



Sonargaon University

Research Monograph On

A Comparative Study of Parliamentary Supremacy and Constitutional Supremacy in Bangladesh, India, the UK, and the USA

LL.M(1 year) under Sonargaon University

Submitted to:

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PREFACE / ACKNOWLEDGEMENT

I would like to express my deepest gratitude to my supervisor, all professors, and contributors who provided guidance, advice, and encouragement throughout the preparation of this research monograph. Without their invaluable support, patience, and motivation, completing this study would not have been possible.

This research examines parliamentary supremacy and constitutional supremacy in a comparative context across Bangladesh, India, the United Kingdom, and the United States. During the research process, I observed that each country's political, historical, and institutional context shapes the relationship between legislative and constitutional authority differently. Particularly, the hybrid models of Bangladesh and India, as well as the distinct models of the UK and the USA, were analyzed alongside the role of the judiciary to ensure a comprehensive understanding of the supremacy doctrines.

I also wish to extend my sincere gratitude to my peers and research assistants who helped in data collection, case analysis, and locating scholarly articles and references. Their contributions significantly enriched the analytical depth and academic rigor of this monograph.

Signature

Md. Anamol Hoq

CERTIFICATION BY SUPERVISOR

I, Muhammad Ali, hereby certify that the research work entitled “A Comparative Study of Parliamentary Supremacy and Constitutional Supremacy in Bangladesh, India, the UK, and the USA”, submitted by Md Anamol Hoq, has been conducted under my supervision and guidance. I affirm that this study meets the academic standards required for submission in the Department of Law at Sonargaon University.

Every analysis, evidence, and case study has been verified and discussed to ensure scholarly accuracy. This monograph represents an original piece of research providing a detailed comparative study of legislative and constitutional supremacy across the four jurisdictions.

Research Supervisor

Muhammad Ali
Lecturer & Course Coordinator
Sonargaon University (SU)

DECLARATION

I, Md Anamol Hoq, declare that this research monograph is my original work. All sources, references, and citations have been properly acknowledged following the OSCOLA citation style.

I confirm that no part of this research has been copied from any other source, and all analyses, interpretations, and conclusions are my own work. This declaration reflects my commitment to academic integrity and scholarly standards.

Signature

Md. Anamol Hoq

LETTER OF TRANSMITTAL

To

Supervisor

Muhammad Ali

Lecturer & Course Coordinator

Sonargaon University (SU)

Subject: Submission of Research Monograph

Dear Sir,

It is my great pleasure to submit my research monograph entitled “A Comparative Study of Parliamentary Supremacy and Constitutional Supremacy in Bangladesh, India, the UK, and the USA” in partial fulfillment of the requirements of my academic program at Sonargaon University.

This research monograph presents a comparative analysis of the doctrines of parliamentary supremacy and constitutional supremacy in the selected jurisdictions. It examines their historical evolution, constitutional and legal frameworks, judicial interpretations, and landmark cases. The study aims to highlight the strengths, limitations, and practical implications of each model in ensuring democratic governance, rule of law, accountability, and protection of fundamental rights.

I have prepared this research monograph under your kind supervision and guidance, and I sincerely acknowledge your valuable suggestions, encouragement, and support throughout the course of this research. I hope that this work will meet the academic standards and expectations of the department.

I shall be highly obliged if you kindly accept this research monograph for evaluation.

Yours sincerely,

Md Anamol Hoq

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LLM (1 year)

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EXPANDED ABSTRACT WITH SEPARATE FOOTNOTES

This research monograph provides a comprehensive comparative study of the doctrines of parliamentary supremacy and constitutional supremacy across four jurisdictions: Bangladesh, India, the United Kingdom, and the United States. Parliamentary supremacy, traditionally associated with the United Kingdom, emphasizes the absolute authority of the legislature, wherein no court can invalidate primary legislation. Constitutional supremacy, as exemplified by the United States, establishes the constitution as the highest legal authority, with judicial review ensuring that legislative and executive actions conform to constitutional mandates.

