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Assessing the Doctrine of Constitutional Supremacy: Its Impact on Legislative Authority and Judicial Interpretation in National Governance

NIKITA¹ AND BHANU PRATAP²

ABSTRACT

The supremacy of the Constitution is a cornerstone of democratic governance in India, establishing the Constitution as the highest legal authority and guiding framework for all legislative and judicial actions. This paper investigates the implications of constitutional supremacy on national legislation and judicial decisions, emphasizing its role in maintaining the rule of law, protecting fundamental rights, and ensuring checks and balances within the government.

India's Constitution, adopted in 1950, embodies the principles of justice, liberty, equality, and fraternity, serving as a safeguard against arbitrary governance. The analysis begins with a historical overview of constitutional supremacy in India, tracing its evolution through landmark judgments and amendments that have shaped the legal landscape. Key Supreme Court rulings, such as Kesavananda Bharati (1973) and Minerva Mills (1980), are explored to illustrate how the judiciary has reinforced constitutional supremacy by asserting its authority to review and nullify legislation that contravenes constitutional provisions.

Furthermore, the paper examines the tension between parliamentary sovereignty and constitutional supremacy, highlighting instances where legislative actions have tested the limits of constitutional mandates. The interplay between the Constitution and various statutes is analyzed, particularly in areas such as social justice, environmental law, and economic reforms, demonstrating how constitutional principles influence legislative intent and execution.

The study also considers the impact of judicial activism and the role of public interest litigation in upholding constitutional supremacy. By engaging with contemporary issues, such as the balance between individual rights and state security, the paper underscores the dynamic relationship between the Constitution, legislation, and judicial interpretation.

In conclusion, this investigation underscores that the supremacy of the Constitution is not merely a legal doctrine but a living principle that shapes the trajectory of India's

¹ Author is a LL.M. Student at School of Law, Justice & Governance, Gautam Buddha University, Greater Noida, India.

² Author is a LL.M. Student at Prestige Institute of Management & Research, Gwalior, India.

democracy. By affirming constitutional norms, the judiciary plays a crucial role in ensuring that national legislation aligns with the foundational values enshrined in the Constitution, thus safeguarding the rights and liberties of citizens.

Keywords: *Constitutional Supremacy, Judicial Review, Legislative Authority, Fundamental Rights, Rule of Law.*

I. INTRODUCTION

The Constitution of India, adopted on January 26, 1950³, establishes itself as the supreme law of the land. This supremacy ensures that all laws and actions by the legislature and executive are in alignment with the constitutional provisions. This discussion explores the implications of constitutional supremacy on national legislation and judicial decisions, illustrating key principles through landmark cases.

The concept of constitutional supremacy is rooted in the struggle for independence, where the vision of a democratic state was envisaged. The framers of the Constitution aimed to create a framework that would not only govern but also safeguard fundamental rights and ensure justice. The Constitution embodies the aspirations of the people, reflecting values of liberty, equality, and fraternity.

II. THE DOCTRINE OF BASIC STRUCTURE

One of the pivotal principles affirming constitutional supremacy is the doctrine of basic structure, articulated in the landmark case of “*Kesavananda Bharati v. State of Kerala*”. In this 1973 judgment, the Supreme Court held that while Parliament has the power to amend the Constitution, it cannot alter or destroy its basic structure. This doctrine acts as a safeguard against arbitrary amendments that could undermine democratic values.⁴

In “*Kesavananda Bharati case*”, the Court stated that the fundamental features of the Constitution—such as the supremacy of the Constitution, the rule of law, and the separation of powers—constitute its basic structure. This decision set a precedent that has since been instrumental in numerous cases involving constitutional amendments, ensuring that legislative power remains within the bounds of constitutional fidelity.

(A) Judicial Activism and the Role of the Supreme Court

The Supreme Court of India has often played an active role in upholding constitutional supremacy through judicial review. The power to invalidate laws that violate constitutional

³ The Constitution of India, 1950

⁴ *KesavanandaBharati v. State of Kerala*, AIR 1973 SC 1461.

provisions is a critical aspect of this review.

In “*Minerva Mills Ltd. v. Union of India*” (1980), the Supreme Court reaffirmed the fundamental structure doctrine's significance. The lawsuit began with a challenge to several of the 42nd Amendment's amendments that attempted to limit judicial review. The Court maintained that the Constitution is the ultimate law of the nation and underlined that the judiciary and Parliament must both function within the parameters of constitutional supremacy.⁵ This decision reinforced the balance of power and the judiciary's role in protecting constitutional integrity.

III. FUNDAMENTAL RIGHTS AS THE HEART OF THE CONSTITUTION

Fundamental Rights enshrined in Part III of the Constitution serve as a bulwark against state excesses. The judiciary's interpretation of these rights has significantly impacted legislative actions and policy implementations.

