

ORIGINAL ARTICLE

A Comparative Constitutional Study of Judicial Review in India, the United States, and the United Kingdom

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ABSTRACT

This doctoral research paper conducts a comparative analysis of judicial review across India, the United States, and the United Kingdom, examining how courts ensure governmental actions comply with constitutional limits.

The study traces the historical evolution and constitutional foundations in each jurisdiction: India's explicit constitutional provisions (Articles 13, 32, 131-136, 141-143, 226-227), the US's implicit framework derived from Articles III and VI through judicial interpretation, and the UK's uncodified system rooted in parliamentary sovereignty.

Key findings reveal distinct scopes: India's basic structure doctrine enables review of legislative, executive, and constitutional amendments; US review covers legislation and executive acts but not constitutional amendments; UK review focuses primarily on secondary legislation and administrative actions.

The research analyses judicial review's impact on fundamental rights protection, constitutional governance, and tensions between judicial activism and restraint across different constitutional cultures. It proposes reforms to enhance judicial accountability while maintaining the balance between judicial independence and democratic legitimacy, demonstrating judicial review's essential yet varied role in constitutional democracies across legal traditions.

KEYWORDS

• Judicial Review • Constitutional Supremacy • Fundamental Rights • Basic Structure Doctrine • Parliamentary Sovereignty

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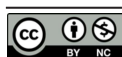
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INTRODUCTION

1. Definition and Concept of Judicial Review

Judicial review is the constitutional authority assigned to courts to scrutinize the actions of the legislature and the executive and annul them if they are found to be in conflict with the constitution. In the case of India, this power is mentioned explicitly in different sections of the Constitution. Article 13 of the Indian Constitution makes it clear that any law that is inconsistent with the Fundamental Rights (Part III) will be declared void, thus establishing the priority of fundamental rights over ordinary laws. Article 32 gives an individual the right to approach the Supreme Court for the protection of these rights, thus granting judicial intervention a potent tool. Besides, Articles 131 to 136, 141, 142, and 143 of Part V grant the Supreme Court original, appellate, and advisory jurisdiction in constitutional matters, thus underlining its role in judicial review. Articles 226 and 227 give the High Courts the power to issue writs for the protection of fundamental rights and the supervision of lower courts. Articles 245 and 246 specify the areas of law-making power of Parliament and State Legislatures, stating that laws are "subject to the provisions of the Constitution," and hence courts have the power to annul laws that are beyond such jurisdiction.¹

In the US, judicial review is a power that is derived from the constitution, specifically from Article III, Section 2, which gives judicial power to the Supreme Court, and the Supremacy Clause in Article VI which asserts that the Constitution is the highest law. This principle was established early on in the history of the US constitution; thus the courts were given the power to ensure that the legislative and executive branches conformed to the Constitution. In the UK, where a written constitution does not exist, the courts' power to review limited to the control of executive actions and secondary legislation by legality, reasonableness, and procedural fairness since parliamentary sovereignty prohibits judges from declaring primary statutes void.²

2. Importance of Judicial Review in Constitutional Democracies

Judicial review is a key role for the system functioning in the right way where it is up to the powers of the government to help mankind by securing justice, and maintaining harmony

among people through government branches. In India, it preserves rights under Part III and ensures that laws and actions are made within the limits of the Constitution, thus supporting constitutional supremacy and democratic rule through Articles 13 and 32. The Indian Supreme Court sometimes uses judicial review as a tool to protect the division of powers between Union and States, scrutinizing laws and executive actions under the provisions of Articles 245, 246, etc. Similarly, in the US, judicial review secures the rights of the constitution, and also the federal structure by allowing courts to declare laws or executive acts that are unconstitutional, thus promoting checks and balances that eventually lead to the preservation of democratic principles. The UK's judicial review, albeit constitutionally restricted by parliamentary sovereignty, reinforces accountability in democracy as it requires the executive and administration actions to be in line with the law, thereby upholding the rule of law in governance.³

3. Overview of Judicial Review in India, the US, and the UK

Judicial review is an important part of India's constitutional system, which means that the Supreme Court and High Courts have the power to strike down laws and acts that are against the Constitution, thus protecting the fundamental rights and basic constitutional structure. The Indian judiciary makes full use of this power in a strong manner to protect the constitutional democracy and federalism. In the United States, the Supreme Court's authority under Article III and the judicial review is a fundamental aspect of American constitutionalism that enables the courts to monitor the legislative and executive actions, thus affirming the supremacy of the Constitution. On the other hand, the UK follows a model limited by parliamentary sovereignty to the extent that the courts cannot review primary legislation but rather ensure legality and fairness in the administrative decision-making, thus reflecting an original constitutional equilibrium.⁴

1.4. Objectives of the Study

1. To examine the constitutional and legal framework that enables judicial review in India, the United States, and the United Kingdom specifying the provisions like Articles 13, 32, 131-136, 226, 227, 245, and

246 of the Indian Constitution with the corresponding laws and principles in the US and UK systems.

