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# **JUDICIAL REVIEW IN INDIA: A CRITICAL ANALYSIS OF ITS CONSTITUTIONAL EVOLUTION, EXPANDING SCOPE AND INSTITUTIONAL LIMITATIONS**

AUTHORED BY - JAWAHAR.S

Student, Department of Legal Studies, School of Law  
Vels Institute of Science Technology and Advanced Studies (VISTAS), Chennai

CO-AUTHOR - DR. SM AZIZUNISAA BEGUM

Assistant Professor, Department of Legal Studies, School of Law  
Vels Institute of Science Technology and Advanced Studies (VISTAS), Chennai

## **ABSTRACT**

Judicial review stands as the most potent instrument of constitutional governance in India, empowering courts to examine the validity of legislative and executive action against constitutional mandates. Originating from the foundational principles established in *Marbury v Madison* and transplanted into Indian constitutionalism through deliberate framers' design, the doctrine has evolved from a narrow tool of procedural oversight into a substantive mechanism for rights protection, governance accountability, and constitutional integrity. The Indian Constitution, through Articles 13, 32, 226, and related provisions, provides a comprehensive framework for judicial oversight, which successive Supreme Court benches have interpreted expansively. The Basic Structure doctrine, crystallised in *Kesavananda Bharati v State of Kerala*, marked a watershed in placing constitutional amendments themselves within the ambit of judicial scrutiny, a position unparalleled in comparative constitutional law. This paper undertakes a critical examination of the constitutional evolution of judicial review in India, its expanding doctrinal scope encompassing proportionality, arbitrariness, and constitutional morality, and the institutional limitations arising from judicial overreach, pendency crises, and democratic legitimacy concerns. Through a comparative lens drawing upon the constitutional frameworks of the United States and the United Kingdom, the paper evaluates the strengths and constraints of the Indian model. It argues for a principled framework that retains the transformative potential of judicial review while establishing clearer doctrinal standards and reinforcing institutional restraint. The analysis concludes that the legitimacy and efficacy of judicial review depend not on the breadth of its exercise, but on the

discipline and principled consistency with which it is deployed.

**Keywords:** Judicial Review; Basic Structure Doctrine; Constitutional Amendments; Separation of Powers; Proportionality.

## I. INTRODUCTION

Judicial review constitutes the cornerstone of constitutional supremacy in India. It denotes the power of courts to examine whether legislation, executive action, or administrative decision-making conforms to the constitutional framework and, where inconsistency is found, to declare such action void and unenforceable. This power is not merely incidental to the judicial function; it is constitutive of India's constitutional architecture, rendering the Constitution a supreme and judicially enforceable document rather than a political manifesto.

The genesis of judicial review as a doctrine lies in the American constitutional tradition. In *Marbury v Madison*,<sup>1</sup> Chief Justice John Marshall established that it is the province and duty of the judiciary to declare what the law is and, consequently, to refuse application of any statute repugnant to the Constitution. This seminal pronouncement laid the doctrinal groundwork for judicial review as a mechanism of constitutional control and was subsequently adopted, modified, and expanded within diverse constitutional systems across the globe.

In India, the Constitution of 1950 explicitly incorporated judicial review through a cluster of provisions. Article 13 renders void any law that is inconsistent with or in derogation of fundamental rights.<sup>2</sup> Article 32 guarantees the right to approach the Supreme Court for enforcement of fundamental rights, and Article 226 vests the High Courts with analogous powers. These provisions, read together with Articles 136, 141, and 142, establish a comprehensive constitutional basis for judicial oversight of State action.

The initial phase of judicial review in India was characterised by restraint. In *A K Gopalan v State of Madras*,<sup>3</sup> the Supreme Court adopted a narrow, textual approach, confining the interpretation of fundamental rights to their literal scope and declining to imply substantive standards of review. The court drew sharp distinctions between separate constitutional provisions, resisting the argument that they formed part of an integrated rights framework. This phase reflected the influence of British constitutional orthodoxy, with its emphasis on parliamentary supremacy and deference to legislative judgment.

