Polity & Governance · GS - II

The judicial systems in India and UK seem to be converging as well as diverging in recent times. Highlight the key points of convergence and divergence between the two nations in terms of their judicial practices.

EXAM YEAR	PAPER	SUBJECT
2020	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Common-law tradition; judicial review; constitutional supremacy; parliamentary sovereignty; written and unwritten constitutional arrangements; precedent; judicial appointments; human rights; separation of powers

Model Answer

Introduction

India and the United Kingdom share a common-law heritage and rely heavily on judicial precedent. However, their constitutional structures produce important differences in judicial powers and practices.

Points of convergence

- **Common-law tradition:** Both systems recognise precedent and the gradual development of legal principles through judicial decisions.
- **Judicial independence:** Courts are expected to decide disputes independently of political pressure.

- **Human rights protection:** Both systems provide judicial remedies for rights violations, although their constitutional frameworks differ.
- **Judicial review:** Courts examine the legality of executive action and administrative decisions.
- **Reasoned judgments:** Both systems rely on reasoned decisions and appellate review to promote consistency.

Points of divergence

- **Constitutional framework:** India has a written Constitution that is supreme. The UK operates under an uncodified constitutional framework with parliamentary sovereignty as a central principle.
- **Judicial review of legislation:** Indian courts can invalidate laws that violate the Constitution. UK courts generally cannot invalidate an Act of the UK Parliament merely because it is unconstitutional.
- **Constitutional remedies:** India has explicit constitutional remedies under Articles 32 and 226. In the UK, remedies arise through statutory and common-law mechanisms.
- **Parliamentary sovereignty:** UK courts generally respect Parliament's legislative supremacy, whereas Indian courts enforce constitutional limits on legislative power.

Conclusion

India and the UK share judicial traditions but differ significantly in constitutional supremacy and the judicial review of legislation. Their systems continue to evolve through institutional reforms, rights jurisprudence and administrative accountability.

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