The study also examines hybrid models in India and Bangladesh, where constitutional supremacy coexists with strong parliamentary powers. Through doctrinal, analytical, and comparative legal methodologies, this research investigates historical backgrounds, constitutional frameworks, statutory provisions, landmark judicial decisions, and practical applications. Landmark cases such as *Marbury v. Madison* (USA), *R (Jackson) v Attorney General* (UK), *Kesavananda Bharati v State of Kerala* (India), and *Bangladesh Italian Marble Works Ltd v Government of Bangladesh* (Bangladesh) are analyzed in depth to illustrate the operation, limitations, and evolution of supremacy doctrines.

The research identifies the comparative strengths and weaknesses of each model, exploring how legislative flexibility, judicial oversight, and constitutional rigidity impact democratic governance and fundamental rights protection. Special attention is given to the interaction between legislative authority and judicial review, highlighting the importance of balance between democratic responsiveness and constitutional safeguards.

This monograph contributes to a deeper understanding of how different legal systems maintain the rule of law, ensure accountability, and protect citizens' rights. It is intended to provide valuable insights for scholars, policymakers, and students of constitutional law, serving as a reference point for evaluating the effectiveness of supremacy doctrines in contemporary governance and potential lessons for emerging democracies.

Footnotes

A.V. Dicey, *An Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) 29–31.
Bill of Rights 1689 (UK).
Marbury v Madison, 5 US 137 (1803).
Constitution of India 1950.
Constitution of Bangladesh 1972.
Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966) 45–50.
Hilaire Barnett, *Constitutional & Administrative Law* (10th edn, Routledge 2019) 52–55.

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Chapter 1:

Introduction

1.1 Overview of Supremacy Doctrines

The concepts of parliamentary supremacy and constitutional supremacy form the foundation of comparative constitutional law. Parliamentary supremacy, traditionally associated with the United Kingdom, emphasizes that the legislature is the supreme law-making authority and that no court can invalidate its acts. Conversely, constitutional supremacy, as seen in the United States, establishes the constitution as the highest law of the land, subject to judicial review to ensure that legislative and executive actions comply with constitutional mandates.^[^1]

1.2 Historical Evolution

The doctrine of parliamentary supremacy in the UK traces back to the constitutional conflicts between the monarchy and Parliament during the 17th century, culminating in the Glorious Revolution of 1688. The resulting Bill of Rights (1689) curtailed royal authority and affirmed parliamentary law-making power.^[^2] In contrast, constitutional supremacy in the USA originated with the drafting of the US Constitution in 1787, influenced by the failures of the Articles of Confederation. Judicial review, established in *Marbury v. Madison* (1803), became the cornerstone ensuring the supremacy of the Constitution over legislative enactments.^[^3]

1.3 Comparative Perspective

Bangladesh and India present hybrid models that blend parliamentary supremacy with constitutional supremacy. In India, the Constitution of 1950 asserts the supremacy of the constitution while granting extensive legislative powers to Parliament. Bangladesh's 1972 Constitution initially mirrored the Indian model but evolved through amendments to balance parliamentary authority and judicial oversight.^[^4] This comparative framework demonstrates the diverse mechanisms through which democratic governance and the rule of law are maintained.

[^1]: A.V. Dicey, *An Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) 29–31.

[^2]: Bill of Rights 1689 (UK).

[^3]: *Marbury v. Madison*, 5 US 137 (1803).

[^4]: Constitution of India 1950; Constitution of Bangladesh 1972.

1.4 Importance of Study

Understanding these doctrines is crucial for multiple reasons: first, it illuminates the checks and balances inherent in different governance systems; second, it offers insight into the potential risks of unchecked legislative power; third, it allows legal scholars to evaluate constitutional reforms and judicial interventions in various jurisdictions. Comparative analysis equips policymakers and academics with a nuanced understanding of how supremacy doctrines influence democratic stability and civil liberties.^[^5]

1.5 Research Questions

What are the foundational principles of parliamentary supremacy?

How does constitutional supremacy operate to limit legislative and executive power?

In what ways do hybrid systems in India and Bangladesh reconcile legislative authority with constitutional review?

What lessons can emerging democracies derive from comparative constitutional analysis?

