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Q8(b)

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

UPSC Civil Services Mains 2021 · PSIR GS 1 · 15 marks · Principal Organs of the Union Government

Principal Organs of the Union Government: Envisaged role and actual working of the Executive, Legislature and Supreme Court.

Core demand of the question

- Examine the evolution of the jurisdiction of the Supreme Court of India as a constitutional court. (15 marks)

Revision summary

The Supreme Court began with writs, federal disputes, and appeals.

Champakam showed rights jurisdiction that triggered constitutional amendment.

Golaknath, Kesavananda, and Minerva Mills created basic-structure constitutional review.

Article 21 and PIL expanded the Court into a wide public-law forum.

A constitutional court here means custody of identity, not only private appellate justice.

Introduction

The Supreme Court began as a federal apex and a guardian of fundamental rights. It evolved into a constitutional court that names the Constitution's identity, expands liberty, and sometimes governs by guideline. **Golaknath**, **Kesavananda**, and **Minerva Mills** are the doctrinal stairs.

Body

Original jurisdiction

- **Articles 32, 131, 132-136**, and 143 gave writs, federal disputes, appeals, and advisory opinions.
- Early years were a common-law apex plus property and speech cases, still close to a Privy Council successor in style.
- **Champakam Dorairajan** (1951) showed rights jurisdiction that could stop social policy and force the **First Amendment**.

From parliamentary sovereignty to basic structure

- **Golaknath** (1967) treated fundamental rights as beyond amendment, a maximal rights court against Parliament.
- **Kesavananda Bharati** (1973) recast the Court as the organ that defines basic structure: amendment is possible, identity is not.
- **Minerva Mills** (1980) used that jurisdiction to restore harmony of Parts III and IV after the 42nd Amendment.

- **This is the birth of a true constitutional court:** not only error-correction, but custody of the Constitution against the amending state.

Expansion of rights and public law

- **Maneka Gandhi** (1978) and later **Article 21** cases turned procedure into fairness and then into a field of socio-economic claims.
- Public interest litigation widened standing, so the Court became a forum for the unrepresented, with gains and with docket politics.
- Review of the **Ninth Schedule** in *I. R. Coelho* (2007) pulled even immunised statutes back into basic-structure jurisdiction.

Examination

- Evolution is from a federal-and-rights court to a basic-structure constitutional court with a wide **Article 21** and PIL jurisdiction.
- The gain is limitation of emergency-minded majorities. The risk is government by bench, which **Habermas** would want tested in public reason and in Parliament.
- Compared with the U.S. Supreme Court, the Indian Court combines constitutional review with a vast statutory appellate load; the constitutional-court role had to be carved out of that mix.

Flow diagram

Early SC -> Champakam rights
Golaknath -> Kesavananda basic structure
Kesavananda basic structure -> Minerva Mills
Minerva Mills -> Article 21 PIL constitutional court

Conclusion

As a constitutional court, the Supreme Court evolved from early rights-and-federation cases through Golaknath's lock to Kesavananda's basic structure and Minerva's harmony doctrine, then into a wide **Article 21** and PIL forum. Jurisdiction grew from deciding cases to defining the Constitution's enforceable identity.

Facts & figures

Golaknath, 1967

Held that Parliament could not amend fundamental rights; later overtaken in method by Kesavananda.

Kesavananda, 1973

Basic structure doctrine; the Court's core constitutional-court moment.

Minerva Mills, 1980

Limited **Article 31C**'s 42nd Amendment expansion; harmony of rights and directives.

Article 32

Guaranteed right to move the Supreme Court for fundamental rights, the original constitutional-court door.

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