In “*Maneka Gandhi v. Union of India*” (1978), the Supreme Court broadened the application of Article 21, which protects the rights to personal freedom and life. According to the Court, any legislation that violates this right ought to be fair, reasonable, and just.⁶ This case illustrated the judiciary's commitment to protecting individual rights against arbitrary state actions and demonstrated how constitutional supremacy influences legislative enactments.

(A) Balancing Individual Rights and State Interests

While the Constitution provides for fundamental rights, it also recognizes the need for state intervention in certain circumstances. The judiciary often plays a crucial role in striking a balance between individual rights and the interests of the state.

In “*Vishaka v. State of Rajasthan*” (1997), the Supreme Court pointed out the issue of sexual harassment at the workplace. The Court states guidelines to ensure a safe working environment for women, emphasizing that the right to equality and the right to work with dignity are fundamental rights.⁷ This landmark judgment not only highlighted the need for legislative action but also illustrated how judicial intervention can uphold constitutional values when legislation is inadequate.

(B) Legislative Actions and Judicial Review

The relationship between legislative actions and judicial review is pivotal in maintaining

⁵ *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

⁶ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁷ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

constitutional supremacy. The judiciary has the authority to scrutinize laws passed by Parliament and state legislatures to ensure compliance with constitutional mandates.

In “*I.R. Coelho v. State of Tamil Nadu*”(2007), the Supreme Court reiterated that laws affecting fundamental rights could be struck down if they contravene the basic structure of the Constitution.⁸ The case involved a challenge to the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, which sought to exempt certain laws from judicial review. The Court emphasized that any law, irrespective of its nature, must be subject to constitutional scrutiny, thus reinforcing the supremacy of the Constitution over legislative authority.

IV. THE ROLE OF PUBLIC INTEREST LITIGATION

Public Interest Litigation (PIL) has emerged as a significant mechanism for the enforcement of constitutional rights. It allows individuals or groups to seek judicial intervention in matters affecting the public interest, thereby facilitating access to justice.

In “*People's Union for Civil Liberties v. Union of India*” (2001), the Supreme Court recognized the right to food as a fundamental right under Article 21.⁹ The Court directed the government to implement schemes to ensure food security for marginalized communities. This case exemplifies how PIL can invoke constitutional supremacy to address social injustices and hold the state accountable.

“*Justice K.S. Puttaswamy (Retd.) v. Union of India*”

In this landmark case, the Supreme Court recognized the right to privacy as a fundamental right under Article 21 of the Constitution. The judgment arose from challenges to the Aadhaar Act, which mandated biometric identification for various services. The Court held that privacy is an intrinsic part of the right to life and personal liberty, reinforcing the idea that individual rights must be protected against state encroachment. The decision emphasized that any law infringing upon fundamental rights must meet the test of proportionality and be backed by a legitimate state interest.¹⁰

“*Navtej Singh Johar v. Union of India*”

This case marked a significant milestone in the decriminalization of homosexuality in India. The Supreme Court struck down Section 377 of the Indian Penal Code, which criminalized consensual homosexual acts. The Court ruled that the provision violated fundamental rights, including the right to equality and the right to privacy. The judgment highlighted that the

⁸ I.R. Coelho v. State of Tamil Nadu, (2007) 2 SCC 1.

⁹ People's Union for Civil Liberties v. Union of India, (2001) 10 SCC 1.

¹⁰ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 641.

Constitution upholds the dignity of every individual and that discriminatory laws must be subject to rigorous scrutiny to ensure they do not contravene constitutional values.¹¹

“ShayaraBano v. Union of India”

In the “**Shayara Bano**” case, the Supreme Court declared the practice of instant triple talaq unconstitutional. The five-judge bench ruled that the practice was arbitrary and violated the fundamental rights to equality and non-discrimination. This decision underscored the judiciary's role in protecting the rights of marginalized groups and reaffirmed that personal laws must conform to constitutional principles. The ruling emphasized that no law, irrespective of its religious connotations, can operate outside the ambit of the Constitution.¹²

“Indian Young Lawyers Association v. State of Kerala”

This case involved the entry of women of all ages into the Sabarimala temple. The Supreme Court held that the ban on women's entry was unconstitutional, violating their right to equality and dignity. The judgment reinforced the idea that religious practices cannot infringe upon constitutional rights. It reaffirmed that the Constitution provides equal protection to all citizens, regardless of gender, thus emphasizing the need to harmonize individual rights with traditional practices.¹³

“Joseph Shine v. Union of India”

In this case, the Supreme Court decriminalized adultery, stating that Section 497 of the Indian Penal Code was unconstitutional as it violated the right to equality and the right to live with dignity. The Court observed that the provision was based on archaic notions of marriage and gender roles, and that treating women as property was a violation of constitutional values. This ruling further illustrated the judiciary's commitment to upholding individual rights against outdated legal provisions.¹⁴

“Abhiram Singh v. C.D. Commachen”

The Supreme Court ruled that the use of religion, race, caste, community, or language for securing electoral victory violated Article 15 of the Constitution. This decision emphasized the need for fair electoral practices and reinforced that the right to equality is paramount in democratic processes. The Court highlighted that the Constitution aims to create an inclusive

¹¹ Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

¹² ShayaraBano v. Union of India, (2017) 9 SCC 1.

