



The Role Of Supreme Court Of India In Development And Protection Of The Indian Federalism

**SHAIK JAHIDA BEGUM
LECTRURER IN GOVT DEGREE COLLEGE
BANTUMILLI, KRISHNA DT,
ANDHRA PRADESH**

Abstract:

India had a centralized unitary state at the time of Independence. After independence when the constituent assembly met for the drafting of the constitution, they had discussions and deliberation on whether the federal structure is desirable or a unitary structure. The constituent assembly came with a conclusion in which they adopted a structure with a strong centre and a state with limited powers but the structure was termed as federalism. The reason for the inclusion of federalism was to accommodate the diverse population of the country. But the structure of federalism was very complex due to identity politics and the regional identities. The Supreme Court of India plays a pivotal role as the guardian of the Constitution, interpreting laws, and safeguarding fundamental rights. While the powers of the Court are largely defined within the Constitution, it also possesses inherent powers that are essential for the effective discharge of its duties in the judicial system. This paper the author explores The Role of Supreme Court Of India In Development And Protection Of The Indian Federalism.

1. INTRODUCTION:

The Supreme Court of India is the apex judicial body under the Constitution of India. Article 124 of the Constitution states that "There shall be a Supreme Court of India." The Supreme Court came into existence on 26 January 1950 with the coming into force of the Constitution. The Supreme Court initially functioned from the old Parliament House till it moved to the present building located on Tilak Marg, New Delhi in 1958. In terms of powers, authority, and explicit constitutional provision, the Supreme Court of India succeeded an older institution called the Federal Court of India, which had been established in 1937 under the Government of India Act of 1935, during British colonial rule. Established to address disputes between British Indian provinces and the central government, it had original, appellate, and advisory

jurisdiction (see “Types of jurisdiction” below). However, it was not the highest court of appeal, as its rulings could be challenged in the Privy Council in Britain. The Supreme Court of India was inaugurated on January 28, 1950, two days after the Indian Constitution went into effect. Part 5, chapter 4, of the Constitution defines the provisions for the Supreme Court in Articles 124–147. Supreme Court of India, final court of appeal and highest judicial authority in India. Located in New Delhi, the court heads the judicial branch of the Government of India and is independent of the executive and legislative branches. It has broad judicial powers, including the ability to transfer or take over cases from high courts (courts with state-level jurisdiction) and other lower courts and review laws and constitutional amendments passed by the Indian Parliament to ensure that they comply with the Constitution of India. Its autonomy and the wide scope of its judicial authority have led scholars to evaluate it as being one of the most powerful courts in the world

2. CONSTITUTIONAL FRAMEWORK AND THE INHERENT POWERS OF THE SUPREME COURT:

2.1. Constitutional Provisions:

The Constitution of India lays down the foundational structure for the country's governance, providing the Supreme Court with a unique and critical role within the judicial system.¹⁵ While the powers of the Supreme Court are not exhaustively detailed, they are delineated across various articles that define its scope, jurisdiction, and authority. The Constitution, however, does not explicitly mention the concept of inherent powers, but these powers are implied from the nature of the Court's role and its constitutional functions. These inherent powers enable the Supreme Court to fill in gaps where existing laws may be inadequate and to ensure that justice is administered in a fair, balanced, and equitable manner

2.1A. Article 124: Establishment and Composition of the Supreme Court:

Article 124 of the Constitution establishes the Supreme Court of India as the highest court of the country. It outlines the composition of the Court, including the Chief Justice of India and other judges as appointed by the President. While this article doesn't directly deal with the Court's inherent powers, it provides the constitutional basis for the establishment of the Supreme Court and implicitly recognizes its significance in the judicial system. The Supreme Court's role extends far beyond mere adjudication of disputes; it is entrusted with the responsibility of interpreting the Constitution, safeguarding the fundamental rights of citizens, and maintaining the rule of law. This broad mandate requires flexibility and discretion, thereby necessitating the invocation of inherent powers in certain cases.

2.B.Article 129: Power to Punish for Contempt of Court:

Article 129 empowers the Supreme Court to punish individuals for contempt of court. This provision reflects an essential aspect of the Court's inherent authority to maintain its dignity and ensure that its orders and judgments are respected. The power of contempt ensures that the Court's functioning is not disrupted by actions that undermine its authority. The power to punish for contempt is crucial to the Court's ability to uphold the integrity of the judiciary and maintain public confidence in the legal system. It is a direct manifestation of the Court's inherent powers, reflecting its role in self-regulation and accountability.

2.C. Article 142: Power to Do Complete Justice:

Perhaps the most critical provision with respect to the inherent powers of the Supreme Court is Article 142 of the Constitution. This article grants the Supreme Court the authority to pass any order or decree necessary to do complete justice in any case or matter pending before it. This provision is crucial because it provides the Court with broad and discretionary powers that go beyond the limits of the law and statutory provisions. The phrase "complete justice" has been interpreted to mean that the Court can pass any order, even in the absence of specific statutory provisions, to ensure that no injustice occurs.

2.D. Article 131: Original Jurisdiction of the Supreme Court:

Article 131 grants the Supreme Court original jurisdiction to settle disputes between the Union and States, or between two or more States. While this provision does not directly reference the Court's inherent powers, it highlights the Supreme Court's role as the final authority in resolving conflicts that affect the federal structure of the country. The Court's involvement in such matters often requires an exercise of its inherent authority to ensure that justice is done, particularly in cases where the Constitution provides broad principles, but the law is silent on specific circumstances.

