Constitution of India was drafted, enacted and approved by the Constituent Assembly on behalf of the people of India.

Interpretation

2. A statute is a will of legislature conveyed in the form of text. Interpretation or construction of a statute is an age-old process and as old as language. It is well settled principle of law that as the statute is an edict of the Legislature, the conventional way of interpreting or construing a statute is to seek the intention of legislature. The intention of legislature assimilates two aspects; one aspect carries the concept of ‘meaning’, i.e., what the word means and another aspect conveys the concept of ‘purpose’ and ‘object’ or the ‘reason’ or ‘spirit’ pervading through the statute. The process of construction, therefore, combines both the literal and purposive approaches. However, necessity of interpretation would arise only where the language of a statutory provision is ambiguous, not clear or where two views are possible or where the provision gives a different meaning defeating the object of the statute. For Interpretation of the Constitution often debate of Constituent Assembly is referred to.

3. As provided in Article 367 of the Constitution, the General Clauses Act, 1897 applies for the interpretation of the Constitution also.

4. It is a well accepted practice that courts do not undertake interpretation of the Constitution unless there is a live issue before them. (Harsharan Verma v. Union of India, 1987 Supp SCC 310)

5. It has been held in many decisions that when a constitutional provision is interpreted, the cardinal rule is to look to the Preamble to the Constitution as the guiding star and the directive principles of State policy as the “book of interpretation”. The Preamble embodies the hopes and aspirations of the people and directive principles set out the proximate grounds in the governance of this country. (Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1)

7. Courts of law are enjoined to gather the meaning of the Constitution from the language used and although one should interpret the words of the Constitution on the same principles of interpretation as one applies to an ordinary law but these very principles of interpretation compel one to take into account the nature and scope of the Act which requires interpretation. It has to be remembered that it is a Constitution that requires interpretation. Constitution is the mechanism under which the laws are to be made and not merely an Act which declares what the law is to be. *(India Cement Ltd. v. State of T.N., (1990) 1 SCC 12)*

8. Supreme Court is the final arbiter on the interpretation of the Constitution, everybody was bound by the said declaration of law. *(P. Kannadasan v. State of T.N., (1996) 5 SCC 670)*

9. It is the duty of the Supreme Court to interpret the Constitution. It must perform that duty regardless of the fact that the answer to the question would have a political effect. *(B.R. Kapur v. State of T.N., (2001) 7 SCC)*

10. The Constitution is not an ephemeral legal document embodying a set of legal rules for the passing hour. It sets out principles for an expanding future and is intended to endure for ages to come and consequently to be adapted to the various crises of human affairs. Therefore, a purposive rather than a strict literal approach to the interpretation should be adopted. A constitutional provision must be construed not in a narrow and constricted sense but in a wide and liberal manner so as to anticipate and take account of changing conditions and purposes so that a constitutional provision does not get fossilised but remains flexible enough to meet the newly emerging problems and challenges. *(M. Nagaraj v. Union of India, (2006) 8 SCC 212)*

11. Supreme Court has interpreted various provisions of the Constitution and has explained scope of those provisions. Some of the important provisions of the Constitution have been interpreted in following manner:

   (i) The term ‘the State’ in Article 12 of the Constitution has been interpreted to include authorities which are instrumentality or agency of the State. *(Ajay Hasia v. Khalid Mujib Sehravardi, (1981) 1 SCC 722)*
(ii) A classification is valid on the anvil of Article 14, if the same is reasonable and that is it is based on a reasonable and rational differentia and has a nexus with the object sought to be achieved. *(State of W.B. v. Anwar Ali Sarkar [AIR 1952 SC 75 and Ram Krishna Dalmia v. S.R. Tendolkar [AIR 1958 SC 538].)*

(iii) Reservation in favour of Scheduled Castes, Scheduled Tribes and Other Backward Class in the field of education and service is permissible. But extent of such reservation cannot exceed 50% of total seats/posts. *(M.R. Balaji & Indira Sawhney)*