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<sup>1</sup>*Marbury v Madison* 5 US (1 Cranch) 137 (1803).

<sup>2</sup>Constitution of India 1950, art 13.

<sup>3</sup>*A K Gopalan v State of Madras* AIR 1950 SC 27.

A decisive transformation occurred in 1973 with the decision in *Kesavananda Bharati v State of Kerala*,<sup>4</sup> where the Supreme Court held by a narrow majority that while Parliament possesses the power to amend the Constitution under Article 368, such power cannot be used to destroy or abrogate the basic structure of the Constitution. This doctrine extended judicial review to constitutional amendments themselves, marking a radical departure from the position that amendments were beyond judicial scrutiny. The basic structure doctrine remains India's most distinctive contribution to global constitutional jurisprudence and has been reaffirmed and elaborated in numerous subsequent decisions.

Thereafter, in *Maneka Gandhi v Union of India*,<sup>5</sup> the Supreme Court departed from its earlier formalistic approach and adopted a substantive interpretation of Article 21, holding that the procedure established by law must also be fair, just, and reasonable. This decision effectively imported the American concept of substantive due process into Indian constitutional law and opened the floodgates for an expansive interpretation of fundamental rights.

From this point, judicial review in India entered a period of remarkable expansion. The doctrine of arbitrariness under Article 14, the proportionality standard, the development of Public Interest Litigation as a vehicle for social rights enforcement, and the creative interpretation of Article 21 to encompass a wide range of unenumerated rights have transformed judicial review into a multidimensional constitutional tool. However, this expansion has not been without controversy. Concerns about judicial overreach, inconsistency in doctrinal application, democratic legitimacy deficits, and institutional incapacity have emerged as significant challenges requiring critical evaluation.

This paper proceeds in five substantive parts. Following this introduction, Part II examines the constitutional framework and doctrinal foundations of judicial review. Part III analyses its expanding scope through key doctrinal developments. Part IV addresses institutional limitations and challenges. Part V undertakes a comparative analysis drawing upon the experience of the United States and the United Kingdom. The paper concludes with a proposed framework for a principled and disciplined exercise of judicial review in India.

## II. CONSTITUTIONAL FRAMEWORK AND DOCTRINAL FOUNDATIONS

### A. Constitutional Basis

The constitutional foundations of judicial review in India are pluralistic and textually explicit. Article 13(1) declares that all laws in force immediately before the commencement of the

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<sup>4</sup>*Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225.

<sup>5</sup>*Maneka Gandhi v Union of India* (1978) 1 SCC 248.

Constitution, in so far as they are inconsistent with the provisions of Part III, shall be void to the extent of such inconsistency. Article 13(2) prohibits the State from making any law which takes away or abridges the rights conferred by Part III. The definition of 'law' in Article 13(3) has been broadly construed to include ordinances, orders, by-laws, rules, regulations, notifications, custom, or usage, giving Article 13 an extensive field of operation.

Article 32 occupies a central position in the architecture of judicial review. Dr B R Ambedkar described it as the very soul of the Constitution and the most important article within it, without which the Constitution is a nullity. It guarantees the right to move the Supreme Court for enforcement of fundamental rights and empowers the Court to issue directions, orders, or writs of the nature of habeas corpus, mandamus, prohibition, quo warranto, and certiorari.<sup>6</sup> The Supreme Court held in *L Chandra Kumar v Union of India*<sup>7</sup> that the power of judicial review vested in the High Courts under Article 226 and the Supreme Court under Article 32 constitutes a part of the basic structure of the Constitution and cannot be curtailed or excluded even by Parliament.

