



A comparative analysis of judicial review in India & the U.S.A.

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Abstract

Judicial Review is an essential feature of constitutional democracy, enabling courts to examine the constitutionality of legislative and executive actions. This assignment undertakes a comparative study of Judicial Review in India and the United States, focusing on its origin, constitutional basis, scope, nature, and judicial interpretation. While Judicial Review in the United States emerged as an implied power through judicial precedent, particularly *Marbury v. Madison*, India incorporates Judicial Review expressly within its Constitution through various provisions. The study also examines landmark judgments that have shaped the doctrine in both jurisdictions and highlights similarities and differences in judicial philosophy, review of constitutional amendments, and protection of fundamental rights. Through this comparative analysis, the assignment explains how Judicial Review functions as a mechanism to uphold constitutional supremacy, maintain checks and balances, and strengthen constitutional governance in democratic systems.

Keywords: Judicial review, constitution, fundamental rights, separation of powers, basic structure doctrine, judicial activism, constitutional supremacy, India, United States of America

Introduction

Judicial Review is one of the most important features of a constitutional democracy. It refers to the power of the judiciary to examine the constitutionality of laws passed by the legislature and actions taken by the executive. When any law or governmental action violates the provisions of the Constitution, the courts have the authority to declare such law or action invalid. Through Judicial Review, courts ensure that the Constitution remains the supreme law of the land and that all organs of the government act within their prescribed constitutional limits. The concept of Judicial Review is closely connected with the idea of constitutional supremacy. In a democratic system governed by a written Constitution, the Constitution is superior to ordinary laws. Judicial Review acts as a mechanism to enforce this supremacy. It allows courts to protect the fundamental principles of the Constitution and prevent arbitrary or unconstitutional exercise of power by the State. Without Judicial Review, constitutional guarantees would remain merely theoretical and could be easily violated by powerful government authorities.

In constitutional democracies, Judicial Review plays a vital role in maintaining the balance of power among the three organs of government—legislature, executive, and judiciary. While the legislature makes laws and the executive implements them, the judiciary ensures that these laws and actions conform to constitutional provisions. Judicial Review thus serves as an essential check and balance within the system of governance. It strengthens the rule of law by ensuring that no authority is above the Constitution. Another important function of Judicial Review is the protection of fundamental rights. Courts use this power to safeguard individual liberty and human dignity against unjust or discriminatory laws. When citizens feel that their constitutional rights have been violated, Judicial Review provides them with a legal remedy. By striking down unconstitutional laws and executive actions, courts uphold justice, equality, and fairness in society. Therefore, Judicial Review is often described as the backbone of constitutional governance.

The doctrine of Judicial Review first developed in the United States of America. Although the U.S. Constitution does not expressly mention the power of Judicial Review, it was firmly established by the landmark judgment of the U.S. Supreme Court in *Marbury v. Madison*. In this historic case, Chief Justice John Marshall asserted that it is the duty of the judiciary to interpret the Constitution and to invalidate laws that are inconsistent with it. This judgment laid the foundation for Judicial Review in the United States and influenced constitutional systems across the world. India adopted the doctrine of Judicial Review while framing its Constitution, drawing inspiration from the American constitutional model. Unlike the U.S. Constitution, the Indian Constitution expressly provides for Judicial Review. Articles 13, 32, and 226 empower the Supreme Court and High Courts to examine the validity of laws and protect fundamental rights. The framers of the Indian Constitution considered Judicial Review essential for maintaining constitutional supremacy and ensuring that democracy functions within legal limits. Over time, Judicial Review in India has developed through judicial interpretation and landmark judgments. Indian courts have expanded the scope of this power to review not only legislative and executive actions but also constitutional amendments. The doctrine of the Basic Structure, evolved by the Supreme Court, has placed substantive limitations on Parliament's power to amend the Constitution. This reflects the strong role played by the judiciary in preserving the core values of the Constitution.

The purpose of this assignment is to make a comparative analysis of Judicial Review in India and the United States of America. Although both countries are democratic in nature and follow a written Constitution with an independent judiciary, the scope, basis, and application of Judicial Review differ significantly. The U.S. model is based largely on judicial interpretation and precedent, whereas the Indian model is explicitly embedded in constitutional provisions and shaped by judicial activism. By comparing Judicial Review in India and the U.S.A., this assignment aims to

understand how different constitutional frameworks influence the role of the judiciary. Such a comparative study helps in appreciating the strengths and limitations of each system and highlights the importance of Judicial Review in safeguarding democracy, constitutional values, and the rule of law.