2. To compare and contrast the scope, extent, and application of judicial review in the three countries, while at the same time analyzing the disparities in constitutional supremacy, parliamentary sovereignty, and judicial power.
3. To comprehend the function of judicial review in protecting fundamental rights, upholding the rule of law, and power-sharing among the branches of government in different constitutional systems.
4. To evaluate the practical significance, difficulties, and changing trends in judicial review in India, the United States, and the United Kingdom, thus drawing lessons for constitutional governance and judicial accountability.

5. Research Methodology

The research methodology that has been utilized for this study is doctrinal, and it mainly revolves around the analysis of existing legal texts, constitution provisions, statutory laws, and judicial interpretations that are pertinent to the topic of judicial review in India, the US, and the UK. The research scrutinizes primary sources in a large scale, such as constitutions, legislative instruments, and the most cited legal commentaries, and it does so by using secondary academic literature and comparative legal scholarship as well. This method allows for critical and systematic appraisal of the principles and frameworks that govern judicial review, thus easing the way for a nuanced understanding of its theoretical foundations and practical application within the comparative constitutional context. The adoption of the doctrinal approach brings about the benefits of clarity, precision, and depth in the analysis of how judicial review functions in different legal systems.

6. Review of Literature

D. Tomlinson (2022).⁵ The article investigates weak judicial review and strong judicial review. Tomlinson maintains that the weak judicial review gives rise to a democratic dialogue between the court and the legislature, where the law as interpreted by the court may be overruled or reconsidered by the legislature. The mutual interchange that this

judicial and legislative dialogue creates aims to regulate rights protection and legislative supremacy, thus providing a framework that could contribute to enhancing democratic legitimacy. The article presents cases from the US, India, and the UK, which critically examine the extent to which the legislature has engaged with judicial decisions and ultimately conclude that the realization of this dialogue depends on the quality of legislative responsiveness.

K. Kusumanjali & H. Manjunath Ravi (2024).⁶ The authors present the study that compares the judicial review systems in India and the US, particularly their courts' contributions to the safeguarding of constitutional rights and values. They also discuss the separation of powers and federalism that judicial review helps to maintain and at the same time, they tackle the problems of activism and restraint in the judiciary. Besides that, the research covers changes in the law, in the particular area of people's governance and rights, and at the same time, it is the impact on the rights of the people of the country that determines the best way of handling the matter.

Vartika Lal (2022).⁷ Lal looks at judicial review from the viewpoint of comparison, analyzing its constitutional roots, range, and effects in India, the US, and the UK. The author points out the different types of judicial power resulting from the different constitutional setups, with the Constitution of India providing for them explicitly, the Constitution of the United States giving them implicitly, and the UK basing them on parliamentary sovereignty and the law of administrative conduct. It points out how important the judicial review has been in the promotion of the constitutional rule and in the protection of basic human rights in the various systems of governance.

S.G. Calabresi (2021).⁸ Calabresi presents a historical and an international perspective on the growth of judicial review after World War II. He considers global trends and thereby discusses the future of judicial review which has by now become an indispensable part of the constitutional democracies all over the world including India, the US, and the UK. Moreover, he relates judicial review to the wider issues of human rights, constitutionalism, and democratic accountability.

R. Jha (1974).⁹ The basic concern of Jha's research is the examination of judicial review of administrative actions, where the

establishment of principles regulating such review's scope and limitations is one of the main objectives. The article discusses the Indian Constitution that gives power to the courts through Articles 226 and 227 and the definition of judicial safeguards against executive overreach, stressing the necessity of legality, reasonableness, and procedural fairness in administrative law.

