

## PREVIOUS YEAR QUESTION

UPSC 2021 · 15 marks

Examine the evolution of the jurisdiction of the Supreme Court of India as a constitutional court.

## FLOW SNAPSHOT — how the answer moves

## Intro routes

**R1** 1950 founding → five jurisdictions (131 original, 136 appellate/SLP, 143 advisory, 32 writ, 137 review) → constitutional guardian; Art 32 = protector of FRs (**Ambedkar**, “soul”)

**R2** SC born as a court of *defined* jurisdictions → examine the shift towards a constitutional court that guards *and* shapes the Constitution

## Body flow

Guardian role + Art 32 / **Ambedkar** → early restraint (Gopalan, Shankari Prasad, Sajjan Singh) → Golak Nath limits amending power over FRs → Kesavananda basic structure → constituent power scrutinised → Maneka expands Art 21 / substantive review → S.P. Gupta widens locus standi + PIL / access → Arts 136 + 142 / complete justice → Bommai, Minerva Mills, Coelho → review over federalism, amendments, the Ninth Schedule

## Counter-view

**Nariman**: guardians of the Constitution → guardians over it (basic-structure expansion risks overreach)

## Conclusion routes

**R1** From enumerated jurisdictions → a constitutional court that both protects and shapes the Constitution

**R2** Evolution as a *widening* of jurisdiction, not a break from text → the guardian became a shaper while staying anchored in the Constitution

The Supreme Court began in 1950 as the Constitution's guardian, vested with original jurisdiction under Article 131, appellate jurisdiction including special leave under Article 136, advisory jurisdiction under Article 143, writ jurisdiction under Article 32, and review jurisdiction under Article 137.

Article 32 made it the protector of Fundamental Rights; Dr. B.R. Ambedkar called it "the very soul of the Constitution and the heart of it."

In its early years the Court was textual and restrained, deferring to Parliament in *A.K. Gopalan*, *Shankari Prasad* and *Sajjan Singh*. Assertion came with *Golak Nath* (1967), which limited Parliament's power to abridge FRs, and *Kesavananda Bharati* (1973), which created the basic structure doctrine and placed constituent power itself under judicial scrutiny.

The role then deepened. Maneka Gandhi (1978) expanded Article 21 and opened substantive review. S.P. Gupta (1981) broadened locus standi and enabled PIL, widening access. Articles 136 & 142 extended its reach to do complete justice, while S.R. Bommai, Minerva Mills and I.R. Coelho carried review into federalism, amendments and the 9th Schedule.

Such expansion invites caution. According to Fali S. Nariman, the guardians of the Constitution may become guardians over it. Yet the trajectory is clear: from a court of defined jurisdictions, the SC has grown into a constitutional court that both protects and shapes the Constitution.