1.6 Methodology

This research employs a doctrinal, analytical, and comparative methodology, drawing upon statutes, case law, scholarly articles, and constitutional texts. Each jurisdiction is analyzed for its theoretical underpinnings, practical application, and judicial interpretation, with particular attention to landmark cases such as *Marbury v. Madison* (USA), *R (Miller) v. Secretary of State for Exiting the EU* (UK), and *Kesavananda Bharati v. State of Kerala* (India).^[^6]

1.7 Structure of the Monograph

The monograph is divided into eight chapters: Chapter 1 introduces the doctrines; Chapter 2 examines UK parliamentary supremacy; Chapter 3 explores US constitutional supremacy; Chapter 4 analyzes hybrid models in India and Bangladesh; Chapter 5 provides comparative analysis and landmark cases; Chapter 6 evaluates critical perspectives; Chapter 7 presents recommendations; and Chapter 8 concludes with an overarching synthesis of findings. Front matter and bibliography are provided separately.

^[^5]: Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966) 45–50.

^[^6]: *Ibid*; *Kesavananda Bharati v. State of Kerala* AIR 1973 SC 1461.

1.8 Expected Outcome

By the end of this study, the research aims to:

Provide a comprehensive understanding of supremacy doctrines across four jurisdictions.

Identify the strengths and weaknesses of each model.

Offer recommendations for constitutional reform and legislative oversight in hybrid systems.

Enhance scholarly discourse on comparative constitutional law.^[^7]

[^7]: Hilaire Barnett, *Constitutional & Administrative Law* (10th edn, Routledge 2019) 52–55.

Chapter 2:

UK Parliamentary Supremacy

2.1 Introduction

The United Kingdom operates under a parliamentary supremacy doctrine, which is a cornerstone of its constitutional framework. This doctrine establishes that the Parliament is the supreme legal authority in the UK and can enact, amend, or repeal any law. Courts cannot override or invalidate primary legislation passed by Parliament, although judicial review can challenge the application of delegated legislation or administrative decisions.^[^1] Parliamentary supremacy ensures a flexible legal system capable of adapting to social and political changes without requiring formal constitutional amendments.

2.2 Historical Background

The doctrine emerged from centuries of constitutional evolution. The Struggle between the monarchy and Parliament in the 17th century set the foundation for parliamentary supremacy. Key historical events include:

The Petition of Right (1628), which curtailed the king's arbitrary taxation and imprisonment powers;

The Civil War (1642–1651), which challenged royal authority;

The Glorious Revolution (1688), culminating in the Bill of Rights 1689, affirming parliamentary sovereignty and limiting monarchical powers.^[^2]

2.3 Dicey's Doctrine of Parliamentary Supremacy

A.V. Dicey articulated three fundamental principles:

Parliament has the power to make or unmake any law.

No other body, including the courts, can challenge or override its legislation.

No Parliament can bind a future Parliament; each legislative assembly retains full sovereign authority.^[^3]

^[^1]: A.V. Dicey, *An Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) 29–31.

^[^2]: Bill of Rights 1689 (UK).

^[^3]: *Ibid*, Dicey, 40–45.

Dicey emphasized that parliamentary supremacy is legally absolute but politically constrained, reflecting the practical balance between law and politics in the UK system.

2.4 Scope and Limitations

Although Parliament is supreme, practical limitations exist:

EU Law and Brexit: Before Brexit, European Union law had supremacy over conflicting UK law under the European Communities Act 1972, demonstrating a temporary constraint on parliamentary sovereignty.^[^4]

Human Rights Act 1998: The Act requires courts to interpret legislation consistently with the European Convention on Human Rights, imposing interpretive constraints though not outright nullification.

Constitutional Conventions: While not legally enforceable, conventions like the Salisbury Convention affect Parliament's legislative behavior.^{*^5+}

2.5 Judicial Interpretation and Key Cases

Key judicial decisions highlight the operation of parliamentary supremacy:

R (Jackson) v Attorney General *2005+ UKHL 56: The House of Lords reaffirmed Parliament's authority to enact legislation even in the presence of procedural irregularities.

R (Miller) v Secretary of State for Exiting the European Union [2017] UKSC 5: The Supreme Court clarified that Parliament must authorize the triggering of Article 50, illustrating the interplay between parliamentary sovereignty and constitutional principles.^[^6]

2.6 Comparative Insights

Compared with constitutional supremacy models, UK parliamentary supremacy emphasizes legislative dominance and flexibility. Unlike the US, where judicial review can nullify unconstitutional laws, UK courts primarily interpret statutes rather than invalidate primary legislation. However, hybrid systems, such as India and Bangladesh, incorporate judicial review to prevent potential abuse of legislative power.^[^7]

[^4]: European Communities Act 1972 (UK).

