International Journal of Humanities and Social Science Invention (IJHSSI)
ISSN (Online): 2319 – 7722, ISSN (Print): 2319 – 7714
www.ijhssi.org ||Volume 10 Issue 5 Ser. II || May 2021 || PP 24-30

A Comparative study of significance Of Judicial Review in United Kingdom, United States of America and India.

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ABSTRACT
Judicial review is the method by which the discretionary powers given by Parliament to the executive are overseen by the Judiciary. This has the effect of preserving Parliament as the supreme law-maker, thus underpinning the doctrine of Parliamentary supremacy, which is protected as a constitutional fact. Nowadays thousands of decisions are being made by the government and public bodies every day, affecting individuals in myriad ways. However, the actions of ministers, and of other public bodies are receptive scrutiny during a number of other ways including the review.
The essence of review is that the supremacy of law. it's the facility of the court to review the actions of legislative, executive and judiciary. it's the good weapon within the hands of the court to carry unconstitutional and unenforceable any law and order which is in conflict with the fundamental law of the land. The stand of judicial review in USA and UK. Judicial review had mainly originated in USA from the notable landmark case of Marbury vs. Madison. But originally Lord Coke's decision in, Dr. Bonham vs. Cambridge University had rooted the scope of review first time in 1610 in England. U.S. Constitution doesn't provide power of review expressly but Articles III and VI of the U.S. Constitution set down this idea. There being no written Constitution in UK, the paper also will handle the principle of "Parliamentary Sovereignty" which dominated the Constitutional democracy. Parliament Supremacy in UK incorporates the need of the people and therefore the Courts cannot scrutinize the actions of Parliament. Parliament prevents the scope of review to primary legislation except in few cases associated with human rights and individual freedom. But secondary legislations are subject to review. Court can review the administrative and executive actions in UK. Great Britain followed a different path. Instead, a collection of documents, traditions and conventions affirm that a sound act of Parliament can't be questioned by the courts. Parliament, not the courts, has the ultimate word.

KEYWORDS: Judicial Review, Judiciary, Judicial power, Marbury v. Madison Case, USA Constitution.

Date of Submission: 08-05-2021 Date of Acceptance: 22-05-2021

I. INTRODUCTION

Judicial review, is in an exceedingly sense, the very life breath of the Constitution of a vibrant, working constitutional democracy. It's that which provides sinews for enforcement of rights, protection of liberty and upholding the rule of law. Judicial review is that the exercise of power by superior courts to check the legality of any governmental/ State action. it's the exertion of the Court's inherent power to work out whether an action is lawful or not and to grant appropriate relief. As Prof. Wade points out review may be a fundamental mechanism for keeping public authorities within due bounds and for upholding the rule of law. The concept of judicial review is stronger in USA and India as compared to the UK in certain perspective. Judicial review is not fully recognized in the UK, the acts of Parliament are unchallengeable. Whereas, The US Supreme court efficiently elaborated the power of judicial review to review the constitutionality or unconstitutionality of the acts of congress as well as the act of state legislature.

JUDICIAL REVIEW IN UNITED KINGDOM

Judicial review in the UK has to be studied in the context of parliamentary supremacy. "What Parliament doth, no power on earth can undo"; quoted by William Blackstone. Behind this statement there are two silent assumptions held the first is that Parliament is omnipotent and second is; its successor is omnipotent and cannot be bound by a predecessor. Blackstone, like Coke, deals with the privileges of Parliament, and compares Parliament as a court to other Courts. "For, as every court of justice hath laws and customs for its direction, some the civil and canon, some the common law, others their own peculiar laws and customs, so the high court of parliament hath also its own peculiar law."[1]

[1] 1 BLACKSTONE, COMMENTARIES '163.

Sovereignty is a legal concept. The jurisdiction of courts is to question the validity of an alleged act of Parliament. The grounds can be composition and procedure but it cannot be questioned on the jurisdiction area of power of a sovereign legislature. In England it is prevalent that

Parliament can override the judiciary at will. And as far the judiciary can do is to hold up the statutes. But as it is mentioned earlier, that Parliament shall prevail but with some delay.

In Liversidge v. Anderson[2], the question involved was that whether judiciary could apply objective criterion to decide reasonableness of the secretary of state' conclusion. Majority of judges hold the opinion that if it was done in a good faith then it cannot be questioned by the court of its reasonableness of his belief. Lord Atkin's dissenting view was against this notion of 'reasonableness belief' as it will further bar the judicial inquiry. In his opinion, Lord Atkin gave strict emphasis on the dangerous effect on the individual liberty.