7. Research Gaps

Judicial review has been studied extensively in India, the US, and the UK, yet there still exist unfilled research gaps. First, it has usually been assumed that in such jurisdictions the major impacts on the sociopolitical factors affecting the scope of judicial review are not felt by the marginalized groups; however, such an argument needs to be tested by empirical research across these countries. Second, the evolving relationship between judicial review and legislative measures, especially in respect of the weak-form versus strong-form review debate, remains underreported in the context of India and the UK. Third, there is hardly any empirical study that investigates the public's perception and the legitimacy of judicial review in these jurisdictions, which is, however, essential for the assessment of democratic accountability. Fourth, the regulatory role played by the common constitutional norms and international human rights in determining the domestic judicial review practices is one area that requires thorough scrutiny, particularly in the case of India whose legal system is fast moving towards globalization. Finally, the question of the proper relationship between the courts' taking the initiative in interpreting the law and their being cautious with respect to the new policies continues to be contentious, but it is precisely such praise and criticism that demands more nuanced, context-specific frameworks for judicial review that would not undermine the principles of democracy and judicial independence.

HISTORICAL EVOLUTION OF JUDICIAL REVIEW

1. Origin and Development in the United States

Judicial review in the United States had its roots in the constitutional debates held at the end of the 18th century. Even though it was

not declared openly in the U.S. Constitution, the founding fathers of the nation took judicial review as a granted thing. The Judiciary Act of 1789, especially its Section 25, granted the Supreme Court the power of appellate jurisdiction over the state court's decisions thus allowing the review of both federal and state laws' compliance with the Constitution. The decision of the case *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803), which was under the Chief Justice John Marshall, granted judicial review as an essential characteristic that empowered the Supreme Court to annul laws that were not in accordance with the Constitution. In Marshall's opinion, he expressed the standpoint of the judiciary's right to claim the Constitution as law and to guard legislative acts against infringement. This whole idea relied on the Americans' revolutionary period concept of popular sovereignty, which denied all-powerful legislative rule and charged the Constitution with the ultimate power. Subsequently, judicial review became a foundational feature of American constitutionalism to secure basic rights and ensure quite definitely the separation of powers at the federal level. The initial adoption of judicial review was echoed in state court rulings during the 1780s and 1790s, thus legitimizing the practice even before *Marbury* was decided.¹⁰

2. Evolution in India

In India, the constitutional foundation of judicial review is well established through the Indian Constitution of 1950. The articles 13, 32, 131-136, 141, 142, 143, 226, and 227 in the Constitution clearly give the power to the judiciary, especially the Supreme Court and High Courts, to check the laws and actions against the Constitution or through the main rights. Article 13 makes laws that are not in line with Part III on Fundamental Rights null and void, while Article 32 grants the right to constitutional remedies through writs. Article 131 provides original jurisdiction to the Supreme Court with respect to disputes between the Union and States, and Articles 132 to 136 deal with appellate jurisdiction, enforcement of constitutional provisions, and power to review. Articles 141 and 142 deal with the binding nature of the Supreme Court's decisions and its extensive power to enforce decrees and orders. High Courts, under Articles 226 and 227, have the power

to issue writs and oversee the lower courts. The doctrine of basic structure implicitly bars constitutional amendments and thus, the judiciary's role in safeguarding constitutional rights is strengthened. This entire setting has judicial review as a protective barrier against unconstitutional legislation and also luxurious executive power reflecting a strong constitutional democracy.¹¹

3. Judicial Review in the United Kingdom: Historical Background

The United Kingdom is a totally different scenario with its unwritten constitution and the doctrine of parliamentary supremacy, which states that Parliament is the highest legal authority and can create or annul any law. In the UK, judicial review deal primarily with the executive and administrative decisions legality and procedural fairness, not the constitutional compliance, because the courts cannot declare primary legislation void. The origins are found in the courts' supervisory jurisdiction over public authorities and the administrative law principles based on common law traditions. The judges make sure the public authorities are acting within their legal powers (*ultra vires* doctrine) and also following the rules of natural justice and reasonableness. The Human Rights Act 1998 takes the European Convention on Human Rights and places it into the British legal system, giving the courts the power to check laws for their compatibility with the Convention but only to declare incompatibility, leaving Parliament as the ultimate authority. Therefore, the UK judicial review operates within a constitutional framework that underscores the Parliament's power over the judicial intervention in primary legislation.¹²

