vs. Raj Narain⁵ Shah Bano Case⁶, Indira Sawhney Case⁷,

¹ Alexander Standjofski, 'Montesquieu: Who was the Mind behind the Separation of Power?', The Collector, May 24 2023 <https://www.thecollector.com/montesquieu-separation-of-powers/>

² The Constitution of India 1950, Article 137

³ Keshavananda Bharati vs State of Kerala & Anr. 1973 4 SCC 225

⁴ Maneka Gandhi vs Union of India 1978 AIR 597

⁵ Indira Gandhi vs. Raj Narain & Anr. 1976 3 SCC 321

⁶ Mohd. Ahmed Khan vs Shah Bano Begum & Ors. 1985 AIR 945

⁷ Indra Sawhney Etc. Etc vs Union Of India And Others, Etc. AIR 1993 SC 477

Vishaka Guidelines case⁸, Sarla Mudgal Case⁹, Shayara Bano Case¹⁰, K S Puttaswamy Case¹¹.

Interpretations by the Judges work majorly for the professionals associated with the law and they get to sometimes even understand the meaning of the words that are used in Articles and Sections. The interpretation leads to the understanding of the words asserted in the Constitution or the Acts. The process is not rare, the Supreme Court keeps on interpreting the laws to simplify the meaning for the stakeholders. Not to forget that the Supreme Court has the authority to overturn its interpretation if it believes that the change is required. This means that Interpretations are, in some scenarios, not absolute.

In case, the petitioners or the defendants put forth some great arguments, the Court has to acknowledge it. There have been occasions where the Court did the same. In 1954, the Supreme Court refused to include the Right to Privacy as a Fundamental Right in the case of M.P. Sharma vs. Satish Chandra¹², however, we know that in 2017, the Apex Court overturned the judgment by inserting the Right to Privacy in Article 21 of the Indian Constitution¹³. It will not be incorrect if we say that the interpretation majorly depends on the nature of the case and sometimes, even the situation matters.

CONCLUSION:

The Supreme Court is the highest authority in which a common man can approach to seek justice. Sometimes, the laws come between the petitioner and justice and to make sure that the Justice is

⁸ Vishaka & Ors vs State Of Rajasthan & Ors 1997 AIR SCW 3043

⁹ Smt. Sarla Mudgal vs Union Of India & Ors 1995 SCC (3) 635

¹⁰ Shayara Bano vs Union Of India And Ors. AIR 2017 SC 4609

¹¹ Justice K.S.Puttaswamy(Retd) And Anr. Vs Union Of India And Ors. AIR 2017 SC 4161

¹² M.P. Sharma and other Vs. Satish Chandra, AIR 1954 SC 300.

¹³The Constitution of India 1950, Article 21

served, time and again, the Apex Court has proved itself to be worthy of the citizen's trust. The Judiciary has to play a very significant role while hearing Constitutional matters, as their judgment shall decide the fate of numerous cases afterward. Correct Interpretation makes the laws more understandable for the lawyers as well as the layman and an adequate approach can be taken by the lower courts while delivering a judgment based on the Supreme Court's interpretation. This proves the pressure on the Supreme Court to deliver a meaningful and well-explained judgment.