Research Methodology

Formulation of the Research Problem

The research problem addressed in this assignment is to examine and compare the concept, scope, and application of Judicial Review in India and the United States. Although both countries follow constitutional democracy, the nature and functioning of Judicial Review differ due to variations in constitutional structure, judicial interpretation, and legal traditions. The study seeks to analyse how Judicial Review operates in both jurisdictions and how it contributes to constitutional governance.

Hypothesis

Judicial Review, though originating from different constitutional foundations in India and the United States, serves a common purpose of upholding constitutional supremacy, protecting fundamental rights, and maintaining checks and balances among the organs of the State.

Research Question

1. What is the concept and scope of Judicial Review in India and the United States?
2. How does Judicial Review function as a check on legislative and executive actions in both countries?
3. What are the similarities and differences in the application of Judicial Review in India and the United States?

Mode of Citation

The assignment follows the Bluebook (20th Edition) system of citation for cases, statutes, books, and journal articles. Footnotes have been used throughout the assignment to acknowledge legal authorities and secondary sources.

Historical Background

Judicial Review in the United States

The doctrine of Judicial Review developed in the United States as a result of the need to protect the supremacy of the Constitution. When the U.S. Constitution came into force in 1789, it established a federal system with a written Constitution and an independent judiciary. However, the Constitution did not expressly mention the power of courts to declare laws unconstitutional. Despite this absence, the framers believed that the judiciary would play an important role in interpreting the Constitution and ensuring that laws made by Congress did not violate constitutional principles. In the early years of American constitutional history, questions arose regarding the limits of legislative power and the authority of the courts. These issues were finally addressed in the historic case of *Marbury v. Madison*. In this case, Chief Justice John Marshall clearly stated that it is the duty of the judiciary to interpret the law and determine what the Constitution means. He held that if a law passed by Congress conflicts with the Constitution, the Constitution must prevail, and the law must be declared void. This judgment firmly established Judicial Review as a core principle of the American constitutional system.

The legal basis of Judicial Review in the United States is derived from the supremacy of the Constitution, the oath taken by judges to uphold it, and the power of courts to interpret the law. Through judicial precedent, the Supreme Court assumed the role of the final authority on constitutional questions. Over time, the Court has exercised this power to review legislative and executive actions, thereby strengthening constitutional governance and protecting individual rights.

Judicial Review in India

In India, the concept of Judicial Review was consciously adopted during the framing of the Constitution. The framers of the Indian Constitution were aware of the importance of protecting fundamental rights and preventing misuse of power by the State. Drawing inspiration from the American model, they incorporated Judicial Review as an essential feature of the Indian constitutional framework. Unlike the U.S. Constitution, the Indian Constitution expressly provides for Judicial Review. Article 13 of the Constitution declares that any law inconsistent with or in violation of fundamental rights shall be void. Articles 32 and 226 empower the Supreme Court and High Courts respectively to issue writs for the enforcement of fundamental rights. These provisions clearly establish Judicial Review as an integral part of the Indian constitutional framework.

Judicial Review in India is based on the principles of constitutional supremacy and separation of powers. The Constitution is the supreme law of the land, and all organs of the State must act within its limits. The judiciary acts as the guardian of the Constitution by ensuring that the legislature and executive do not exceed their constitutional authority. Through landmark judgments, Indian courts have expanded the scope of Judicial Review, making it one of the most essential features of Indian democracy.

Constitutional & Legal Foundations

Basis of Judicial Review in the U.S. Constitution

In the United States, Judicial Review is not expressly mentioned in the Constitution. There is no specific article that directly grants courts the power to declare laws unconstitutional. However, this power is implied from the structure of the Constitution and has been developed through judicial interpretation and precedent. The U.S. Constitution establishes itself as the supreme law of the land. It also creates an independent judiciary and entrusts it with the responsibility of interpreting the law. Judges take an oath to uphold the Constitution, which implies a duty to protect it against violations. When a law passed by Congress conflicts with the Constitution, the courts are expected to give priority to the Constitution.

The implied nature of Judicial Review was clearly explained in the landmark case of *Marbury v. Madison*. The U.S. Supreme Court held that it is the duty of the judiciary to interpret the Constitution and decide whether a law is consistent with it. If a law is found to be incompatible with constitutional provisions, the Court has the authority to strike it down. This judgment became the legal foundation of Judicial Review in the United States. Judicial Review in the U.S. is therefore based on judicial precedent rather than explicit constitutional text. Over time, the Supreme Court has strengthened this power through its decisions and has used it to review legislative and executive actions. This system reflects strong judicial authority in constitutional

interpretation and ensures that all laws conform to constitutional principles.