CONSTITUTIONAL PROVISIONS AND LEGAL FRAMEWORK

1. India: Judicial Review Supporting Constitutional Articles

The Constitution of India lays down the judicial review powers very clearly. The judiciary invalidates the laws infringing the fundamental rights guaranteed in Part III under Article 13. The enforcement mechanisms through Supreme Court writ jurisdiction are ensured by Article 32. The Supreme Court is given original jurisdiction in inter-state and center-state disputes by Article 131; appellate

jurisdiction is provided by Articles 132-136 over constitutional matters and review powers. Article 141 says that Supreme Court decisions are binding on all courts in India, whereas Article 142 gives the Supreme Court the power to pass any decree or order for justice. The High Courts are empowered by Articles 226 and 227 to exercise writ jurisdiction and to exert supervisory control over the lower courts, thus opening a wide judicial channel for the oversight. The legislative powers are defined by Articles 245 and 246, within the bounds of the Constitution, assuring the courts the power to declare the laws that are outside the legislative competence as void. These provisions are the ones that together establish the comprehensive constitutional legal framework for judicial review in India.¹³

2. United States: Judicial Review as an Implied Power under Articles III, IV, V

Although the U.S. Constitution does not explicitly provide for judicial review, Article III creates the judicial branch, which gives the judicial power to the Supreme Court and the lower courts. Article VI's Supremacy Clause proclaims the Constitution to be the paramount law, thus indirectly supporting judicial review. Articles IV and V deal with the concepts of federalism and the amendments' process, where the latter is also subject to judicial interpretation. The landmark case of *Marbury v. Madison* (1803) confirmed the judicial review doctrine, thus bolstering the judiciary's role in interpreting and invalidating laws that are contrary to the Constitution. The Judiciary Act of 1789, particularly Section 25, helped clarify the appellate jurisdiction of the Supreme Court, thus enabling the judicial review of laws made by both the federal and state governments. This principle serves to protect the constitutional order, secure individual rights, and uphold the separation of powers within the American federal system.¹⁴

3. United Kingdom: Absence of a Written Constitution and Parliamentary Sovereignty

Parliamentary sovereignty is the doctrine that remains the most important in the UK; it states that Parliament cannot be limited in any way and its enactments can then consequently not be overridden or invalidated by any other institution. Judicial review is so that the only matters to be considered are the

legality, fairness, and reasonableness of the administrative action under the ultra vires doctrine. The Human Rights Act 1998 mandates that the courts ensure the compatibility of the legislature with the rights enshrined in the European Convention, but the courts are only competent to pronounce incompatibility without nullifying the enactments. The constitutional setting assigns the role of the ultimate authority to Parliament, and the judicial review is an oversight over the executive power rather than a primary legislation. This unique system through common law and statutory regulations maintains a balance between the three principles of democratic governance, parliament's supremacy, and judicial oversight.¹⁵

SCOPE AND EXTENT OF JUDICIAL REVIEW

1. India: Review of Legislative Acts, Executive Actions, and Constitutional Amendments

In India, judicial review is very broad in its application and finally includes all three branches of government such as legislative, executive and constitutional amendments. The courts are empowered by Articles 13 and 32 of the Constitution to annul laws inconsistent with fundamental rights and thus, judicial review becomes a great protector of constitutional authority. The Supreme Court and High Courts under Articles 131 to 136 and Articles 226 and 227 exercise extensive powers to review legislative and executive actions. Moreover, the basic structure doctrine allows the judiciary to check constitutional amendments, which was developed in *Kesavananda Bharati v. State of Kerala*¹⁶, that states amendments cannot change the Constitution's foundational structure. This doctrine thus curtails the power of parliament to amend and keeps judicial review as an essential checkpoint of constitutional modifications. The Indian judiciary uses the power of judicial review as a strong tool for the maintenance of the law and order under the rule of law principle and keeping the balance between legislative intent and constitutional morality.¹⁷

2. United States: Judicial Review of Legislation and Executive Acts, Limits on Constitutional Amendments Review

In the United States, judicial review is a wide-ranging and comprehensive power extending to the analysis of the executive and legislature

for their compliance with the Constitution, as was firmly established in *Marbury v. Madison*.¹⁸ The Supreme Court derives its power from Article III to invalidate laws, thus, both preserving the supremacy of the Constitution and protecting individual rights. Nevertheless, judicial intervention concerning constitutional amendments is infrequent and restrictive. Article V of the Constitution sets forth procedures for amendments, and courts usually avoid interfering with the political process by invalidating amendments. The Supreme Court, for instance, confirmed the Fourteenth and Fifteenth Amendments, which led to the expansion of civil rights, but did not stop judicial examination of amendments completely. The due process doctrine under the Fifth and Fourteenth Amendments is pivotal in both substantive and procedural aspects of law affecting fundamental rights thus, making the judicial oversight a part of the legislative and executive branches equally.¹⁹