(iv) The State is not bound to make reservation for SCs/STs in matters of promotions. However, if they wish to exercise their discretion and make such provision, the State has to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment in addition to compliance with Article 335 of the Constitution. Even if the State has compelling reasons, as stated above, the State will have to see that its reservation provision does not lead to excessiveness so as to breach the ceiling limit of 50% or obliterate the creamy layer or extend the reservation indefinitely. "*M. Nagaraj v. Union of India [(2006) 8 SCC 212.*"

(v) Freedom of speech and expression under Article 191) includes within its scope the freedom of the press. *(Express Newspaper (P) Ltd. v. Union of India, 1959 SCR 12)*

(vi) Article 21 provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law. In *Maneka Gandhi v. Union of India* it was held by the majority that the procedure contemplated by Article 21 must be “right and just and fair and not arbitrary, fanciful or oppressive; otherwise, it would be no procedure at all and the requirement of Article 21 would not be satisfied. Right to life enshrined in Article 21 means right to have something more than survival and not mere existence or animal existence. It includes all those aspects of life which go to make a man’s life meaningful, complete and worth living.

(vii) Fundamental rights are not to be read in isolation. They have to be read along with the chapter on directive principles of State policy and the fundamental duties enshrined in Article 51-A.

(viii) The significance of the perception that Parts III (Fundamental Rights) and IV (Directive Principles of State Policy) together constitute the core
of commitment to social revolution and they, together, are the conscience of the Constitution is to be traced to a deep understanding of the scheme of the Indian Constitution. The Indian Constitution is founded on the bedrock of the balance between Parts III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure of the Constitution. *(Minerva Mills Ltd. v. Union of India, (1980) 3 SCC 625).*

(ix) Article 368 enables Parliament to amend any provision of the Constitution. The power under Article 368 however does not enable Parliament to destroy the basic structure of the Constitution. The expressions “basic structure” and “basic features” convey different ideas. The Constitution (Ninety-ninth Amendment) Act, 2014 is declared unconstitutional and void. *(Supreme Court Advocates-on-Record Assn. v. Union of India, (2016) 5 SCC 1)*

(x) The power under Article 356(1) for imposing President Rule in a State is an emergency power but it is not an absolute power. Article 356 confers a power to be exercised by the President in exceptional circumstances to discharge the obligation cast upon him by Article 355. The satisfaction of the President is the satisfaction of the Council of Ministers. As provided in Article 74(1), the President acts on the aid and advice of the Council of Ministers. The plain reading of Article 74(2) stating that the question whether any, and if so what, advice was tendered by the Ministers to the President shall not be inquired into in any court, may seem to convey that the court is debarred from inquiring into such advice but *Bommai* [*S.R. Bommai v. Union of India*, (1994) 3 SCC 1] has held that Article 74(2) is not a bar against scrutiny of the material on the basis of which the President has issued the proclamation under Article 356. In no case, the President shall exercise the Governor’s power of dissolving the Legislative Assembly till at least both the Houses of Parliament have approved of the Proclamation issued by him under clause (1) of the article 356. The dissolution of the assembly prior to the approval of the Proclamation by Parliament under clause (3) of the said article will be per se invalid. The President may, however, have the power of suspending the Legislature under sub-clause (c) of clause (1) of the said article. [*S.R. Bommai v. Union of India*, (1994) 3 SCC 1]*

(xi) Section 55 of the Constitution (Forty-Second Amendment) Act, 1976, through which sub-sections (4) and (5) in Article 368 were inserted has
been held as beyond the amending power of the Parliament and is void since it removes all limitations on the power of the Parliament to amend the Constitution and confers power upon it to amend the Constitution so as to damage or destroy its basic or essential features or its basic structure. (*Minerva Mills Ltd. v. Union of India*, (1980) 2 SCC 591)

(xii) Various entries in the three lists provide for the fields of legislation. They are, therefore, required to be given a liberal construction inspired by a broad and generalised spirit and not in a pedantic manner. (*Southern Petrochemical Industries Co. Ltd. v. Electricity Inspector & ETIO*, (2007) 5 SCC 447)

**Conclusion**

12. The Supreme Court of India has interpreted various provisions of the Constitution and has explained their meaning and scope.