Basis of Judicial Review in the Indian Constitution

In India, Judicial Review has a clear and explicit constitutional foundation. Unlike the U.S. Constitution, the Indian Constitution specifically provides for Judicial Review through several provisions. These provisions grant the Supreme Court and the High Courts the power to examine the constitutionality of laws and government actions. Article 13 of the Constitution declares that any law which is inconsistent with or violates fundamental rights shall be void. Article 32 empowers the Supreme Court to enforce fundamental rights by issuing writs, while Article 226 gives similar powers to the High Courts. These articles collectively form the constitutional basis of Judicial Review in India. Judicial Review in India is considered an essential part of the constitutional structure. It is closely linked to the principles of constitutional supremacy, rule of law, and separation of

powers. The Constitution is supreme, and all organs of the State must function within its limits. The judiciary acts as the guardian of the Constitution by ensuring that the legislature and executive do not exceed their constitutional authority. Indian courts have consistently held that Judicial Review is a basic feature of the Constitution and cannot be removed or destroyed even by constitutional amendment. Through various landmark judgments, the judiciary has expanded and strengthened this power, making Judicial Review a cornerstone of Indian constitutionalism and democratic governance.

Scope & Nature of Judicial Review

Scope and Nature of Judicial Review in the U.S.A.

In the United States of America, Judicial Review has a wide and strong scope. The judiciary has the authority to review both legislative and executive actions to ensure that they are in accordance with the Constitution. This power allows courts to examine whether laws passed by Congress or actions taken by the executive branch violate constitutional provisions. A major area of Judicial Review in the U.S. relates to the protection of constitutional rights. Courts frequently review laws and government actions to determine whether they infringe rights such as due process of law and equal protection of the laws, which are guaranteed under the Fifth and Fourteenth Amendments of the U.S. Constitution. If a statute violates these constitutional guarantees, the court has the power to declare it unconstitutional and void.

The foundation of Judicial Review in the U.S. was laid down in the landmark case of *Marbury v. Madison*, where the U.S. Supreme Court held that it is the duty of the judiciary to interpret the Constitution and invalidate laws that are inconsistent with it. Once a law is struck down by the Supreme Court, it becomes unenforceable. This gives the judiciary a significant role in maintaining constitutional supremacy and protecting individual rights. Judicial Review in the U.S. has evolved mainly through judicial precedent. Over time, courts have expanded the interpretation of constitutional rights through case law, giving Judicial Review a dynamic and flexible nature.

Scope and Nature of Judicial Review in India

In India, the scope of Judicial Review is wide and clearly established by the Constitution. Courts have the power to

examine the constitutional validity of laws enacted by Parliament and State Legislatures, as well as executive actions, rules, regulations, and administrative orders. Indian courts also examine whether the legislature has acted within its constitutional competence. If a law is made beyond the powers granted by the Constitution, it can be struck down by the judiciary. Judicial Review further extends to examining violations of fundamental rights guaranteed under Part III of the Constitution. A key feature of Judicial Review in India is the enforcement and protection of fundamental rights. Articles 13, 32, and 226 empower the Supreme Court and High Courts to declare laws unconstitutional if they violate fundamental rights. Through this power, courts act as guardians of the Constitution and protect citizens against arbitrary State action. The nature of Judicial Review in India has evolved over time through judicial interpretation. Although the Constitution originally emphasized procedural fairness, Indian courts have introduced substantive due process concepts through interpretation of Article 21. This development was clearly seen in cases such as *Maneka Gandhi v. Union of India*, where the Supreme Court held that any procedure affecting life and personal liberty must be just, fair, and reasonable. As a result, Judicial Review in India has become a powerful tool for ensuring justice, accountability, and constitutional governance.

Comparison of Judicial Review in India & U.S.A.

Judicial Review in India and the United States serves the common purpose of protecting the Constitution and ensuring that the legislature and executive act within constitutional limits. In both countries, Judicial Review acts as a safeguard against arbitrary use of power and helps in the protection of fundamental rights. However, despite this common objective, the nature, scope, and constitutional basis of Judicial Review differ significantly between the two systems due to differences in constitutional structure and judicial philosophy.

