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EXPLORING THE NEXUS OF JUDICIAL SUPREMACY AND PARLIAMENTARY SOVEREIGNTY: A COMPARATIVE ANALYSIS

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ABSTRACT-

The relationship between the legislature and the judiciary is central to the functioning of democratic governance, with two key concepts at its core: parliamentary sovereignty and judicial supremacy. This paper explores the definitions, historical evolution, and global application of these doctrines, focusing particularly on their manifestation in India. Originating from the UK, parliamentary sovereignty vests unrivalled lawmaking authority in Parliament, while judicial supremacy empowers courts to strike down unconstitutional legislation. In India, both doctrines coexist, with the judiciary possessing the authority to invalidate laws while Parliament retains the ability to amend the Constitution. This paper examines the merits and criticisms of parliamentary sovereignty and judicial supremacy, highlighting their implications for governance, individual rights, and democratic accountability. Landmark cases from India and other countries illustrate the tension between these principles and the ongoing debates over the separation of powers. Through comparative analysis, this paper elucidates how different nations reconcile these tensions and offers insights into potential approaches for effective governance and democratic reform.

KEYWORDS- Parliamentary Sovereignty, Judicial Supremacy, Separation of Powers, constitutional interpretation, legislative autonomy, judicial oversight.

INTRODUCTION-

When discussing the relationship between the legislature and the judiciary, two pivotal concepts emerge: parliamentary sovereignty and judicial supremacy. These ideologies embody distinct perspectives on the ultimate authority in legal interpretation and application. This article will delve into the definitions, historical development, and global application of parliamentary sovereignty and judicial supremacy, particularly in India. Originating in the UK, parliamentary sovereignty grants Parliament unrivalled lawmaking authority, while judicial supremacy

empowers courts to nullify unconstitutional legislation. In India, both doctrines coexist, with the Supreme Court possessing the authority to invalidate laws, yet Parliament retains the ability to amend the Constitution.¹ While each approach has merits and drawbacks, their juxtaposition often precipitates conflict or ambiguity. Subsequent discussions will delve deeper into the merits and criticisms of these doctrines. In every civilized society worldwide, the establishment of laws, effective administration, and the implementation of rules and regulations are indispensable for the smooth functioning of all societal aspects. Laws serve as the bedrock for maintaining peace and harmony among both individuals and communities. Globally, the Constitution holds paramount importance as the foundation for legislative processes. It delineates the fundamental framework upon which all future laws are built. Should any legislation contravene constitutional provisions, it is deemed invalid, illustrating the principle of Constitutional Supremacy. Conversely, Parliamentary Sovereignty allocates primary lawmaking authority to the parliament in democratic or sovereign nations. However, when parliament is bestowed unchecked power to create or modify laws without external oversight, it raises concerns about potential abuses of authority. This unchecked legislative authority, known as Parliamentary Sovereignty, grants parliament the capacity to enact or amend laws without facing scrutiny from other governing bodies, potentially compromising democratic principles.²

Parliamentary Sovereignty- Parliamentary sovereignty is a principle granting the legislative body of a country supreme authority in enacting, amending, or repealing laws. This post will delve into the essence of parliamentary sovereignty, examine its adoption in various nations, and assess its advantages and disadvantages in governance. Under this principle, typically embodied by the Parliament, legislative bodies are deemed the highest legal authority, allowing them to enact or amend laws without being overruled by other governmental entities, including the judiciary. Proponents argue that this system ensures accountability to the electorate, facilitating responsiveness to societal needs. However, critics contend that unchecked legislative power may result in abuses, potentially infringing upon individual rights and democratic principles.³

Judicial Supremacy- A concept known as "judicial supremacy" grants the judiciary the highest authority to interpret a nation's laws and Constitution. This article will define judicial supremacy,

¹ Rushikesh Kekade and Aditi Mishra, Judicial Supremacy V. Parliamentary Supremacy in India, Vol.5, International Journal of Research Publication and Reviews, 1040-1044, 2024

² Judicial Supremacy v. Parliamentary Sovereignty in India, Lloyd Law College, <https://www.lloydlawcollege.edu.in/blog/judicial-supremacy-v-parliamentary-supremacy.html> (last visited April 9th, 2024)

