

JUDICIAL REVIEW

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Judicial review

- The concept of Judicial review was evolved in America from the case of **Marbury v. Madison 1803**
- The power of Judicial review is the power of the court under which they check the constitutionality of the act passed by the Legislature.
- Power of Judicial review has not been expressly named in the constitution but it is implicit in **ARTICLE 13**

- Being the custodian of constitution and the final interpreter, the Supreme Court has been given the power of judicial review under article 13. This power has not only provided to Supreme court under **article 32** but also to high courts under **article 226**
- With this power the Supreme Court and the high court can declare any act passed by the legislature as unconstitutional which is incompatible with the fundamental right.

- In the case of **Keshavnandan Bharati vs State of Kerala 1973** justice Khanna said that the power of Judicial review is not limited to only deciding Whether the legislative bodies have worked within the boundaries of certain legislative list in making the required law but it is necessary whether the laws have been made in accordance with the articles of the constitution and they do not violate any other provision of the constitution.

- **Minerva Mills v. Union of India AIR 1980**
- In this case, further Judicial Review was added to the list of Basic Structure of the constitution along with the balance between Fundamental Rights and Directive Principles.

- **L. Chandra Kumar vs. Union of India 1997**
- The supreme court held that the power of Judicial review given to the supreme court and high court under A-32 and A-226 is a part of the basic structure of constitution and it cannot be terminated by statutory amendment under Article 368

- **I.R. Coelho V. State of Tamil Nadu AIR 2007**
- In this case the court held that any act inserted in Schedule 9 can be judicially scrutinized but only those enactments which are inserted after 24th April 1973.