

**1. "THE SOVEREIGNTY OF INDIAN PARLIAMENT IS SUBJECTIVE NOT REAL".  
COMMENT.**

The doctrine of 'sovereignty of Parliament' is associated with British Parliament, which enjoys unbridled power of law making in Great Britain. It can make, amend, substitute and repeal any law. It is a cardinal feature of British constitutional system. On the other hand, Indian Parliament cannot be regarded as a sovereign body in the similar sense as there are legal restriction on its authority and jurisdiction. Several factors limit the sovereignty of Indian Parliament.

**Written Constitution:** The Constitution of India is the longest written constitution of the world. It defines the authority and jurisdiction of the organs of the government and nature of relationship between them. Parliament has to function within the constitutionally prescribed limit. Parliament can amend the constitution but as per the convention it cannot violate the basic structure of the Constitution. Major amendment requires special majority and ratification by states. This acts as a check and balance on the powers of Parliament.

**Federal Nature of India Polity:** There exists a distribution of power between the Centre and the states in India. Both have to operate within the spheres allotted to them. The Parliament can only make laws on Union List and the Concurrent List and not on the State List except in certain abnormal circumstances for a short period. It inhibits the power and jurisdiction of Parliament.

**System of Judicial Review:** The adoption of an independent judiciary with the power of judicial review also restricts the supremacy of Parliament. Both the Supreme Court and the High Courts can declare the law enacted by the Parliament ultra vires, if they contravene any provision of the Constitution. However, there is no such system of judicial review in Great Britain.

**The provision for Fundamental Rights** and the constitutional sanction behind them restrict the authority of Parliament. Article 13 prohibits the State from making a law that either take away totally or abrogates in par a fundamental right.

In fine, Indian Parliament is not sovereign body in the sense in which British Parliament is a sovereign body. Unlike British Parliament, the authority and jurisdiction of Indian Parliament are defined, limited and restrained.