Article 226, vesting the High Courts with the power to issue writs, extends to any person or authority, including the State and Government, and covers enforcement of both fundamental rights and any other legal right. This provision has been interpreted expansively to encompass administrative law remedies, thereby constituting the High Courts as courts of general jurisdiction in constitutional and administrative matters.<sup>8</sup>

## **B. Pre-Constitutional Antecedents**

The conceptual antecedents of judicial review in India predate independence. The Government of India Act 1935 established a Federal Court with jurisdiction to determine disputes between provinces and the federation, providing a nascent form of judicial oversight over legislative competence.<sup>9</sup> Sections 107 and 108 of the Act contained provisions for fundamental rights analogous in character, though limited in scope, to those subsequently incorporated in Part III of the Constitution. This legislative history informed the framers' design of a judicially enforceable fundamental rights chapter, underpinned by robust remedial mechanisms.

The colonial judicial tradition also contributed to the foundations of judicial review. English courts had periodically exercised a form of review through the prerogative writs of certiorari, mandamus, and prohibition, and these writs were available in Indian courts under the jurisdiction of the High Courts of the Presidency towns. The reception of these prerogative writs into the constitutional text of Articles 32 and 226 thus represented both a continuation and a constitutionalising of inherited judicial practice.

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<sup>6</sup>Constitution of India 1950, art 32.

<sup>7</sup>*L Chandra Kumar v Union of India* (1997) 3 SCC 261.

<sup>8</sup>Constitution of India 1950, art 226.

<sup>9</sup>Government of India Act 1935, s 200.

### C. The Basic Structure Doctrine

No examination of the constitutional foundations of judicial review in India can omit the Basic Structure doctrine. Prior to *Kesavananda Bharati*, the Supreme Court in *Keshavan Madhava Menon v State of Bombay*<sup>10</sup> and subsequent cases had permitted successive constitutional amendments that progressively curtailed the scope of fundamental rights, particularly the right to property. The First, Fourth, and Seventeenth Constitutional Amendments had placed laws relating to agrarian reform beyond the reach of judicial review through the mechanism of the Ninth Schedule.

The decision in *Kesavananda Bharati* imposed a qualitative limit on the constituent power. The Court held that Article 368 does not enable Parliament to abrogate the basic features of the Constitution, including supremacy of the Constitution, republican and democratic form of government, secular character, separation of powers, and federal character. The basic structure was further elaborated in *Indira Nehru Gandhi v Raj Narain*<sup>11</sup> and reaffirmed comprehensively in *Minerva Mills v Union of India*,<sup>12</sup> where the Court struck down clauses of the Forty-Second Amendment that had sought to render constitutional amendments non-justiciable and to give absolute priority to Directive Principles over fundamental rights.

## III. EXPANDING SCOPE OF JUDICIAL REVIEW

### A. Proportionality and Arbitrariness

The transformation of judicial review from a procedural to a substantive doctrine has been affected primarily through the doctrines of proportionality and arbitrariness. The doctrine of arbitrariness under Article 14 was first articulated in *E P Royappa v State of Tamil Nadu*,<sup>13</sup> where the Supreme Court held that equality is antithetical to arbitrariness and that any State action that is arbitrary violates Article 14. This departure from the traditional classification test opened the possibility of substantive review of executive and legislative action on grounds of unreasonableness.

The proportionality standard, drawing from German constitutional law and increasingly adopted across democratic jurisdictions, entered Indian jurisprudence through the interpretation of Articles 14 and 21. In *Modern Dental College v State of Madhya Pradesh*,<sup>14</sup> the Supreme Court adopted the four-stage proportionality test requiring the State to

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<sup>10</sup>*Keshavan Madhava Menon v State of Bombay* AIR 1951 SC 128.

<sup>11</sup>*Indira Nehru Gandhi v Raj Narain* 1975 Supp SCC 1.

<sup>12</sup>*Minerva Mills v Union of India* (1980) 3 SCC 625.

<sup>13</sup>*E P Royappa v State of Tamil Nadu* (1974) 4 SCC 3.

