

# Sovereignty of Parliament

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## About

- The Doctrine of Sovereignty of Parliament means the Parliament is the supreme power in the State and there are no 'prison' restrictions on its authority and jurisdiction.

## Salient Features of the Parliamentary Sovereignty

- **Supreme Legal Authority**- Parliament holds the highest legal authority in the country's criminal system. It has the power to create, amend, or repeal any law without constraints from other branches of government.
- **Legislative Supremacy**- Parliament's enactments are ultimate and can't be overridden through executive orders, judicial decisions, or other legal authorities. Laws enacted via Parliament take precedence over all other forms of regulation, which includes common law and treaties.
- **Absence of Legal Limits**- Parliament isn't always bound with the aid of any higher regulation, written constitution, or preceding law. It has the authority to amend or repeal any regulation, including constitutional provisions, through the ordinary legislative system.
- **Unlimited Jurisdiction**- Parliament's legislative power extends to all subjects of policy and governance. There are no areas which can be outside the scope of its authority.
- **Judicial Non-Intervention**- The courts cannot query the validity or legality of Acts of Parliament. They need to provide effect to the desire of Parliament as expressed through regulation.

## Status of Parliamentary Sovereignty in India

- The framers of the Indian Constitution have preferred a right synthesis between the British Principle of Parliamentary Sovereignty and the American Principle of Judicial Supremacy.
- Thus, the Indian Parliament isn't a sovereign body in the sense wherein the British Parliament is a sovereign body.
- Unlike the British Parliament, the authority and jurisdiction of the Indian Parliament are defined, constrained, and restrained with the aid of various factors as defined in the segment that follows.

## Factors Limiting Sovereignty of Indian Parliament

- **Limited Jurisdiction** - The Indian Constitution has defined the authority and jurisdiction of all three organs of the Union Government, which include the Indian Parliament. The Parliament has to operate inside the limits prescribed through the Constitution.
- **Limitations on Legislative Power** - As in keeping with the constitutional distribution of legislative powers, the law-making authority of the Parliament is restricted to the topics enumerated in the Union List and Concurrent List and does no longer extend to the subjects enumerated inside the State List. Accordingly, in normal occasions, it may legislate simplest on subjects mentioned in the Union List and Concurrent List, and not the State List.
- **Limitations on Constituent Power** - The Indian Constitution makes a felony distinction between the legislative authority and the constituent authority of the Parliament. Thus, the Indian Parliament cannot amend the Constitution by using the same procedure as Ordinary Laws. Moreover, to impact positive amendments to the Constitution, the ratification of half of the states is also required.
- **Fundamental Rights** - The authority of the Parliament is also restricted by using the incorporation of a code of justiciable essential rights beneath Part III of the Constitution. Article thirteen prohibits the State from creating a law that either takes away definitely or abrogates in part a essential right.
- **System of Judicial Review** - In India, the Judiciary can review laws made by using the Parliament and claim them null and void if they violate the Constitution.