³ LawBhoomi, <https://lawbhoomi.com/parliamentary-sovereignty-in-india/> (last visited April 9th, 2024)

discuss some nations that uphold this idea, and weigh the benefits and drawbacks of this form of government. The judiciary is empowered to interpret a nation's laws and Constitution, and all other branches of government are required to abide by its interpretations, according to the doctrine of judicial supremacy. This implies that a law or action can be overturned by a judge if they find it to be unconstitutional, regardless of whether the legislative or executive branches passed it. The United States⁴ is the primary country associated with the doctrine of judicial supremacy, as it originated there. Because of the broad authority bestowed upon it by the US Constitution, the US Supreme Court is universally regarded as the most potent and significant court in the world. Other nations that use this strategy are South Africa, Canada, and India. A primary justification for judicial supremacy is its ability to safeguard individual liberties and guarantee that the government is answerable to the Constitution. The judiciary's ultimate say over legal issues serves as a check on the authority of the other branches of government and guarantees that laws are enacted in accordance with the Constitution. However, detractors contend that judicial supremacy may cause unelected judges to become political actors and tamper with the democratic process. Additionally, they contend that an imbalance in the separation of powers could result from the judiciary overreaching its bounds and growing too powerful.⁵

RESEARCH OBJECTIVE-

The research aims to comprehensively analyze the dynamics between parliamentary sovereignty and judicial supremacy within governance systems globally. It seeks to elucidate the evolution, implications, and significance of these doctrines in shaping legal frameworks and democratic governance. Through comparative examination, the research aims to explore how different countries reconcile the tensions between legislative autonomy and judicial oversight. Furthermore, it seeks to identify the challenges and opportunities presented by these principles for effective governance, individual rights protection, and democratic accountability. Ultimately, the research aims to contribute to a nuanced understanding of the interplay between legislative and judicial branches in modern governance and inform potential avenues for reform and improvement.

⁴ Anand Nandan, Parliamentary Supremacy and Judicial Review: Indian Perspective, Indian, Times of India, (April. 9th, 2024, 7.30 PM), <https://timesofindia.indiatimes.com/blogs/les-avis/parliamentary-supremacy-and-judicial-review-indian-perspective/>

⁵ Unacademy, <https://unacademy.com/content/railway-exam/study-material/polity/judicial-supremacy/#:~:text=Judicial%20supremacy%20is%20a%20concept,of%20that%20system%20are%20paramount.> (last visited, 9th April 2024)

STATUTORY PROVISIONS-

Provisions of the Indian Constitution Supporting Supremacy of the Constitution as –

1. Article 14 of the Indian Constitution provides for ‘equality before the law and the equal protection of laws.’ The term “Equality before the Law” means that everyone is equal in the eyes of the law no one is above the law and there are no exceptions.⁶
2. Article 124(1) of the Indian Constitution provides for the establishment of a Supreme Court of India.⁷

The Supreme Court of India is the supreme judicial authority that safeguards and protects the Constitution. It is the duty of the judiciary to test the laws and constitutional amendments for their validity and their ‘constitutionality’ i.e., whether or not they are violating the provisions of the constitution.

PARLIAMENTARY SOVEREIGNTY AND JUDICIAL SUPREMACY IN INDIA-

The ongoing discourse on the interplay between parliamentary sovereignty and judicial supremacy resonates throughout global constitutional law. In India, this dynamic is particularly pronounced, as its constitutional framework endeavors to reconcile these concepts while the judiciary assumes an increasingly pivotal role in interpretation and enforcement. Examining the governance landscape of India illuminates the intricate dance between the judiciary and legislature, underscored by landmark cases highlighting the tension between these principles. India's constitutional journey, deeply entwined with its struggle for independence, birthed a democratic Constitution in 1947, establishing a federal system with a robust central government and independent judiciary. Over time, India's judiciary has wielded considerable influence, particularly the Supreme Court, empowered to strike down laws inconsistent with the Constitution, safeguarding individual liberties and key constitutional tenets like secularism and democracy.⁸ However, this expanded judicial power has engendered friction with the legislature, sparking debates over the balance of powers. Advocates of parliamentary sovereignty assert the legislature's supreme authority, rooted in democratic accountability and the imperative to legislate in the nation's best interests. Conversely, proponents of judicial supremacy advocate for