One of the major differences lies in the constitutional basis of Judicial Review. In the United States, Judicial Review is an implied power and is not expressly mentioned in the Constitution. It developed through judicial interpretation, mainly through the landmark judgment in *Marbury v. Madison*. In contrast, Judicial Review in India has an explicit constitutional foundation. The Indian Constitution clearly empowers the Supreme Court and High Courts to review the constitutionality of laws and executive actions through Articles 13, 32, and 226. This makes Judicial Review in India more clearly defined in constitutional text.

Another important difference is the scope of Judicial Review. In the United States, courts primarily review legislative and executive actions for violations of constitutional rights such as due process and equal protection. Once the U.S. Supreme Court declares a law unconstitutional, it becomes void and unenforceable. In India, Judicial Review has a broader scope. Indian courts not only examine laws for violation of fundamental rights but also review legislative competence and procedural fairness. Courts can examine whether a law falls within the powers granted by the Constitution to the legislature.

A significant distinction between the two systems is the review of constitutional amendments. In the United States, once a constitutional amendment is duly passed and ratified, it is not subject to Judicial Review. The courts have no

power to invalidate constitutional amendments. In India, however, the Supreme Court has held that constitutional amendments are subject to Judicial Review. Through the Basic Structure Doctrine, the Court has ruled that Parliament cannot amend the basic features of the Constitution. This gives the Indian judiciary a stronger role in preserving constitutional identity. Judicial activism is another area where the two systems differ. In India, the judiciary has adopted an active role, especially through Public Interest Litigation (PIL). Courts often intervene in social, economic, and environmental issues to protect public interest and fundamental rights. In contrast, the U.S. judiciary generally follows a more restrained approach, focusing mainly on constitutional interpretation rather than direct intervention in policy matters.

Despite these differences, Judicial Review in both India and the United States plays a crucial role in upholding constitutional governance. In both systems, courts act as guardians of the Constitution and protect individual rights against abuse of power. While the American model emphasizes judicial interpretation and restraint, the Indian model reflects a more expansive and activist approach. Together, these systems demonstrate how Judicial Review adapts to different constitutional and social contexts while serving the shared goal of preserving democracy and the rule of law.

Landmark Cases on Judicial Review

U.S.A.

The doctrine of Judicial Review in the United States was firmly established by the landmark decision in *Marbury v. Madison*. This case is considered the foundation of Judicial Review in American constitutional law. In this judgment, Chief Justice John Marshall held that it is the duty of the judiciary to interpret the Constitution and that any law passed by Congress which is contrary to the Constitution must be declared void. Through this decision, the U.S. Supreme Court asserted its authority to review and invalidate unconstitutional laws, even though such power was not expressly mentioned in the Constitution.

Over time, the U.S. Supreme Court further strengthened the scope of Judicial Review through several important decisions. In *Brown v. Board of Education*, the Court used Judicial Review to strike down racial segregation in public schools, holding it to be a violation of the Equal Protection Clause of the Fourteenth Amendment. This case demonstrated how Judicial Review could be used to protect civil rights and bring about social change. Similarly, in *Roe v. Wade*, the Court reviewed state laws restricting abortion and held that such laws violated the constitutional right to privacy under the Due Process Clause. These cases show that Judicial Review in the U.S. has been actively used to interpret constitutional rights and limit legislative and executive power.

The issue in this case *McCulloch v. Maryland* was whether Congress had the power to establish a national bank and whether a state could tax that bank. The State of Maryland imposed a tax on the Second Bank of the United States, which was challenged by the bank's cashier, McCulloch. The case raised questions about federal supremacy and implied powers. The Supreme Court held that Congress had implied powers under the Constitution through the Necessary and Proper Clause, even if such powers were not expressly mentioned. The Court also ruled that states cannot

interfere with or tax federal institutions. This judgment strengthened judicial review by affirming constitutional supremacy and expanding the scope of constitutional interpretation by courts.

In *Dred Scott v. Sandford* case Dred Scott, a slave, claimed that he had become free after living in free territories. The Supreme Court had to decide whether African Americans could be citizens and whether Congress could prohibit slavery in federal territories. The Court ruled that African Americans were not citizens and therefore had no right to sue in federal courts. The Court also struck down the Missouri Compromise as unconstitutional, holding that Congress lacked the power to ban slavery in territories. Though the decision is widely criticized today, it is significant for judicial review because it shows the Court exercising its power to invalidate a federal law. It also demonstrates how judicial review, if misused, can have serious social and political consequences.