The scope of judicial review is determined according to the norms evolved by British Judges. In comparison with the US judges, English Judges are in general more tolerant of administrative findings of facts and, perhaps, less tolerant of errors on question of law. Sometimes it is difficult to differentiate between the question of law and question of fact. Under such circumstances, then the appellate court may not only review the finding of law but also finding of facts, and jurisdiction is not limited to the "no evidence rule".[3]

The system of judicial review in Britain is primarily based on the common law. The judiciary have inherent power to declare any act which is contrary to law as invalid and grant suitable remedies. The right to judicial review is Britain is merely a practical aspect of the rule of law. Thus, if power is used in a way not authorised by Parliament, the courts protect or compensate the citizens, and there is no sovereign immunity in any true sense.

Fundamentally, the jurisdiction of courts depends on two distinct principles: 1) excess of jurisdiction or ultra vires, and 2) errors on the face of records.

The first principle is the ultra vires doctrine or excess jurisdiction is deeply rooted in the British administrative law. This principle of ultra vires doctrine got recognized in Boddington v. British Transport Police[4]. This principle means that if an act is within the power granted, it is valid. But if it is outside of the power entrusted, it is void. A void act in common law is said to be ultra vires.

The second principle, judicial review in cases if errors on the face of records that for a long-time inferior court's decisions were quashed, based on errors on the face of the record. This is the one case where a British court would quash a decision which is admitted to be within jurisdiction (intra vires), but violated its own basic rule. Review of records was the original system of judicial control when the Court of King's Bench took over the job of supervising inferior tribunals and administrative bodies; for example, Justices of Peace and Commissioners of Sewers. If the records of inferior courts display an error of law on the face of the decision, the court on King's Bench could quash it. Review of records became excessively formal. In the case of R. v. Ruyton (inhabitants)[5], many orders were quashed as on lamentable and disgraceful technicalities. Parliament tries to check its abuse in two ways: (i) by inserting no certiorari clause in many statutes from 17th century onwards; and (ii) by enacting in the 19th century that a criminal conviction needs to be supported only by a very short record, omitting the charge and the evidence and the reasoning, which were required to be set out previously.

Judicial review based on errors on the face of record got eclipsed after 1848, and it was resurrected in 1950 in *R. v. Northumberland Compensation Appeal Tribunal, ex p Shaw*[6]. This case related to compensation Appellate tribunal failed to construe the regulations properly and did not allow full period of service to be counted for compensation. The Tribunal accepted two period of service, but counted only the second period. The order therefore contained a manifest error of law, and on this count, it was quashed. The House of Lords have established that all error of law, regardless of record, was excess of jurisdiction attracting judicial review.

JUDICIAL ACTIVISM IN ENGLAND

Judicial activism in England, since last two decades expanded its horizon and British judges too have preferred to take a more activist stance. They have been keen to adopt judicial activism in the sense of willingness to develop law.

The nine Law Lords decision in *R. (Jackson) v. Attorney General*[7] unanimously declaring the Hunting Act, 2004 as unconstitutional made many things clear. First, the classic Dicey's account of the supremacy of parliament was out of place in the modern UK; second, justices are not powerless to correct fundamental

[2] 1942 AC 206 : (1941) 3 All ER 338 (HL).
[3] St. Edburga's, Abberton, re, (1961) 3 WLR 87 : (1961) 2 All ER 429.
[4] (1999) 2 AC 143: (1998) 2 WLR 639: (1998) 2 All ER 203 (HL).
[5] (1861) I B & S 534: 121 ER 813.
[6] (1952) I KB 338: (1952) I All ER 122.
[7] (2006) I AC 262: (2005) 3 WLR 733: (2005) 4 All ER 1253 (HL).

injustices. *Lord Cooke of Thorndon viewed it as "a constitutional retreat"*[8] *and J. Jowell termed it as "the rule of law now is a more important constitutional principle in UK than parliamentary sovereignty.*[9] The UK Supreme Court has taken the place of House of Lords, since 1 October 2009. It is presumed that it will continue the tempo of activism with great vigour and judicial enthusiasm.