⁶ INDIA CONST. art. 14

⁷ INDIA CONST. art. 124 cl.1

⁸ Rushikesh Kekade and Aditi Mishra, Judicial Supremacy V. Parliamentary Supremacy in India, Vol.5, International Journal of Research Publication and Reviews, 1040-1044, 2024

the judiciary's role as the ultimate arbiter of constitutional interpretation, ensuring governmental adherence to constitutional principles. This tension underscores a fundamental disagreement over the judiciary's role in democracy, with each perspective offering distinct visions of governance and the separation of powers.⁹

1. Kesavananda Bharati case- The Supreme Court ruled that the Constitution of India could not be amended in a way that would alter its basic structure or undermine its fundamental principles. This decision limited the power of the legislature to amend the Constitution and strengthened the power of the judiciary to interpret it.¹⁰
2. Indira Gandhi v. Raj Narain 1975- Election malpractices led the Supreme Court to declare the election of the Indian Parliament's lower house, the Lok Sabha, of the then-prime minister Indira Gandhi, to be void. The decision reaffirmed the judiciary's authority to uphold the rule of law and dealt a serious blow to the authority of the legislature and the prime minister.¹¹
3. S.R. Bommai v. Union of India 1994- The Supreme Court ruled that a state government's ability to be dismissed could only be used in specific, restricted situations and that it was subject to judicial review. This ruling enhanced the judiciary's function as a check on the federal government's authority.¹²
4. National Judicial Appointments Commission (NJAC) case of 2015- A law passed by the legislature that attempted to alter the process of appointing judges to the higher judiciary was overturned by the Supreme Court. The law, the court ruled, was unconstitutional and went against the idea of judicial independence.¹³

India's constitutional structure strives to harmonize parliamentary sovereignty and judicial supremacy, with the judiciary assuming a growing significance in interpreting and upholding the Constitution. Although the interplay between these principles has sparked discourse and contention within India, the nation's autonomous judiciary has played a pivotal role in safeguarding individual liberties and holding the government answerable to constitutional mandates.

⁹ D.C. Chauhan, Parliamentary Sovereignty Vs Judicial Supremacy in India, Vol.74, No.1, The Indian Journal of Political Science, 99-106, 2013, <https://www.jstor.org/stable/24701031>

¹⁰ Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225

¹¹ Indira Nehru Gandhi v. Raj Narain & Anr., AIR 1975 SC 2299

¹² S.R. Bommai v. Union of India, (1994) 3 SCC 1

¹³ Supreme Court Advocates-on-record Association & Anr. v. Union of India, (2016) 2 SCC (LS) 253

COMPARISON OF PARLIAMENTARY SOVEREIGNTY AND JUDICIAL SUPREMACY IN THE WORLD-

The legal doctrines of judicial supremacy and parliamentary sovereignty have greatly influenced the development of the constitutions of numerous nations worldwide. However, the way these ideas are implemented can vary greatly based on the legal framework that is in place in a given nation. Some nations adhere to the judicial supremacy principle, while others follow the doctrine of parliamentary sovereignty. The conflict between these two doctrines is illustrated by an overview of the various legal systems found around the world, their perspectives on parliamentary sovereignty and judicial supremacy, and notable cases from other nations.¹⁴

Parliamentary sovereignty is the norm in common law nations like the United Kingdom, Australia, Canada, and New Zealand. According to this theory, the legislature is the ultimate body that makes laws, and the courts are powerless to overturn or contest any of its decisions. The judiciary's function in these nations is to interpret the law, not to make or amend legislation. Since the Glorious Revolution of 1688, parliamentary sovereignty has been a cornerstone of British policy. The supreme authority for enacting laws in the UK is the Parliament, which has the authority to do so. Nonetheless, laws cannot be declared unconstitutional by the courts. However because EU law supersedes national law in some instances, the UK's membership in the EU has limited parliamentary sovereignty in some ways.¹⁵

Australia- Parliamentary sovereignty is a basic principle in Australia as well. A federal system of government with distinct powers for the federal and state governments is established by the Australian Constitution. While the Australian High Court can interpret the Constitution and rule on the legality of laws, it is not as empowered as the US Supreme Court to declare laws unconstitutional.¹⁶

Perspective in the United Kingdom- In the United Kingdom, unlike many other nations, the