<sup>14</sup>*Modern Dental College v State of Madhya Pradesh* (2016) 7 SCC 353.

demonstrate a legitimate aim, a rational connection between means and aim, necessity of the measure, and a fair balance between individual rights and public interest. This structured approach imposes a higher threshold of justification upon State action affecting fundamental rights.

The proportionality standard was further consolidated in *K S Puttaswamy v Union of India*,<sup>15</sup> where the nine-judge bench unanimously recognised privacy as a fundamental right under Article 21 and applied the proportionality framework to assess intrusions upon it. This decision reflects the contemporary convergence of Indian constitutional doctrine with international human rights standards and European constitutional jurisprudence.

### **B. Expansion of Article 21**

The creative judicial expansion of Article 21 has constituted perhaps the most significant dimension of the broadening scope of judicial review. Beginning with *Maneka Gandhi*, courts have read into Article 21 an extensive catalogue of rights including the right to livelihood, right to health, right to education, right to a clean environment, right to shelter, and right to speedy trial. Each of these extensions represents an exercise of judicial review in its substantive sense, whereby the court evaluates the adequacy and fairness of governmental action against constitutional standards of dignity and liberty.

In *Olga Tellis v Bombay Municipal Corporation*,<sup>16</sup> the Supreme Court held that the right to livelihood is encompassed within the right to life, and that eviction of pavement dwellers without providing alternative accommodation constituted a violation of Article 21. Similarly, in *Navtej Singh Johar v Union of India*,<sup>17</sup> the Court decriminalised consensual same-sex relations, grounding its reasoning in the constitutional values of autonomy, dignity, and identity as integral components of the right to life and personal liberty under Article 21.

### **C. Constitutional Morality**

A significant recent development in the expanding scope of judicial review has been the articulation of constitutional morality as a distinct standard of review. In *Shayara Bano v Union of India*,<sup>18</sup> the Supreme Court invalidated the practice of instant triple talaq as unconstitutional, applying the standard of constitutional morality to assess practices otherwise claimed to be protected by personal law and religious freedom. The Court held that constitutional morality

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<sup>15</sup>*K S Puttaswamy v Union of India* (2017) 10 SCC 1.

<sup>16</sup>*Olga Tellis v Bombay Municipal Corporation* (1985) 3 SCC 545.

<sup>17</sup>*Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

<sup>18</sup>*Shayara Bano v Union of India* (2017) 9 SCC 1.

must prevail over social morality, and that practices violating the constitutional values of equality, dignity, and non-discrimination cannot be shielded by claims of tradition or religious sanction.

The concept of constitutional morality thus functions as a supra-doctrinal standard, enabling courts to review the constitutional validity of State action and socially entrenched practices alike by reference to the transformative values embedded in the Constitution. While this development reflects the judiciary's commitment to constitutional idealism, it also raises concerns about the indeterminacy of the standard and its potential for subjective application.

#### **D. Public Interest Litigation**

The institution of Public Interest Litigation has been the principal vehicle through which the scope of judicial review has expanded into areas of governance, environmental regulation, social rights, and institutional accountability. Originating from the relaxation of the doctrine of locus standi in *S P Gupta v Union of India*,<sup>19</sup> PIL enabled any public-spirited citizen to invoke the court's jurisdiction on behalf of those unable to access justice due to poverty, ignorance, or social disadvantage.

PIL has produced landmark interventions in areas including prison reform, bonded labour, environmental protection, electoral integrity, and judicial appointments. In *Vineet Narain v Union of India*,<sup>20</sup> the Supreme Court issued directions to the Central Bureau of Investigation to conduct independent investigations without political interference, directly regulating executive conduct through continuing mandamus. In *Supreme Court Advocates-on-Record Association v Union of India*,<sup>21</sup> the Court struck down the National Judicial Appointments Commission, reasserting the collegium system through which the judiciary controls its own appointments.