¹³ Indian Young Lawyers Association v. State of Kerala, (2018) 10 SCC 1.

¹⁴ Joseph Shine v. Union of India, (2018) 2 SCC 261.

society, free from discrimination based on identity.¹⁵

V. CONCLUSION

The supremacy of the Constitution forms the cornerstone of India's democratic framework. The judiciary, particularly the Supreme Court, plays a vital role in interpreting and upholding constitutional provisions, thereby ensuring that legislative and executive actions remain consistent with the Constitution's foundational values. Through a series of landmark judgments, the Court has articulated and solidified the doctrine of the basic structure, strengthened the protection of fundamental rights, and institutionalized the mechanism of judicial review. These developments underscore the judiciary's essential function as the guardian of constitutionalism and the rule of law.

Recent judicial decisions have played a crucial role in shaping the dynamic interpretation of constitutional supremacy, in response to evolving societal values and democratic ideals. A prominent example is “*Justice K.S. Puttaswamy (Retd.) v. Union of India*” (2017), wherein the Supreme Court unequivocally recognized the right to privacy as an intrinsic component of the right to life and personal liberty under Article 21 of the Constitution. The judgment emphasized the centrality of individual dignity within a constitutional democracy and established that any intrusion upon personal rights must meet the tests of necessity and proportionality. This landmark ruling reinforced the protective scope of fundamental rights, affirming that state action must be carefully scrutinized to prevent arbitrary or disproportionate encroachments on personal liberty.

Another landmark judgment underscoring constitutional supremacy is “*Navtej Singh Johar v. Union of India*” (2018), in which the Supreme Court decriminalized consensual homosexual conduct by reading down Section 377 of the Indian Penal Code. The Court held that the provision infringed upon fundamental rights, particularly the rights to equality, dignity, and personal liberty as enshrined in the Constitution. This historic ruling not only advanced the protection of LGBTQ+ rights but also reaffirmed the judiciary's role in upholding constitutional values over archaic and discriminatory social norms. It signified a transformative moment in Indian jurisprudence, emphasizing the Constitution's role as a progressive and inclusive framework for justice.

The judgment in “*Shayara Bano v. Union of India*” (2017) further exemplifies the judiciary's commitment to upholding constitutional supremacy. By declaring the practice of instant triple

¹⁵ Abhiram Singh v. C.D. Commachen, (2017) 5 SCC 200.

talaq (talaq-e-biddat) unconstitutional, the Supreme Court asserted that personal laws, regardless of their religious origin, must conform to the constitutional principles of equality, justice, and non-discrimination. This landmark decision not only safeguarded the rights of Muslim women but also reaffirmed the Constitution as the supreme legal authority—one that prevails over religious customs when such practices undermine individual fundamental rights.

In Indian “***Young Lawyers Association v. State of Kerala***” (2018), the Supreme Court held that the prohibition on women’s entry into the Sabarimala temple was unconstitutional, as it infringed upon the fundamental rights to equality and dignity guaranteed under the Constitution. The judgment underscored the necessity of aligning religious customs with constitutional mandates, affirming that gender-based discrimination cannot be justified within a democratic and secular framework. This landmark ruling reinforced the primacy of constitutional values over exclusionary traditions, emphasizing the commitment to gender justice and equal access to public religious spaces.

The principle of constitutional supremacy was notably affirmed in “***Joseph Shine v. Union of India***” (2018), wherein the Supreme Court decriminalized adultery, underscoring the imperative for laws to uphold individual dignity and gender equality. This landmark judgment exemplifies a broader judicial shift toward reinforcing personal autonomy and constitutionally protected rights within the Indian legal framework.

In conclusion, constitutional supremacy remains a cornerstone of democratic governance and the safeguarding of fundamental rights in India. Recent judicial pronouncements reflect the evolving nature of constitutional interpretation, reaffirming the judiciary's pivotal role as the protector of individual freedoms against arbitrary state action. As societal norms progress, the judiciary must continue to ensure that legislative measures align with the foundational values enshrined in the Constitution. Upholding this doctrine is vital not only for the protection of civil liberties but also for the cultivation of a just and equitable society grounded in dignity, equality, and respect for all.

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