¹⁴ Legal Utility, https://legalutility.com/constitutional-supremacy-or-parliamentary-sovereignty-by-vishal-rana/#Provisions_of_the_Indian_Constitution_Supporting_Supremacy_of_the_Constitution

¹⁵ M.V. Geethika Reddy, Parliamentary Sovereignty V. Judicial Supremacy World and India, Vol.5, Heinonline, 2023

¹⁶ Parliamentary Education Office, <https://peo.gov.au/understand-our-parliament/how-parliament-works/system-of-government/parliament-and-the-courts#:~:text=The%20decisions%20of%20judges%2C%20which,This%20is%20called%20parliamentary%20supremacy.> (last visited April. 11th, 2024)

Constitution is not codified into a single written document. Here, parliamentary supremacy holds sway over constitutional supremacy. This hallmark feature of the UK constitution empowers Parliament to enact or modify laws without fear of challenge or scrutiny from any other body, including the judiciary. Consequently, no law can be deemed unconstitutional, as Parliament wields unchecked authority in legislative matters.¹⁷

Civil Law Countries- Nations with civil law, like France, Germany, and Japan, adhere to the idea of judicial supremacy. According to this theory, the judiciary has the final say on whether a law is constitutional and the authority to overturn those that it deems to be unconstitutional. In these nations, the legislature's job is to enact laws, and the judiciary's job is to check that those laws abide by the constitution. The President of the Republic, the President of the National Assembly, and the President of the Senate appoint nine members of the Constitutional Council, which oversees judicial review in France. The Council's decisions are final and it has the authority to overturn laws that it deems to be unconstitutional.

Judicial review is the domain of the Federal Constitutional Court in Germany. The Court can order the government to amend laws that it finds to be unconstitutional. All other courts and governmental organisations must abide by the Court's rulings. In Japan, laws can be declared unconstitutional and the Constitution can be interpreted by the Supreme Court. There is no parliamentary override mechanism, and its decisions are final and enforceable.

Landmark Cases from Other Countries that Demonstrate the Tension between Parliamentary Sovereignty and Judicial Supremacy¹⁸

1. Marbury v. Madison, (1803)- The United States Supreme Court has the authority to invalidate laws that it finds to be unconstitutional because of this historic case that established the judicial review principle.¹⁹ The case not only established the US's judicial supremacy principle but also highlighted the conflict between it and the UK's parliamentary sovereignty doctrine. In the process, the case also established the US's judicial supremacy principle and illustrated the conflict between it and the UK's

¹⁷ Anvaya Singh, Constitutional Supremacy or Parliamentary Sovereignty, Judicateme, (April. 10, 2024, 9.30 PM), <https://judicateme.com/constitutional-supremacy-or-parliamentary-sovereignty/>

¹⁸ Anand Nandan, Parliamentary Supremacy and Judicial Review: Indian Perspective, Indian, Times of India, (April. 9th, 2024, 7.30 PM), <https://timesofindia.indiatimes.com/blogs/les-avis/parliamentary-supremacy-and-judicial-review-indian-perspective/>

¹⁹ Marbury v. Madison, 5 U.S. 1 Cranch 137 137 (1803)

parliamentary sovereignty doctrine.

2. *Minister of Home Affairs v. Fisher*, (1979)- In this instance, the South African Constitutional Court ruled that a statute permitting the detention of people without charge or trial was unconstitutional.²⁰ The case highlighted the conflict between the judicial supremacy principle and the parliamentary sovereignty doctrine that had previously prevailed in South Africa, as well as the role of the judiciary in defending fundamental rights and freedoms.
3. *Roe v. Wade*, (1973)- In this historic US case, state laws restricting access to abortion were overturned and the right to an abortion was declared a constitutional right.²¹ The case illustrated the conflict between the ideas of parliamentary sovereignty and judicial supremacy, as well as the judiciary's role in interpreting the US Constitution and defending individual rights.

Parliamentary sovereignty and judicial supremacy stand as pivotal legal doctrines that have profoundly influenced the constitutional structures of numerous nations globally. While parliamentary sovereignty predominates in common law jurisdictions, civil law countries adhere to the principle of judicial supremacy. Landmark legal cases from various nations vividly illustrate the inherent tension between these doctrines and the perpetual endeavour to harmonize the powers of the legislature and judiciary within democratic frameworks.