2. E. Article 136: Special Leave to Appeal:

Under Article 136, the Supreme Court has the power to grant special leave to appeal from any judgment, decree, or order of any court or tribunal in the country. This provision is vital as it allows the Supreme Court to exercise discretion in hearing cases that may not fall under the general appellate jurisdiction outlined in Articles 132 to 134.³⁰ The power to grant special leave is another example of the Court's inherent powers, enabling it to intervene in cases of great public importance, legal significance, or where justice has not been adequately served in the lower courts.³¹ This flexibility allows the Supreme Court to ensure that critical legal questions are addressed and the legal system functions in a just and fair manner.

2. F. Judicial review:

The Supreme Court has the power to review laws passed by the legislature and to review executive actions. It may scrutinize laws passed in the Parliament, amendments to the Constitution, and actions by the executive branch of government and strike down those laws and penalize those actions it deems unconstitutional and detrimental to the rights of Indian citizens. The Supreme Court may exercise judicial review through cases in its jurisdiction or through its own initiative.

3. ROLE OF THE SUPREME COURT IN THE DEVELOPMENT OF FEDERALISM:

India's judiciary is in integrated system which is divided into different courts with the individual autonomy of the higher court and the lower courts. The main role of the courts is to interpret the constitution and to safeguard the basic essence of the constitution. In the case of Keshavananda Bharati the supreme have clearly mentioned that the basic structure of the constitution cannot be amended and also in cases such as S.R. Bommai V. Union of India⁶ Supreme court has stated that the declaration of president rule under Article 356 of the constitution is under the judicial review of the court. The constitution which is the most important document of a state, which demarcates the power of the different organ of the government. The judiciary plays a pivotal role in interpretation and the development of federalism in India through judicial decisions and the power of judicial review. The Supreme Courts is the highest apex body, and then comes the High court's and the district courts. The constitution has entrusted the Supreme Court and High Courts with original and appellate jurisdiction in Article 131 and 131 (A), 132 and 134 (A) of the constitution.

The original jurisdiction of the Supreme court is majorly with regard to centre- state disputes, interstate disputes with regard to division of power and distribution of power and also with the violation of fundamental rights of citizen. The appellate jurisdiction of Supreme court is appeals from high courts in civil, criminal and other proceedings and also if the high court certifies that the issues/ case requires a need of interpretation of the constitution as it raises a substantial question of law. The special leave to appeal can also be filed in the Supreme Court with regard to any order passed by any court and tribunal in India. The parliament can enlarge the jurisdiction of Supreme Court in relation to union list and can also be enlarged with new jurisdiction in context to state and concurrent list. The Supreme court is also vested with advisory jurisdiction and can issue writs for the enforcement of fundamental rights. The Supreme Court of India is also a highest court of appeal in constitutional, civil and criminal cases. The judicial decisions were centralized during the Nehru era and the cases related to fundamental rights were dealt more than the protection of the rights and powers given to the states by the constitution. The number of cases related to the distribution and interference of the states' rights could also sense the development of cooperative federalism in which states are under the compulsion to abide and follow the directions of the centre.

The Supreme court has played an important role in sorting the differences of the centre and the states with regard to union-state relations. Court has also tried to protect and guard the lists that were given to the centre and the states for the purpose of distribution of power by the constitution. The court mostly deals with the federalism issue especially in the area of legislative power between the centre and the states. P.M. Bakshi observes that “Where the question arises of determining whether a particular subject mentioned is in one list or another, the court looks to the substance of the matter. Thus, if the substance falls within the union list, then the incidental encroachment by the law on the state list does not make it invalid.

CONSLUSION:

The inherent powers of the Supreme Court of India occupy a pivotal space within the constitutional framework, serving as essential tools that empower the judiciary to uphold justice, especially in circumstances where statutory law may be silent, inadequate, or ambiguous. The Indian Supreme Court, as the guardian of the Constitution, plays a crucial role in ensuring that legislative and executive actions are consistent with constitutional principles. By exercising its power of judicial review, the Court acts as a check on government overreach, protects fundamental rights, and promotes the accountability of public authorities. Landmark judgments, such as those expanding the scope of individual liberties or striking down unconstitutional laws, exemplify the Court's proactive stance in upholding democratic values. The Supreme Court of India is not just an institution that interprets the law—it is the pillar of justice and democracy. It ensures that the values enshrined in the Constitution are protected and upheld. As citizens, understanding the role of the Supreme Court is crucial in appreciating the importance of judicial independence, constitutional governance, and the rule of law.

REFERNCES:

1. <https://www.sci.gov.in/> .
2. The Rise of Judicial Sovereignty,” Journal of Democracy 18, no. 2 (2007): 74–5. Volume 26, Issue 6, June – 2022
3. Law Commission of India, Report No. 262 (2015)
4. Palkhivala, Nani A. "The Role of the Supreme Court in the Development of Constitutional Law." Journal of the Indian Law Institute, vol. 15, no. 3, 1973, pp. 383-392.
5. Sharan P. Constitution of India and judicial review. Indian J Polit Sci. 1978;39(4):526-537
6. Narayan VA, Sindhu J. A case for judicial review of legislative process in India? Law Polit Afr Asia Lat Am. 2020;53(4):358-410.
7. M.P. Jain, "Indian Constitutional Law" (8th Edition, 2018)