COMPARATIVE STUDY OF JUDICIAL REVIEW IN THE UNITED KINGDOM AND UNITED STATES OF AMERICA

The position in the UK is somewhat different than USA and India. Judicial review does not expressly confer in US constitution. The main difference between American and British judges is that an American judge speaks the language of constitutional authority whereas a British judge has to represent himself as carrying out the true intention of parliament, which is impatient to restraint of any kind.[10] However in some perspective the power of judicial review is similar in UK and US. British colonialism during 17th and 18th century was not based on a federal system and judicial supremacy, as in 20th century constitutional system, was unknown to England; nevertheless, the seed of American judicial review was sown in Britain. If we compare between UK and US, the power of judicial review in America was home grown for a simple reason to set limitations on the congress, President and the states and union unequivocally expressed in the US constitution. In the UK, judicial review is ingrained in the natural law and common law. In the US, it is a proceeding based on the deep roots of the principle in the UK. In the UK, judicial review lies in the concept of natural and right reason. In the US, with the written Constitution, it does not find explicit base either. The US constitution does not explicitly give the supreme court the power of judicial review. To quote Kenneth Janda, Jeffrey M. Berry and Jerry Goldman, "In a controversial interpretation, the court inferred this power from the text and structure of the constitution."[11]

In the US, judicial review is based on creative interpretation of the Constitution. The American system met with the problem inherent in any written Constitution which confers certain powers on, and withhold others from, its legislature or distributes power between federal and State Legislature.

In the UK, the leading principle is that is a person or body to whom authority has been entrusted exceeds that authority, or exercise power without authority, the exercise may be pronounced invalid by a court. It includes compliance with the conditions attaching to exercise of the power, acting in good faith, and excluding irreverent consideration from the decision.[12] In UK, judicial review gets legitimacy by invoking higher authority of reason and natural justice and in US, it gets legitimacy by invoking higher law concept of Constitution and supremacy clause in the constitution itself. In *Malbury v. Madison*[13] case, the constitution was referred as the "fundamental and paramount law of the nation.

JUDICIAL REVIEW IN UNITED STATES OF AMERICA

Despite a written constitution, the judiciary's power of review has not gone unchallenged or has never been non-controversial.

John Hart Ely suggested that the proper functioning of court and the principle of interpretation in a new sphere. He said that "*the purpose of the court is to protect the process of coordinating popular government with minority protection- in other words to protect the process of representation".*[14] Judicial Review has enormously enhanced the power of Courts.

The US Supreme Court has kept the Constitution alive and Darwinian by keeping the set thought of John Marshall in mind. The famous quote of John Marshall that ***"it is a Constitution we are expounding"***[15] and it has to endure for ages.The American federation was formed by thirteen autonomous states entered into a compact, with giving minimal power to the centre and keeping residuary power with themselves. The American federation is formed by aggregation of states. Judicial review in the US constitution is quite progressive and innovative but it was not envisaged in the original constitutional scheme. A political scientist Benjamin F. Wright rightly remarked that *"it is a singular fact that the framers excluded the judiciary from policy-*

[8] "A Constitutional retreat", (2006) 122 LQR 224.
[9] J. Jowell, "Parliamentary Sovereignty under the New Constitutional Hypothesis", (2006) PL 563.
[10] B.Schwartz and H.W.R. Wade, Legal control of Government(1972) 205.
[11] The challenge of Democracy: Government in America (1992) 494.
[12] David M. Walker, The Oxford Companion to Law (1980) 674.
[13] 5 U.S. 137, 12 (1803).
[14] John Hart Ely, Democracy and Distrust: A Theory of Judicial Review (Harvard University Press, Cambridge 1980).
[15] McCulloch v. Maryland, 4 L Ed 579: 17 US (4 Wheat) 316 (1819).

making".[16] This view was again reoresented by learned Black J in 1965 in *Griswold v. Connecticut*[17] and Douglas J in 1968 in *Flast v. Cohen.*[18]

In US the concept of judicial review is based on the creative interpretation of the US Constitution. The American System met with the problem inherent in any written Constitution which confers certain powers on, and with holds others from, its legislature or distributes powers between federal and state legislature. To quote Kenneth Janda, Jeffrey M. Berry and Jerry Goldman, "*In a controversial interpretation, the Court inferred this power from the text and structure of the Constitution."*[19]

The LANDMARK CASE OF MARBURY v. MADISON[20]

In 1803, the power of judicial review was again used with judicial authority to declare the Act of the Congress unconstitutional in the historic landmark case of Marbury v. Madison. In this landmark case, When President John Adams did not win a second term election in the 1801, he utilized the last few days of his administration to make a substantial number of political arrangements and misused it. At the point when the new president 'Thomas Jefferson' took the office, he told his Secretary of State 'James Madison', not to convey the official printed material to the administration authorities who had been named by Adams.[21]

In this way the administration authorities, including William Marbury, were denied of their new employments. Thus, William Marbury filed a writ petition of Mandamus in the U.S. Supreme Court, to compel Madison to convey the commission.