RESEARCH METHOD-

The research employs a comparative analysis methodology, examining case studies from various countries to explore the implementation and impact of parliamentary sovereignty and judicial supremacy. Data will be collected from legal documents, scholarly articles, and official reports. It involves a systematic literature review to identify key concepts and to examine real-world applications. Findings will be triangulated to ensure validity and reliability. The research will also consider historical context and legal precedents to provide a comprehensive understanding of the complexities surrounding the interaction between parliamentary sovereignty and judicial supremacy.

²⁰ *Minister of Home Affairs v. Fisher*, 1979 44 WIR 107

²¹ *Roe v. Wade*, 410 U.S. 113 (1973)

HYPOTHESIS-

In modern governance systems, the optimal balance between parliamentary sovereignty and judicial supremacy is crucial for ensuring effective lawmaking, protecting individual rights, and upholding democratic principles. It suggests that a harmonious interplay between these principles promotes stability, accountability, and the rule of law.

ANALYSIS-

Possible Approaches to Reconciling Parliamentary Sovereignty and Judicial Supremacy are as follows:

Judicial deference to the Legislature: A possible solution to balance judicial supremacy and parliamentary sovereignty is for the judiciary to submit to the legislature when making policy decisions. According to this strategy, the courts would only get involved when there was an obvious infringement on someone's constitutional rights or values. This strategy is frequently linked to parliamentary sovereignty because it gives the legislature the freedom to decide without worrying about court interference. This approach's primary benefit is that it upholds the principles of parliamentary sovereignty by enabling the legislature to make decisions without fear of judicial intervention. However, because the court would not step in until there was an obvious violation, this strategy could also result in the violation of fundamental rights and principles.²²

Judicial activism: Another strategy is for the judiciary to actively participate in limiting the legislative branch's authority. According to this strategy, the judiciary would actively monitor legislative actions to make sure they adhere to the ideals and principles of the constitution. This method, which gives the judiciary the authority to overturn legislative decisions, is frequently linked to judicial supremacy. This approach's primary benefit is that it gives the judiciary the authority to defend constitutional rights and principles against potential legislative violations. But this strategy can also be viewed as undemocratic since it gives the courts the power to overturn the choices made by elected officials.²³

Dialogue theory: The dialogue theory is a third strategy that contends that in order to balance their different responsibilities, the legislature and the judiciary should have ongoing

²² Oxford Academic, <https://academic.oup.com/book/25808/chapter-abstract/193442416?redirectedFrom=fulltext>

²³ Prof. Dr. Nishtha Jaswal, Dr. Lakhwinder Singh, *Judicial Activism in India*, Manupatra, 2017

conversations. This strategy would allow the judiciary to overturn unconstitutional laws while simultaneously facilitating communication between the legislature and the judiciary to help reconcile their respective roles. The two branches of government must, however, have a high degree of trust in one another for this strategy to work, which may not always be feasible.²⁴

How Other Countries Have Reconciled Parliamentary Sovereignty and Judicial Supremacy-

United States: The US Supreme Court has the authority to overturn any legislation or action that is in violation of the US Constitution. This is known as the judicial supremacy doctrine. Nonetheless, the separation of powers principle guarantees the legislative branch's substantial legislative authority. The framework for cooperation and power checks between the two branches is provided by the Constitution. In actuality, this means that while the legislative branch has the authority to amend both the Constitution and the laws, the Supreme Court interprets the Constitution and declares unconstitutional laws unconstitutional.²⁵

Germany: With certain restrictions, Germany practices parliamentary sovereignty. Any law that contravenes the German Basic Law (Constitution) may be reviewed by the German Constitutional Court and overturned. But the court lacks the authority to enact laws or decide on matters of policy. This implies that while the German Parliament continues to be the main legislative body, the Constitutional Court serves as a check on its authority.²⁶

Canada: The Canadian Charter of Rights and Freedoms offers some protection for individual rights, but the country adheres to the theory of parliamentary sovereignty. The Canadian Supreme Court has the authority to interpret the Charter and overturn legislation that contravenes it. This implies that the Parliament must consider the Charter when enacting laws, even though it is still the main legislative body.²⁷

In each of these situations, a system of checks and balances is used to manage the conflict between judicial supremacy and parliamentary sovereignty. In order to prevent any one branch from