The case of *United States v. Nixon* arose during the Watergate scandal, where President Nixon refused to release certain tape recordings, claiming executive privilege. The issue was whether the President was above judicial scrutiny. The Supreme Court ruled that executive privilege is not absolute and that the President is subject to judicial review. The Court ordered the release of the tapes, reinforcing the principle that no person, including the President, is above the law.

India

In India, *A.K. Gopalan v. State of Madras* was one of the earliest cases dealing with judicial review. The petitioner challenged preventive detention laws as violating fundamental rights under the Constitution. The Supreme Court upheld the law and adopted a narrow interpretation of fundamental rights. Although the decision limited rights protection, it confirmed the Court's authority to examine the constitutionality of legislative actions.

In India, one of the most significant landmark cases on Judicial Review is *Kesavananda Bharati v. State of Kerala*. In this historic judgment, the Supreme Court held that while Parliament has wide powers to amend the Constitution, it cannot alter or destroy its basic structure. This decision introduced the Basic Structure Doctrine, which placed substantive limitations on Parliament's amending power and strengthened Judicial Review in India.

Another important case defining the scope of Judicial Review is *Golaknath v. State of Punjab*, where the Supreme Court held that Parliament could not amend fundamental rights. Although this view was later modified, the case played a crucial role in emphasizing the importance of fundamental rights and judicial protection. In *Minerva Mills v. Union of India*, the Supreme Court reaffirmed that Judicial Review itself is a part of the basic structure of the Constitution and cannot be taken away by constitutional amendment.

The scope of Judicial Review in India was further expanded in *Maneka Gandhi v. Union of India*. In this case, the Supreme Court held that the procedure established by law under Article 21 must be just, fair, and reasonable. This judgment significantly broadened the interpretation of fundamental rights and strengthened Judicial Review over executive action. Through these landmark cases, the Indian judiciary has played a vital role in protecting constitutional values and ensuring that all organs of the State function within constitutional limits.

I.R. Coelho v. State of Tamil Nadu is called a landmark case on judicial review because the Supreme Court held that laws placed in the Ninth Schedule after 24 April 1973 are subject to judicial review. The Court ruled that such laws can be struck down if they violate the Basic Structure of the Constitution, especially fundamental rights. This judgment strengthened judicial review by preventing Parliament from using the Ninth Schedule to bypass constitutional limitations.

In *Kihoto Hollohan v. Zachillhu*, the Supreme Court examined the validity of the Speaker's power under the Tenth Schedule relating to defection. The Court held that although the Tenth Schedule bars court jurisdiction, the Speaker's decisions are subject to judicial review in cases of mala fides, violation of constitutional provisions, or breach of natural justice. This judgment reaffirmed that judicial review is part of the basic structure of the Constitution.

Similarities of Judicial Review in India & U.S.A.

Judicial Review in both India and the United States serves the common purpose of upholding constitutional supremacy and ensuring the rule of law. In both countries, the Constitution is considered the highest law of the land, and courts have the authority to review legislative and executive actions to ensure that they conform to constitutional provisions. By exercising this power, the judiciary acts as a guardian of the Constitution and prevents any organ of the government from exceeding its legal authority.

Another similarity lies in the function of Judicial Review as a check on the legislature and the executive. In both countries, courts have the authority to invalidate laws or government actions that are found to be unconstitutional. This power ensures that the principle of separation of powers is respected and that no branch of government operates beyond its constitutional limits.

Additionally, Judicial Review in both India and the United States plays a vital role in protecting fundamental rights. Courts in both democracies examine whether laws or executive actions infringe on individual rights and liberties guaranteed by the Constitution. In doing so, Judicial Review safeguards citizens against arbitrary or unfair exercise of power by the State and strengthens the protection of human rights. Despite differences in scope, origin, and judicial philosophy, the core objectives of Judicial Review—constitutional supremacy, checks and balances, and protection of fundamental rights—remain common to both systems.

Differences of Judicial Review in India & U.S.A.

Judicial Review in India and the United States differs in several important aspects, particularly in scope, constitutional basis, review of amendments, and judicial philosophy. In the United States, Judicial Review is an implied power derived from the structure of the Constitution and judicial precedent. Although not expressly mentioned in the Constitution, it is broadly applied to review legislative and executive actions for compliance with constitutional provisions. In contrast, India's Judicial Review is explicitly provided for in the Constitution through Articles 13, 32, and 226, but its practical scope has been shaped and expanded over time through judicial interpretation and landmark case law.

