

## **Development of the Indian Constitution through the Leading Judicial Pronouncements: An Analysis**

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As we know that the Indian constitution is the largest written constitution in the world, its particular features makes it unparalleled. Its vast expedition and details explanation have touched the entire parts and portions of governance. The Indian constitution has come in existence in term of 2 years, 11 months and 18 days and it has been declared on 26<sup>th</sup> January 1950. In the historical context, the constitution development of India begins from Indian Council Act of 1861 under British Rule. Since then, through various constitutional reforms, development and governing experiences the Indian constitution acquired the present form of structure. The constitution makers were having distance visionary power, so that they made some significant provisions for amendments to make it relevant in changing circumstances and they had given the constitutional rights of guarding and explanation to Indian judiciary body. In this way, the honorable judiciary has specific power to review the all laws and provisions made by parliament and the judiciary can reject them, in case of finding unconstitutional base.

The constitution is the base of socio-economic-politic and legal structure. As the time and circumstances is changing fast, similarly the constitutional provisions should also modify according to changing scenario, so that it can be relevant and practical.

The framers of the Indian constitution were also aware of that fact that if the constitution was so flexible it would be like playing cards of the ruling party so they adopted a middle course. It is neither too rigid to admit necessary amendments, nor flexible for undesirable changes. India got independence after a long struggle in which numerous patriots sacrificed their life. They knew the real value of the freedom, so they framed a constitution in which every person is equal and there is no discrimination on the basis of cast, creed, sex and religion. They wanted to build a welfare nation where the social, economical, political rights of the general person recognize. The one of the wonderful aspect of our constitution is fundamental rights and for the protection of these rights, they provided us an independent judiciary. According to constitution, parliament and state legislature in Indian have the power to make the laws within their respective jurisdiction. This power is not absolute in nature. The constitution vests in judiciary, the power to adjudicate upon the constitutional validity of all the laws. If a laws made by parliament or state legislature violates any provision of the constitution, the Supreme Court has power to declare such a law invalid or ultra virus. So the process of judicial scrutiny of legislative acts is called Judicial Review. Article 368 of the constitution gives the impression that the Parliament's amending powers are absolute and encompass all parts of the document. But the Supreme Court has acted as a brake to the legislative enthusiasm of Parliament ever since independence. With the intention of preserving the original ideals envisioned by the constitution-makers. To Abraham Lincoln, democracy meant an Government of the people, by the people and for the people. So in democratic nation whenever any law passed by parliament violates any provision of constitution or takes away any fundamental rights of the person, the Supreme Court has right and power to strike down that law or act.

According to me this jurisdiction of Supreme Court is essential for protection of basic features of the constitution.

The sovereign, democratic and secular character of the polity, rule of law, independence of the judiciary, fundamental rights of citizens etc. are some of the essential features of the Constitution that have appeared time and again in the apex court's pronouncements. One certainty that emerged out of this tussle between parliament and the judiciary is that all laws and constitutional amendments are now subject to judicial review and laws that transgress the basic structure are likely to be struck down by the Supreme Court. In essence Parliament's power to amend the Constitution is not absolute and the Supreme Court is the final arbiter over and interpreter of all constitutional amendments.

The judicial pronouncements are important parts of modification in the constitution. Many constitution related cases come before the judiciary where judiciary discuss and pronounce the constitutional provisions and their meanings according to current situation and society need. This new discussion and meaning become the relevant part of the constitution and develop the importance of the constitution. The judicial decisions and pronouncements enrich the constitution and its relevance in present time.

There are many cases and matters where in Indian judiciary has given important decision and pronouncement for the development of the constitution, these are following:-

The Indian judiciary has given a pronouncement 1967 regarding Golaknath Vs Punjab state case, that the parliament cannot change in the fundamental rights, because it is the important parts of the constitution. Against it, the 24<sup>th</sup> Amendment and 42<sup>nd</sup> Amendment came in existence in which under the constitution that the parliament can do amendments in constitution, but it has also a limitation, the judiciary says that parliament can amend the constitution where it is necessary, but it should not hurt to the basic and fundamental features of the constitution. Most of the time the judiciary also appreciates to the parliaments for positive development in constitution by the amendments.

Further, in the Keshvanand Bharti case the judiciary pronounced that the preamble consists entire values of the constitutions, since then the preamble is being utilized for the constitutional explanation and implementing the directive principles of the states. In Keshvanand Bharti case the judiciary has given important decision that the parliament cannot do amendments in the basic and fundamental structure of the constitution. The constitution has given the right for amendments to the parliament but in other side the constitution itself has given the right of examine the validity of constitutional amendments to the judiciary.

In Minarva Mills case in 1980, the judiciary has given important judgments and reject the provisions, because that was violated the basic and fundamental feature of the constitution. The Directive Principles of the state is an ideal vision of the constitution, but government has not been sincere to implement it. The Indian judiciary understands the important values of Directive Principle of states in current situation of society, so, the judiciary has forced to the government to implement the Directive Principles of states, by which Panchayti Raj System came into forcible. Hence, the judiciary has established the democratic pillars at depth level in the country and played important roles for the constitutional development. In this way judiciary not only guard the basic and fundamental constitutional structure but also develop and modify them according to current situation of society.

Conclusion: Thus the judicial decisions and pronouncements are very important for the constitutional development. The judiciary is having adequate constitutional and legal experiences and specialization. So, they can be the best option for constitution development. The constitutional development through the leading judicial decisions and pronouncements is slow but solid, the judiciary is the protector of the constitution, which is having power of review and final constitutional explanation. So, the people of India expect to judiciary for the constitutional development according to changing social-economical-political circumstance of the society.

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