²⁴ Centre for Constitutional Studies, <https://www.constitutionalstudies.ca/2019/07/dialogue-theory-2/#:~:text=What%20is%20'Dialogue%20Theory'%3F,and%20judicial%20branches%20of%20government.>

²⁵ David Collins, Judicial Review and Parliamentary Supremacy, Vol.104, No. 1, Judicature, 2020

²⁶ European Constitutionalism and German Basic Law, Springer Link, https://link.springer.com/chapter/10.1007/978-94-6265-273-6_10

²⁷ Government of Canada, <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/rfcp-cdlp.html>

becoming overly dominant, the various branches of government cooperate with one another to limit each other's authority. In the end, the tension between parliamentary sovereignty and judicial supremacy is best managed through a system of checks and balances, where the different branches of government work together to limit each other's power and ensure that no one branch becomes too dominant. This helps to ensure that both concepts can coexist in a functional democracy, with the ultimate goal of protecting individual rights and promoting the common good.

SUGGESTION-

As far as we can tell, there are a lot of distinctions between parliamentary and constitutional supremacy, and different nations have chosen to adopt either one. Both have advantages and disadvantages, but in my opinion, constitutional supremacy is more advantageous and "balanced" than parliamentary supremacy. The parliament is the ultimate authority, as demonstrated by the case of the United Kingdom, and no court of law or other body has the authority to even challenge a law that is under dispute. The aforementioned law will not be deemed unconstitutional even if it oppresses 90%²⁸ of the population. On the other hand, under the doctrine of constitutional supremacy, a law is declared void or invalid if it conflicts with the constitution. Laws passed by the Parliament must also adhere to the constitutional framework; otherwise, they will be declared invalid and unconstitutional. When the Supreme Court determines that a law passed by the parliament violates or is inconsistent with the constitution, it has the power to intervene and take appropriate action. Additionally, citizens have more power and control over the government and laws passed thanks to constitutional supremacy. For example, if citizens believe that a particular law violates their fundamental rights or is not beneficial, they can file a petition in a court of law, and the issue will be given top priority. On the other hand, as long as Parliamentary Supremacy is in place, the people living in those nations lack this right and are powerless to change it.

CONCLUSION-

The examination of parliamentary sovereignty and judicial supremacy reveals the intricate dynamics between legislative autonomy and judicial oversight within governance systems worldwide. These concepts, while originating from distinct historical contexts, continue to shape the legal frameworks and democratic governance structures of nations globally. In India, the

²⁸ Anvaya Singh, Constitutional Supremacy or Parliamentary Sovereignty, Judicateme, (April. 10, 2024, 9.30 PM), <https://judicateme.com/constitutional-supremacy-or-parliamentary-sovereignty/>

interplay between parliamentary sovereignty and judicial supremacy is particularly pronounced, reflecting the nation's constitutional journey and the evolving role of its judiciary in interpreting and upholding the Constitution. The landmark cases discussed, such as *Kesavananda Bharati*, *Indira Gandhi v. Raj Narain*, *S.R. Bommai v. Union of India*, and the National Judicial Appointments Commission (NJAC) case of 2015, underscore the tension between these principles and the ongoing debates over the balance of powers between the judiciary and the legislature. This tension highlights fundamental disagreements over the judiciary's role in democracy, with each perspective offering distinct visions of governance and the separation of powers. The comparative analysis of parliamentary sovereignty and judicial supremacy across various legal systems further illuminates the diversity of approaches adopted by nations worldwide. Common law countries such as the United Kingdom, Australia, Canada, and New Zealand predominantly adhere to parliamentary sovereignty, while civil law nations like France, Germany, and Japan uphold the principle of judicial supremacy. Landmark legal cases from these countries vividly illustrate the inherent tension between these doctrines and the perpetual endeavour to harmonize the powers of the legislature and judiciary within democratic frameworks.

In light of these findings, it becomes evident that while both parliamentary sovereignty and judicial supremacy have their merits and drawbacks, the doctrine of constitutional supremacy, as exemplified by judicial supremacy, offers a more balanced and advantageous approach. As nations continue to navigate the complexities of governance and constitutional interpretation, the quest for the optimal balance between parliamentary sovereignty and judicial supremacy remains paramount for the preservation of democratic principles and the rule of law.

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