Following were the issues: Does the Supreme Court have original jurisdiction to issue writ of mandamus? Can Congress expand the scope of the Supreme Court's original jurisdiction beyond what is specified in Article III of the Constitution? And, Does the Supreme Court have the authority to review acts of Congress?

The Chief Justice *John Marshall*, held that it has no jurisdiction to issue Mandamus because for issuing writ of Mandamus, court should have the appellate jurisdiction. Furthermore, court also held that Congress cannot expand the scope of the Supreme Court's original jurisdiction beyond the scope of Article III of the Constitution. Supreme Court has the power to review the acts of Congress and may determine whether they are valid or not.

It is inherent power of the Supreme Court of USA to determine the validity of any law. The Supreme Court of USA declared Section 13 of the Judiciary Act of 1789 as unconstitutional and dismissed the writ petition and hence Madison didn't get the commission.

So, The Supreme Court of US formulated the concept of Judicial Review. In USA, before this judgment Supreme Court didn't declare any action of Congress unconstitutional with full judicial authority. This historic case provides the very foundation of power to judiciary of judicial review to the Supreme Court to determine the validity of any legislative actions of Congress.

This was the historic landmark case which actually led to formally acceptance of the concept of judicial review in the constitution of United States of America by the supreme court of USA. There are other landmark judgements in which the court expressly favoured the concept of judicial review though it is not expressly given in US constitution.

The courts must achieve the objectives while protecting the rights of an individual while exercising the power of judicial review.

The objectives of judicial review in USA are as:

- To declare the laws unconstitutional if they are contrary to the Constitution.
- To defend the valid laws which are challenged to be unconstitutional.
- To protect and uphold the Supremacy of the Constitution by interpreting its provisions.

[16] Benjamin F. Wright, The Growth of American Constitutional Law (Reynal & Hitchcock by Houghton Mifflin Company, 1942) 18-20.

[17] 14 L Ed 2d 510: 381 US 479 (1965), 514.

[18] 20 L Ed 2d 947: 392 US 83 (1968).

[19] The Challenge of Democracy: Government in America (1992) 494.

[20] "The Worldwide Spread of Judicial Review." Marbury v. Madison: The Origins and Legacy of Judicial Review, Second Edition, Revised and Expanded, by WILLIAM E. NELSON, University Press of Kansas, 2018, pp. 138–146. JSTOR, www.jstor.org/stable/j.ctvvngcs.17.

[21] Uddin, Mohammad Moin, and Rakiba Nabi. "JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS IN LIGHT OF THE 'POLITICAL QUESTION' DOCTRINE: A COMPARATIVE STUDY OF THE JURISPRUDENCE OF SUPREME COURTS OF BANGLADESH, INDIA AND THE UNITED STATES." *Journal of the Indian Law Institute*, vol. 58, no. 3, 2016, pp. 313–336. *JSTOR*, www.jstor.org/stable/45163394.

- To save the legislative functions of Congress being encroached by other departments of the Government.
- To check the action of Congress and the State Legislature for them delegating the essential legislative functions to the executives or to check Congress from delegating its legislative function to the State Legislatures.

The American Constitution is a written constitution and federal democratic in spirit, mainly based on the Rule of law. In USA, the judiciary can check the actions of Congress and the action of the President, if it is contrary to the Constitution, then the judiciary can declare it null and void. The Constitution of the USA does not provide express provisions for Judicial Review but it is implicitly incorporated in the Art. III and IV. As Bernard Schwartz said that "The decisions on the question of constitutionality of a legislative Acts is the essence of the judicial power under the Constitution of America."[22]

Justice Frankfurter in *Gobitiz*[23] case laid down that "Judicial review is a limitation on popular government and is a part of the Constitutional scheme of America." The concept of judicial review has its foundation on the doctrine that the Constitution is the Supreme law.

In McCulloch v. Maryland[24], there was a dispute regarding the powers of Federal law and State law. A bank was established by Federal law named Bank of America in the State of Maryland. Thereafter, the State of Maryland also passed a tax legislation which imposes certain tax on banks in relation to relative transactions. This was challenged on the ground that can State law impose tax on bank which was established by Federal law? It was held by the Court that State cannot impose tax on Union authority. Court created immunity to the National Govt. According to this judgment US Supreme court formulated the doctrine of Immunity of Instrumentalities.