Another significant difference is the review of constitutional amendments. In India, the Supreme Court has held that

amendments to the Constitution are subject to Judicial Review to the extent that they do not alter the basic structure of the Constitution. This limitation ensures that Parliament cannot destroy fundamental constitutional principles. In the United States, once a constitutional amendment is duly passed and ratified, it is generally not subject to review by the judiciary, and courts cannot invalidate it.

Judicial philosophy also differs between the two countries. The Indian judiciary has adopted an activist approach in several areas, particularly through Public Interest Litigation (PIL), where courts intervene to protect social, economic, and environmental rights. This allows Indian courts to engage broadly with public policy and social justice issues. In contrast, U.S. courts generally follow a more restrained approach, focusing primarily on strict constitutional interpretation and limiting judicial intervention in policy matters.

These differences highlight how the same principle—Judicial Review—can be applied differently depending on the constitutional framework, judicial culture, and social context of a country. While both systems aim to uphold constitutional supremacy, protect fundamental rights, and act as a check on government, their methods and scope reflect the unique legal and political environments of India and the United States.

Challenges & Criticism of Judicial Review

Judicial Review, while crucial for upholding constitutional supremacy, faces several challenges and criticisms in both India and the United States. One of the most persistent problems is the backlog of cases and delays in judicial proceedings. In India, the Supreme Court and High Courts have a large number of pending cases, and constitutional matters can take years to reach a final decision. This delay can reduce the practical effectiveness of Judicial Review, as enforcement of rights and remedies is postponed. In the United States, although the judiciary is generally more efficient, complex constitutional questions—such as those involving civil liberties, federalism, or executive powers—can also take significant time, delaying justice and sometimes creating uncertainty in the law.

Another major challenge relates to debates over judicial activism versus judicial restraint. In India, courts have often been accused of overstepping their role, particularly through Public Interest Litigation (PIL), where courts intervene in social, economic, and environmental issues. While such activism can protect public interest and expand fundamental rights, critics argue that it sometimes encroaches upon the domains of the legislature and executive, thereby challenging the principle of separation of powers. In the United States, judicial activism is less frequent, but controversies arise when courts strike down laws or expand constitutional interpretations, raising questions about whether the judiciary is exceeding its intended role.

Judicial power is also constrained by practical and political limitations. Courts rely on the executive for enforcement of their judgments, and political pushback can occur when courts issue decisions against government policies or powerful interests. In India, for example, attempts to implement socially transformative rulings can face resistance or delayed compliance from executive authorities. In the U.S., although enforcement mechanisms are generally stronger, politically sensitive rulings—such as those concerning abortion or voting rights—sometimes lead to

public debate, legislative countermeasures, or gradual shifts in interpretation.

Additional criticisms include resource limitations, procedural complexities, and challenges in balancing legal interpretation with evolving societal needs. Judicial Review, if exercised too conservatively, may fail to protect fundamental rights effectively. Conversely, excessive judicial intervention can create tensions between the judiciary and other branches of government. Despite these issues, Judicial Review remains an essential mechanism for preserving constitutional governance, protecting individual rights, and maintaining the rule of law. It continues to serve as a vital instrument for accountability, ensuring that no organ of the State can act beyond the limits prescribed by the Constitution.

Conclusion

The comparative analysis of Judicial Review in India and the United States brings out important similarities and differences in their constitutional approaches. In both countries, Judicial Review serves as a central mechanism for upholding the supremacy of the Constitution and ensuring that all organs of the government function within constitutional limits. While the United States follows an implied system of Judicial Review developed through judicial precedent, India provides for Judicial Review explicitly in its Constitution, with its scope and nature shaped by judicial interpretation and landmark decisions.

Judicial Review has played a significant role in strengthening constitutional governance in both democratic systems. Courts in India and the United States act as guardians of the Constitution by examining the validity of legislative and executive actions and ensuring that they do not violate constitutional provisions or fundamental rights. Through this function, Judicial Review maintains the balance of power among the different branches of government and reinforces the principles of separation of powers and rule of law.

Despite differences in judicial philosophy and constitutional structure, the two systems have influenced each other over time. The Indian judiciary has drawn guidance from U.S. constitutional principles and case law, particularly in matters relating to fundamental rights, due process, and judicial independence. At the same time, both systems contribute to the broader development of constitutional democracy by demonstrating how Judicial Review can function as an effective instrument for constitutional control and protection of individual liberties within a democratic framework.

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