### **IV. INSTITUTIONAL LIMITATIONS AND CHALLENGES**

#### **A. Judicial Overreach and Separation of Powers**

The most persistent critique of judicial review in India concerns the erosion of the constitutional principle of separation of powers through judicial overreach. Separation of powers is recognised as a basic feature of the Constitution,<sup>22</sup> yet the expansive exercise of judicial review has progressively blurred the boundaries between judicial, legislative, and executive functions. Courts have issued legislative-style directions in the domain of electoral law, environmental

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<sup>19</sup>*S P Gupta v Union of India* 1981 Supp SCC 87.

<sup>20</sup>*Vineet Narain v Union of India* (1998) 1 SCC 226.

<sup>21</sup>*Supreme Court Advocates-on-Record Association v Union of India* (2016) 5 SCC 1.

<sup>22</sup>*S R Bommai v Union of India* (1994) 3 SCC 1.

governance, traffic management, and administrative appointments. In *Balco Employees' Union v Union of India*,<sup>23</sup> the Supreme Court itself cautioned against judicial review of economic policy decisions, noting that courts are not equipped to second-guess complex policy choices involving considerations of national economic interest. The principle of institutional competence requires courts to recognise that legislative and executive bodies possess democratic mandates, technical expertise, and political accountability that courts inherently lack.

The tension between judicial activism and institutional restraint has been described by scholars as a fundamental challenge for Indian constitutionalism. Upendra Baxi<sup>24</sup> has noted that while PIL has democratised access to justice, it has simultaneously expanded judicial power to a degree that may compromise the integrity of institutional boundaries. The risk of judicial populism, whereby courts respond to public sentiment rather than constitutional principle, further complicates this dynamic.

### **B. Inconsistency in Judicial Standards**

A significant institutional limitation of judicial review in India is the absence of consistent doctrinal standards. Unlike the United States, where clearly defined tiers of scrutiny govern constitutional review, Indian courts have not adopted a systematic hierarchy of standards, resulting in variable intensity of review across different subject matters and different benches. The doctrine of arbitrariness, for instance, has been applied with differing degrees of rigour. In some decisions, the court has invalidated legislative classifications as arbitrary without clearly specifying the standard being applied. In *Ajay Hasia v Khalid Mujib Sehravardi*,<sup>25</sup> the Supreme Court applied a broad definition of 'State' under Article 12 to bring instrumentalities of government within the ambit of fundamental rights, yet subsequent decisions have not consistently followed this approach, creating uncertainty in the applicable test.

### **C. Democratic Legitimacy Concerns**

The counter majoritarian character of judicial review raises fundamental concerns about democratic legitimacy. The authority of an unelected judiciary to invalidate laws enacted by democratically elected legislatures stands in tension with the principle of popular sovereignty.<sup>26</sup> In a constitutional democracy, the elected branches derive their authority from periodic

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<sup>23</sup>*Balco Employees' Union v Union of India* (2002) 2 SCC 333.

<sup>24</sup>Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company 1980) 45.

<sup>25</sup>*Ajay Hasia v Khalid Mujib Sehravardi* (1981) 1 SCC 722.

<sup>26</sup>Alexander M Bickel, *The Least Dangerous Branch* (Yale University Press 1986) 16.

electoral mandates and are directly accountable to the people. The judiciary, by contrast, derives its authority from constitutional appointment and enjoys security of tenure precisely to insulate it from majoritarian pressures.

In India, this tension is magnified by the extensive scope of judicial review, which encompasses not only fundamental rights but also aspects of governance, policy, and institutional management. Critics argue that an over-interventionist judiciary risks converting constitutional adjudication into a form of governance by litigation, undermining the capacity of representative institutions to exercise their democratic mandates effectively.

#### **D. Judicial Delays and Access to Justice**

The efficacy of judicial review as a constitutional guarantee is fundamentally compromised by systemic delays in the administration of justice. The Law Commission of India, in its Report No 245,<sup>27</sup> identified pendency of cases as a chronic institutional crisis, with millions of cases pending at various levels of the judiciary. The consequential delays render judicial remedies inaccessible to large segments of the population and undermine the practical utility of constitutional rights.