3. United Kingdom: Judicial Review Limited to Secondary Legislation and Administrative Actions

In the UK, judicial review is not applied to primary legislation as it is considered Parliament's law-making authority. The courts do not have the authority to overturn Acts of Parliament but are allowed to review the secondary legislation (or "delegated" legislation) and administrative actions on the basis of legality, procedural fairness, and reasonableness. The ultra vires doctrine is applied by UK courts to nullify actions exceeding legal authority. The Human Rights Act 1998 empowers the courts to review laws for their compliance with the European Convention on Human Rights and to make declarations of incompatibility without the need to nullify the laws. Judicial review puts the spotlight on the executive's accountability rather than on the supremacy of the constitution, which corresponds to the unique constitutional settlement in the UK that does not have a codified constitution. Therefore, while judicial intervention remains limited in scope, it still plays a major role in the monitoring of the power of the public authorities to ensure it is exercised lawfully.²⁰

JUDICIAL REVIEW AND FUNDAMENTAL RIGHTS

1. Protection of Fundamental Rights in India through Judicial Review

In Indian judicial review, protecting fundamental liberties under the Constitution's Part III is of paramount importance. Article 13 a mighty sword for the aggrieved party - nullifies laws infringing on such rights, while the right provided under Article 32 entitles one to approach the Supreme Court to enforce one's rights through issuing writs. The courts have very widely recognized and given effect to such rights and freedoms, asserting judicial review as something like a shield against arbitrary state actions that deprived people of their basic rights. This protection has been the bedrock of India's constitutional democracy, and the guarantee of proper government contacted through the people's right of appeal and the judiciary's absolute independence in deciding such matters.²¹

2. The Role of Due Process and Fundamental Rights in US Judicial Review

In the United States, the concept of due process as that referred to in the Fifth and Fourteenth Amendments critically influences the judicial review that protects the fundamental rights of the citizens. The courts apply both substantive and procedural due process to look critically at laws and government actions, which directly or indirectly affect citizens' rights such as free speech, equal protection under law, and privacy. Judicial scrutiny ensures that the restrictions applied are up to the constitutional standards, which underscores the judiciary's deep commitment to individual rights protected by the Constitution. So, judicial review functions as a primary means of safeguarding civil liberties within a federal constitutional system.²²

3. Rights Protection and Judicial Review Mechanisms in the UK

The UK judicial review mechanisms basically emphasize the administrative legality and fairness area rather than fundamental rights protection, the latter being constrained by the power of Parliament. Nevertheless, the Human Rights Act of 1998 adopts the European Convention on Human Rights in domestic law, thus requiring the courts to examine the legislation for compatibility and giving the power to declare the legislation incompatible. The courts cannot annul parliamentary acts, but this process facilitates the protection of human rights and the influencing of the liberal and executive branches of government, thus

providing judicial rights supervision in a flexible constitutional setting.²³

DOCTRINE OF BASIC STRUCTURE AND CONSTITUTIONAL SUPREMACY

1. India's Basic Structure Doctrine and Its Impact on Judicial Review

India's basic structure doctrine is a creation of the court in the case of *Kesavananda Bharati* AIR 1973 SC 1461 that hinders Parliament's amending power to keep the Constitution's fundamental framework intact. This principle strengthens judicial review by preventing constitutional amendments from wiping out the very features that constitute democracy, secularism, federalism, and fundamental rights. It practically gives the judiciary the role of the protector of the constitutional identity, thus reinforcing the power of the courts and the law. The doctrine is characteristic of Indian constitutional jurisprudence, notably influencing the areas and intensity of judicial review.