Youngstown Sheet Tube Co. v. Sawyer[25], in this case, President Truman ordered the seizure of the steel in order to avoid the national adversity prevailing at that time. In this way President made a law to seize the steel of all the citizens. The Court held on the opinion of Justice Black that it is the instance wherein the legislative encroachment by the Executive was held unconstitutional and furthermore, observed that Constitution of USA does not provide law making power to Presidential or Military supervision or control.

JUDICIAL REVIEW IN INDIA

In India, judicial power to review the acts of legislative and executive actions were exercised by the courts before the commencement of the Constitution of India. Then the British Parliament first introduced the Federal System in India by enacting the Government of India Act 1935. Under this act both the Central and State legislatures got plenary powers in their respective spheres. They were supreme in their allotted subjects like British Parliament. The Government of India Act of 1935, established the court so as to function as an arbiter in central and state relationship. The court was also empowered to strictly scrutinize the violation of the constitutional provisions regarding the distribution of powers on very introduction of federalism in India. The Judicial power to review was not specifically provided within the constitution but the constitution being federal, the court was entrusted impliedly with the function of interpreting the constitution and determine the constitutionality of legislative acts.

Mauriee Gwyer, the Chief Justice of Federal Court of India in "*Bhola Prasad v The King Emperor*"[26], held that "we must again check with the basic proposition enumerated in *R. v. Burrah*[27] that Indian legislatures within their own spheres have plenary powers of legislation as large and of true nature as those of the parliament itself, if that was true in 1878 than, it cannot be less true in 1942. The federal court of India vigorously worked for over a decade showing wisdom and dignity and by various constitutional decisions. During the span of the last decade federal court of India and other High Courts reviewed the constitutionality of enormous number of legislative acts with full judicial self-restraint, insight and skills.

The Supreme Court of India as a successor of federal court of India after the commencement of constitution of India inherited the great traditions built by the federal court. The constitution of India envisages a healthy system of power of judicial review and it depends upon the India judges to act in an exceedingly way to maintain the spirit of democracy. The constitutional thinkers of India before the Indian Republic were established had a view of the constitution of free India there must be provisions for supreme

[22] BERNARD SCHWARTZ, THE POWERS OF GOVERNMENT 19 (2nd ed., The Macmillan Company, 1963).
[23] Gobitiz 310 U.S. 586, 600 (1940).
[24] 4 Wheaton 316, 32 (1819).
[25] 343 U.S. 579, 32 (1952).
[26] AIR 1942 F.C.R 17 P20.
[27] (1878) 3 App Cas 889.

court with power of judicial review of legislative as well as executive actions. Under the statutory and constitutional provisions, the courts have the wide selection of powers of judicial review in India.

This can be stated that the constitutional and statutory provisions of review are totally different. The courts must exercise these powers with greater self-control and caution to serve justice to the aggrieved party and the society. These powers cannot be expected from the courts that they terminate from the boundary of their appropriate influences of judicial assessment.

Article 13 after all provides for the judicial review of all legislations in India. This power has been conferred on the High courts as well as Supreme court of India that they shall declare a law unconstitutional if it is found to be inconsistent with any of the provisions of Part III of the constitution within the present democratic setup in India, the court cannot adopt a passive attitude and ask the aggrieved party to attend for opinion against legislative tyranny, but the constitution has empowered it to play an energetic role and to declare a legislation void, if it violates the constitution.

In India, judicial review broadly covers three aspects; Judicial review of legislative action; Judicial review for due process, and; Judicial review of administrative action.

In India the, Rule of Law is that the basis of judicial review by Courts. Pre- Independence there was no express provision of judicial review in India. Though there were certain limitations of powers on the authorities but there wasn't an express provision like which our Indian constitution is having post-independence. The court had only power to implicate.

In *Emperor v. Burrah*[28], this was the first case during which the court interpreted and originated the concept of judicial review in India in 1877. The Court held that the aggrieved party have right to challenge the constitutionality of a statute enacted by the governor general Council in way more than the power given to him by the Imperial Parliament. During this case, the high court and council adopted the view that Indian courts had power of review with some limitations.

In, *Secretary of State v. Moment*[29], observed that "the Government of India cannot by legislation scrap the right of the Indian subject conferred by the Parliament Act i.e., the government of India Act of 1858".