The contradiction between an expansive doctrinal scope of judicial review and constrained institutional capacity to deliver timely justice constitutes a significant structural challenge. Courts that take upon themselves vast supervisory responsibilities in the domain of governance must simultaneously ensure that their core adjudicatory functions are discharged with efficiency and expedition. The failure to balance ambition with capacity risks converting judicial review from a constitutional safeguard into an institutional aspiration.

### **V. COMPARATIVE ANALYSIS: UNITED STATES AND UNITED KINGDOM**

#### **A. United States**

Judicial review in the United States operates through a clearly structured doctrinal framework. Following the foundational assertion in *Marbury v Madison*, American courts have developed a tiered system of scrutiny that governs the intensity of review depending on the nature of the right and the character of the classification involved. Strict scrutiny applies to laws affecting fundamental rights or employing suspect classifications such as race, requiring the government to demonstrate a compelling interest pursued by narrowly tailored means. Intermediate scrutiny applies to quasi-suspect classifications, while rational basis review extends substantial

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<sup>27</sup>Law Commission of India, *Arrears and Backlog: Creating Additional Judicial (Wo)manpower* (Report No 245, 2014) 18.

deference to legislative judgment in economic and social matters.<sup>28</sup>

This structured approach provides a degree of predictability and constrains judicial discretion by requiring courts to identify and apply the appropriate standard before proceeding to evaluation. The court in *Chevron USA Inc v Natural Resources Defense Council*<sup>29</sup> further established the doctrine of administrative deference, requiring courts to defer to reasonable agency interpretations of ambiguous statutes, thereby reinforcing the principle of institutional competence in areas involving technical regulatory expertise.

The United States model does not, however, subject constitutional amendments to judicial review. Once validly ratified in accordance with the procedure prescribed by Article V of the Constitution, amendments become part of the constitutional text and are not susceptible to invalidation by the courts. This stands in sharp contrast to the Indian position and reflects a different constitutional philosophy regarding the relationship between constituent power and judicial authority.

## **B. United Kingdom**

The United Kingdom presents a markedly different model of judicial review, shaped by the doctrine of parliamentary sovereignty and the absence of a codified constitution. In *Associated Provincial Picture Houses Ltd v Wednesbury Corporation*,<sup>30</sup> the Court of Appeal articulated the classic standard of unreasonableness in administrative law, holding that courts may intervene only where a decision is so unreasonable that no reasonable authority could have reached it. This sets an extremely high threshold for judicial intervention and reflects a tradition of judicial deference to legislative and executive judgment.

The principles of judicial review in the United Kingdom were further systematised in *Council of Civil Service Unions v Minister for the Civil Service*,<sup>31</sup> where the House of Lords identified illegality, irrationality, and procedural impropriety as the three heads of judicial review. This analytical framework emphasises the process of decision-making rather than its substantive content, reflecting the British tradition of procedural fairness rather than substantive rights adjudication.

The enactment of the Human Rights Act 1998 introduced a qualified form of rights-based review into British constitutional law, enabling courts to assess compatibility of primary

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<sup>28</sup>Richard H Fallon Jr, *The Dynamic Constitution* (2nd edn, CUP 2013) 41.

<sup>29</sup>*Chevron USA Inc v Natural Resources Defense Council* 467 US 837 (1984).

<sup>30</sup>*Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1948] 1 KB 223 (CA).

<sup>31</sup>*Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 (HL).

legislation with Convention rights. However, under Section 4 of the Act,<sup>32</sup> courts may only issue a declaration of incompatibility and cannot strike down primary legislation, leaving Parliament with the ultimate authority to decide whether to amend the law. This model preserves parliamentary sovereignty while creating space for judicial engagement with human rights standards, reflecting a careful institutional compromise between constitutional review and democratic primary.