2. Constitutional Supremacy and Judicial Review in the US

The Supremacy Clause of Article VI declares the U.S. Constitution to be the supreme law of the land, a cornerstone of the judicial review doctrine. As articulated in *Marbury v. Madison* (1803), the Supreme Court maintains this supremacy by negating laws and executing acts that are not in accordance with the Constitution. The U.S. is very different from India in that it does not have a basic structure doctrine, and the courts do not like to interfere with constitutional amendments, so they usually just let the political process handle things. The constitution is the highest through the judicial review, which is the main tool for enforcing it and the other branches have to follow it.²⁴

3. Parliamentary Sovereignty versus Constitutionalism in the UK

The UK constitution stands in stark contrast with India and the US and it is based on parliamentary sovereignty, which means that the Parliament is the ultimate law-making body. The Parliament is not restricted by the courts when it comes to primary legislation. Although the Human Rights Act 1998 and the influence of the EU have broadened the scope of the judicial rights, the courts still are not

able to invalidate the parliament laws. This reflects a constitutional balance that favors legislative supremacy and not entrenched constitutionalism. Therefore, judicial review is mainly limited to the review of administrative actions and making sure that the legal and procedural propriety is followed, which indicates a different constitutional philosophy that values democratic legitimacy through parliamentary sovereignty.²⁵

COMPARATIVE ANALYSIS

1. Similarities in Judicial Review across the Three Jurisdictions

There is a great deal in common between judicial reviews enacted in India, the United States, and the United Kingdom. To a greater or lesser extent, all of them allow their respective courts to examine the actions of the executive branch and declare them either lawful or constitutional. This not only makes the government responsible, but also provides a process for all three jurisdictions to recognize and uphold judicial independence. The courts are at the same time authorities in constitutional controversies and impartial facilitators of these disputes. Judicial review is still considered a protective tool for the individual, and at the same time the rule of law, and despite variations in extent and framework it is recognized as a primary method in the functioning of constitutional democracies.²⁶

2. Differences in Constitutional Basis and Judicial Approaches

India and the US both have written constitutions, which either explicitly or implicitly authorize judicial review (India: Articles 13, 32, 131–136, 141, 142, 143, 226; US: Article III, Supremacy Clause in Article VI). In the UK, an uncodified constitution allows only a limited judicial review of executive and secondary legislation. India's judicial system has power to challenge and undo constitutional amendments violating the basic structure, which is a doctrine not in place in US courts, where review is extensive to statutes but reviewing constitutional amendments is largely exempted. The UK's judicial review is conducted with a court ruling that the executive acted outside its powers or that there was a lack of fairness in the made laws, without declaring any government laws invalid.²⁷

3. Impact on Federalism, Democracy, and Separation of Powers

Judicial review in India is the means through which the courts determine legislative powers under Articles 245 and 246, simultaneously granting the right to vote over the courts and preserving democracy by safeguarding the citizens' basic rights, and foster the power division through ruling intervention. The same way, the US also uses judicial review to manage and redistribute power among federal and local states, to protect the rights granted by the constitution, and to assure the continuous supervision of the government branches. On the other hand, the UK judges only administrative laws and so, judicial review has no effect on federalism or legislative supremacy in the UK due to the country being ruled by parliamentary supremacy. The presence of judicial review in all three jurisdictions is a decisive factor to support democratic polity; however, its power is different depending on the constitutional arrangement.²⁸

CHALLENGES AND CRITICISM

1. Criticisms of Judicial Activism and Overreach in India and the US

The critical perspective claims that the Indian accountability courts are practitioners of judicial activism, in which they act as a government and lawmakers, thus, making the separation of powers and the democratic mandate harder. In the US, a similar situation is presented where the courts' ruling of contentious social issues creates a negative perception of judicial power and its intervention in the elected branches. Both systems face the difficulty of not compromising judicial independence but at the same time, respecting the democratic practices prevailing in the country.²⁹

2. Limitations of Judicial Review in the UK due to Parliamentary Sovereignty

The UK doctrine of parliamentary sovereignty not only limits judicial review but also does not allow the courts to declare primary legislation invalid, thus limiting rights protection through constitution review and judicial control over legislative power. In practice, judicial review in the UK is largely confined to the legality of administrative decisions which means keeping the government accountable but also not achieving the substantive constitutional governance.³⁰

3. Balancing Judicial Independence and Democratic Accountability

Judicial independence and accountability to democracy remain the two pillars of the judicial system all around the world. Judicial appointments, review doctrine and legislative oversight are some of the instruments through which this balance is achieved. Courts have to be independent in asserting their power to rule on the constitutionality of laws but still need to be careful not to go too far and thus lose the support of the public or create a rift among the governmental branches.

