PREFACE

In countries with written constitutions, judiciary reaches the zenith of creativity when it is active in interpreting the constitution. No doubt, such judicial creativity makes the written constitution a living document.

This thesis makes a study of the scope and extent of the creativity of the Supreme Court of India in interpreting the Constitution of India. The study is limited to three areas in which provisions in the Constitution have been innovatively interpreted by the Supreme Court in accordance with certain concepts judicially developed, namely independence of judiciary, basic structure and elements of social justice in fundamental rights.

The thesis is divided into IX chapters in five parts. Part I consists of chapter I, the general introduction. Part II, consisting of chapters II to V, examines how the judiciary construed the provisions in the Constitution relating to appointment of judges and their conditions of service with a view to securing independence of judiciary. Chapter II looks at how the Supreme Court developed the concept of judicial independence through various decisions. Chapter III discusses the innovations brought forth by the Court in construing the provisions relating to appointment of judges to the higher judiciary. Chapter IV is a probe into the creative interpretation of the provisions dealing with the conditions of
service of judges of the higher judiciary chapter V with those of the subordinate courts.

Part III, containing chapters VI and VII, is devoted to the innovation of the Apex Court in evolving and developing the doctrine of basic structure. Chapter VI concentrates on the genesis of the doctrine. Chapter VII studies the crystallisation of the doctrine and examines how the doctrine was developed as a tool for constitutional interpretation and used by the Court to assess the constitutionality of legislative and executive acts.

Part IV, consisting of chapter VIII, glances through the creative contribution of the Supreme Court in interpreting fundamental rights in the light of social justice by reading the directive principles into fundamental rights. Part V in chapter IX contains the conclusions of the study.

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