Then, in *Annie Besant v. Government of Madras*,[30] Madras high court observed on the directions of privy council decision that there was a fundamental difference between the legislative powers of the Imperial Parliament and therefore the authority of the subordinate Indian Legislature, and, any enactment of the Indian Legislature in far more than the delegated powers or in violation of the limitation imposed by the imperial Parliament are null and void.

Article 13 of the Indian constitution contains the provision which reflects the concept of judicial review in India. The power of judicial review as in article 13 incorporated both pre- and post-constitutional laws. the judicial power of to review is vested upon both Supreme court and High Courts of India under art 226 and 32 accordingly. The courts can declare any law unconstitutional if the law is inconsistent with the fundamental rights incorporated in part III of the Indian constitution.

II. CONCLUSION

Concludingly thereby, the constitutional principles are the foundations upon which the procedural requirements, the traditional grounds of challenge and therefore the remedies of judicial review are developed. Judicial review has been developed to protect individual rights, including those incorporated by the Human Rights Act 1998, protecting individuals against any arbitrary action and any potential act of tyranny that may be created by the abuse of executive power. Though it's an indisputable fact that power to review is extremely important, at the identical time absolute power to review can't be granted and by observing review as an element of basic feature of the Constitution, courts in India have given altogether a special intending to the speculation of Checks and Balances. This also implies that it's buried the concept of separation of powers, where the judiciary will give itself an unfettered jurisdiction to review anything and everything that's done by the legislature.

The scope of review is wider in India as compared to US and UK. The Constitution of USA is concise and therefore the words and expression used therein are vague and general in nature. it's the foremost rigid Constitution within the world. Whereas Indian Constitution is rigid as well as flexible in nature because it has detailed provisions and it's the bulkiest Constitution within the World. The words and expressions utilized in the Indian Constitution are specific and exact. Whereas in UK, there is no written Constitution and hence, the scope of judicial review is extremely limited in nature.

[28] (1877) 3 ILR 63 (Cal).
[29] (1913) 40 ILR 391 (Cal).
[30] (1918) AIR 1210 (Mad).

There are specific and extensive provisions of judicial review within the Constitution of India like Articles 13, 32, 131-136, 143, 226, 227, 246 and 372. US Constitution also doesn't have any specific provision for judicial review. Articles III, IV and V incorporates judicial power of the Court and constitutional supremacy and all the laws are subject to Constitution, therefore, it's inherent nature. Judicial review in US is that the formulation by court. In UK, there's no express provision of review and it totally depends upon the discretion of the Court.

In India, the power of judicial review may be utilized in three dimensions like review of Constitutional Amendments, Legislative Acts and Administrative Acts. Whereas US Constitution is extremely rigid in nature therefore review of Constitutional amendment in very rarely used. However, Supreme Court of US has power to scrutinize the statute and Administrative Act which is contrary to the Constitution. While in UK there's no scope to test the validity of Legislative acts of Parliament, but secondary legislations are subject to review

Judiciary in India and USA has very wide power to scrutinize and determine the validity of law but in UK courts had very limited power to determine the validity of law before the enactment of ECHR and Human Rights Act. However, within the present scenario the position has been changed. Till 1 October 2011, the UK Supreme Court has decided number of cases and in majority of cases, the court has exercised its review power to declare some statutes incompatible with conventional rights.

UK courts have now widened the scope of review. It is for the judiciary to uphold the Constitutional values and to enforce the Constitutional limitations that is the essence of the Rule of law, which inter alia requires that the exercise of powers by the government. whether it's the legislative or the executive or the other authority be conditioned by the Constitution and the law."[31] It enables the court to take care of the harmony within the State. Individual and collective rights are protected by the Courts, by declaring a law as invalid. the basic feature is to protect the individual rights therefore; there's a requirement of expansion of judicial review. By strengthening the judicial review, the liberty and freedom of people will be strengthened. The concept of review has also been criticized in the political corridors by the strict behaviour of the Courts. It should not be happening in any manner, because Supremacy of law prevails by the interpretation of the Courts. we must always not question the actions of judiciary because Supreme Court acts as a guardian of the law of the land.

Priyanka Sinha. "A Comparative study of significance Of Judicial Review in United Kingdom, United States of America and India." *International Journal of Humanities and Social Science Invention (IJHSSI)*, vol. 10(05), 2021, pp 24-30. Journal DOI- 10.35629/7722

[31] Minerva Mills Ltd. v. Union of India, A.I.R. 1980 S.C. 1789 (India).