### C. Lessons for India

A comparative assessment of these models yields several important insights for Indian constitutional law. The American experience demonstrates the value of doctrinal clarity and structured standards of review. The adoption of a tiered hierarchy of scrutiny in India would enhance predictability, reduce judicial subjectivity, and provide clearer guidance for litigants and lower courts. The proportionality framework, as applied in *Modern Dental College*, offers a promising foundation for such a hierarchy if applied with greater consistency.

From the British model, the emphasis on institutional restraint and procedural fairness provides an important counterbalance to the expansive substantive review characteristic of Indian jurisprudence. The recognition that courts are not always best positioned to adjudicate complex policy questions and the corresponding principle of deference in such domains are considerations that deserve greater recognition in Indian judicial practice. The *Wednesbury* principle, while criticised for its excessive deference, reflects an important insight about the limits of judicial competence in matters involving governmental discretion.

However, neither the American nor the British model can be transplanted wholesale into the Indian constitutional context. The Indian Constitution is a transformative document, imbued with a commitment to social and economic justice that demands a more active judicial role than either of its comparators. The persistence of structural inequality, institutional failure, and governance deficits in India necessitates a judiciary that is willing to intervene in protection of constitutional rights and values. The comparative exercise, therefore, is not one of imitation but of critical adaptation, drawing upon the best features of different models while remaining attentive to the distinctive characteristics of India's constitutional order.

Aharon Barak's theory of proportionality<sup>33</sup> offers a normatively grounded framework for balancing the competing demands of rights protection and institutional restraint. Applied consistently, proportionality would enable Indian courts to engage in substantive review

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<sup>32</sup>Human Rights Act 1998 (UK), s 4.

<sup>33</sup>Aharon Barak, *Proportionality: Constitutional Rights and Their Limitations* (CUP 2012) 131.

without abandoning structured reasoning, thereby reconciling the transformative aspirations of the Indian Constitution with the imperative of doctrinal discipline.

## VI. CONCLUSION

This paper has undertaken a critical examination of judicial review in India, tracing its constitutional foundations, analysing its doctrinal expansion, identifying its institutional limitations, and situating it within a comparative constitutional framework. The analysis reveals a doctrine of remarkable resilience and creativity, but one that is beset by challenges arising from inconsistent standards, institutional constraints, and concerns about democratic legitimacy.

Judicial review has undoubtedly served India's constitutional democracy well. It has protected fundamental rights against legislative and executive encroachment, enforced constitutional accountability, and served as a vehicle for social transformation in a society marked by deep structural inequalities. The Basic Structure doctrine, the expansion of Article 21, the development of PIL, and the articulation of constitutional morality as a standard of review represent significant jurisprudential achievements that have strengthened India's constitutional framework and given it a distinctive character within the global landscape of constitutional law.

However, the paper has also identified significant limitations. The absence of clearly defined doctrinal standards creates unpredictability and judicial subjectivity. The expansive exercise of judicial power in domains of governance and policy raises serious concerns about the separation of powers and democratic legitimacy. The structural incapacity of the judiciary to deliver timely justice undermines the practical effectiveness of the very rights it seeks to protect.

The comparative analysis underscores that the strength of judicial review lies not in its breadth but in the discipline and principled consistency with which it is exercised. The Indian model would benefit from the adoption of a more structured doctrinal framework, modelled in part upon the tiered scrutiny of the American tradition and the procedural rigour of the British model, while retaining the transformative potential that is the hallmark of Indian constitutionalism.

Ultimately, judicial review must remain a mechanism for enforcing constitutional boundaries rather than evolving into a supervisory jurisdiction over governance. A judiciary that recognises and respects the limits of its institutional competence, while remaining firm in its commitment to constitutional values, will best serve the long-term interests of India's

constitutional democracy. The future of judicial review in India lies not in its expansion or restriction, but in the refinement of its principled exercise, ensuring that it continues to serve as the sentinel of the Constitution without displacing the democratic institutions it is designed to protect.

