

# IMPORTANT DOCTRINES OF CONSTITUTIONAL INTERPRETATION

## 1 The Doctrine of Prospective Overruling

- › The doctrine of prospective overruling is an American doctrine. It was applied in India for the first time by the Supreme Court in the Golak Nath case (1967).
- › When a court overrules its earlier decision and announces a new ruling, it can restrict the application of the new ruling only to future transactions so that the validity of the past transactions is not affected. This is known as the doctrine of prospective overruling. In other words, this doctrine enables a court to overrule an old precedent (Stare decisis) from a future date only and not retrospectively.
- › In the Golak Nath case (1967), the Supreme Court overruled its earlier verdicts delivered in the Shankari Prasad case (1951) as well as in the Sajjan Singh case (1964).

**Important Cases**  
Mandal case (1992)  
Karunakar case (1993)



## 2 Doctrine of Harmonious Construction

- › When different provisions of the constitution are in conflict with each other, the courts should interpret them harmoniously to avoid the conflictual implications between them. This is known as the doctrine of harmonious construction. This doctrine is also called the rule of avoidance of conflict.
- › While explaining the doctrine of harmonious construction, Justice Venkatraama Aiyar observed: "In case of two irreconcilable provisions. They should be so interpreted that effect can be given to both and none of the two is rendered nugatory".

### › Application of this doctrine

The SC has applied the doctrine of harmonious construction to reconcile the conflict:

- Between the fundamental rights and DPSP.
- Between different fundamental rights
- Between fundamental rights and legislative privileges
- Between fundamental rights and amendment procedure
- Between fundamental rights and other parts of the constitution
- Between different entries of the legislative lists in the seventh schedule

**Important Cases**  
O.N. Mohindroo vs. Bar Council of Delhi (1968)  
Kesavananda Bharati vs. State of Kerala (1973)



## 3 The Doctrine of Liberal Interpretation

- › According to the doctrine of liberal interpretation, the Constitution must be interpreted in a broad and liberal manner and not in a narrow or pedantic sense. In other words, a broad and liberal spirit should inspire the interpreters of the Constitution.
- › According to SC "A constitutional provision is never static; it is ever evolving and ever-changing and, therefore, does not admit of a narrow, pedantic or syllogistic approach."



## 4 The Doctrine of Literal Interpretation

- › This doctrine is also known as the doctrine of strict construction or the doctrine of positivist construction. According to this doctrine, the provisions of the constitution should be expounded in their plain, ordinary, natural, and grammatical meaning.



## 5 The Doctrine of Purposive Interpretation

- › The Doctrine of Purposive Interpretation says that the courts while making an interpretation of the constitution, should look into the purpose for incorporating a provision in the Constitution. It emphasizes that the constitutional interpretation should ascertain the intention of the makers of the Constitution.



## 6 The Doctrine of Creative Interpretation

- › The doctrine of creative interpretation envisages an innovative judicial interpretation of the provisions of the Constitution. This doctrine says that the courts should evolve new concepts and new procedures in order to meet the requirements of the changing situations.
- › The judgment delivered by the SC in the Golak Nath case (1967) is an important illustration of the doctrine of creative interpretation.