CONTEMPORARY DEVELOPMENTS AND REFORMS

1. Recent Landmark Cases with Full Citations in India, the US and the UK

India is full of judicial review cases, the most famous of which are *Kesavananda Bharati v. State of Kerala*³¹ (the basic structure doctrine), *Maneka Gandhi v. Union of India*³² (extending due process rights), and *I.R. Coelho v. State of Tamil Nadu*³³ (review of the Ninth Schedule). The same story can be told for the US where *Marbury v. Madison*³⁴ establishing judicial review, *Brown v. Board of Education*³⁵ on equal protection and *United States v. Nixon*³⁶ curtailing executive privilege are the great cases. The UK has democratic values presented in *R v. Secretary of State for the Home Department*³⁷ (freedom of expression), *R (Miller) v. Secretary of State for Exiting the European Union*³⁸ (Parliamentary sovereignty), and *R (Jackson) v. Attorney General UKHL*³⁹ (legislative authority).

2. Evolving Role of Courts in Constitutional Interpretation

The interpretation of the constitution has been getting more and more dynamic in the courts, which now take into account not only the changing times but also the international human rights standards. On the one hand, India is seeking the implementation of constitutional morality and the protection of fundamental rights, on the other hand, the U.S. is trying to find a balance between originalist and living constitutionalist approaches, while the U.K. is recognizing the rights of the citizens as its checks on the actions of the government within the framework of parliamentary sovereignty. Judicial review is evolving through the practices of judicial activism, restraint, and inter-branch dialogue so that it can deal with modern governance's problems.

3. Proposals for Strengthening Judicial Review Mechanisms

To strengthen judicial reviews, scholars recommend implementing the measures such as having transparent processes for appointing judges, providing clearer standards for review, making judges more accountable, and having continuous dialogues between courts and legislatures. In the federal context, they have suggested cooperating as a method of resolving constitutional tensions. Moreover, the UK could fortify rights protection while recognizing the supremacy of parliament through the cooperation of the legislature and judiciary. The objective of these reforms is to secure constitutional governance, to legitimize democracy and to reinforce the rule of law.

CONCLUSION

Judicial review, although operating in different ways under different constitutional systems, still forms the foundation of constitutional governance and law in India, the United States, and the United Kingdom. India, for instance, has a lot of constitutional provisions that are very clear about the power of the judiciary to review legislative acts, executive actions, and even constitutional amendments that restrict themselves to the basic structure of the Constitution. The provisions include Articles 13, 32, 131-136, 141, 142, 143, 226, 227, 245, and 246. These provisions create a very strong system where the judicial branch is responsible for the Constitution and the rights of the people. For the U.S., judicial review is an implicit power that is based on the norms of Articles III and VI; it allows the Supreme Court to evaluate the constitutionality of legislative and executive actions while usually being reluctant to deal with constitutional amendments. The justifications of the Fifth and Fourteenth Amendments are of great importance for judicial review of fundamental rights. The U.K., however, offers a different scenario with no written constitution; the power of the parliament is considered unlimited and judicial review is primarily applied to secondary legislation and administrative actions where it focuses on the legality of such acts rather than on the supremacy of the constitution. Nonetheless, these differences do not hinder judicial review from playing a similar role throughout all three countries as a vital factor in the sustaining of democracy, the protection

of human rights, and the maintaining of a harmonious relationship between the government branches. The process of constant judicial development and adaptation is a reflection of the continuous struggle to confront new constitutional challenges while upholding democratic legitimacy and the rule of law.

RECOMMENDATIONS

Several measures are recommended to be taken to enhance the effectiveness and legitimacy of judicial review in these jurisdictions. To begin with, it is indispensable to have transparency in judicial appointments and a clear setting of judicial review standards to keep up judicial independence and public trust. India could enhance democratic engagement with constitutional governance by making the public aware of their constitutional literacy and the courts' role under the Articles 13, 32, 131-136, 141, 142, 143, and 226. The US might continue to benefit from engagement in the balancing act between judicial activism and restraint, particularly in the area of fundamental rights adjudication under the Articles III and XIV. In the UK, possibly through the legislative reforms that go hand in hand with the Human Rights Act 1998, the widening of the judicial review scope within the context of parliamentary sovereignty could not only protect rights better but also do so in a way that respects democratic legitimacy. In all these systems, judicial education on shifting constitutional doctrines and comparative legal scholarship can be the means to fostering innovation and friendly governance. In the end, it is most important to make changes that ensure the balance of judicial accountability through powerful constitutional protection in order to keep the rule of law and democracy alive in various constitutional orders.

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