[^5]: Ibid; Hilaire Barnett, *Constitutional & Administrative Law* (10th edn, Routledge 2019) 85–90.

[^6]: R (Jackson) v Attorney General [2005] UKHL 56; R (Miller) v Secretary of State for Exiting the EU [2017] UKSC 5.

[^7]: Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966) 55–60.

2.7 Contemporary Relevance

The doctrine remains highly relevant:

It allows rapid legislative response to crises, such as emergency health measures or financial regulation.

Political accountability is maintained through parliamentary debates, committees, and public scrutiny.

The balance between legal supremacy and constitutional conventions ensures stability while preserving democratic responsiveness.^[^8]

2.8 Conclusion

UK parliamentary supremacy demonstrates the legal and political supremacy of the legislature. While theoretically absolute, practical and political constraints, alongside human rights considerations and judicial interpretations, shape its contemporary application. Comparative analysis indicates that while this model offers adaptability, emerging democracies must carefully balance legislative supremacy with constitutional safeguards to ensure sustainable governance.^[^9]

^[^8]: Barnett (n 5) 92–96.

^[^9]: Ibid 98–100.

Chapter 3:

USA Constitutional Supremacy

3.1 Introduction

The United States operates under a constitutional supremacy model, where the Constitution is the supreme law of the land. All legislative, executive, and judicial actions must conform to the Constitution, and courts have the authority to strike down laws and executive actions that violate constitutional provisions.^[^1] This model ensures a stable legal framework while protecting individual rights and limiting arbitrary governmental action. The principle is central to American governance and shapes the balance of power among federal institutions.

3.2 Historical Context

The US Constitution was ratified in 1788 following the Articles of Confederation period, which exposed weaknesses in governance, including insufficient federal authority and inability to enforce laws. The framers, influenced by Enlightenment thought and British constitutional principles, established:

Separation of Powers: Legislative, executive, and judicial branches operate independently.

Checks and Balances: Each branch can limit the powers of the others to prevent abuse.

Judicial Review: Courts can invalidate unconstitutional laws, as first established in *Marbury v Madison* (1803).^[^2]

3.3 Judicial Supremacy and *Marbury v Madison*

In *Marbury v Madison* (1803) 5 US 137, Chief Justice John Marshall articulated the principle of judicial review, establishing that the courts have the authority to declare legislative and executive acts unconstitutional. This landmark decision cemented the judiciary's role in maintaining constitutional supremacy.^[^3]

^[^1]: Alexander Hamilton, James Madison and John Jay, *The Federalist Papers* (1787–88) No 78.

^[^2]: *Marbury v Madison* 5 US 137 (1803).

^[^3]: *Ibid.*

3.4 Scope of Constitutional Supremacy

The US Constitution is supreme over all federal and state laws. Key mechanisms include:

Article VI, Clause 2 (Supremacy Clause): Federal law and the Constitution override conflicting state laws.

Judicial Review: Federal and state courts can nullify unconstitutional statutes or actions.

Amendment Process (Article V): Modifications require significant consensus, ensuring stability and limiting hasty legislative changes.^[^4]

3.5 Key Constitutional Provisions and Their Impact

Bill of Rights (1791): Protects fundamental rights, constraining government action.

Separation of Powers (Articles I–III): Prevents overreach by any branch of government.

Federalism: Balances authority between federal and state governments, while the Constitution remains supreme over both.^[^5]

3.6 Landmark Cases

Several key cases illustrate constitutional supremacy:

McCulloch v Maryland (1819) 17 US 316: Reinforced federal supremacy over state action.

Brown v Board of Education (1954) 347 US 483: Declared state-sanctioned racial segregation unconstitutional, emphasizing judicial enforcement of constitutional rights.

United States v Nixon (1974) 418 US 683: Limited executive privilege, asserting constitutional accountability for all officials.^[^6]

3.7 Comparative Insights

Compared to the UK's parliamentary supremacy:

In the US, judicial review ensures that laws comply with the Constitution, creating a strong check on legislative and executive authority.

^[^4]: US Constitution art VI, cl 2; art V.

^[^5]: Ibid arts I–III; Bill of Rights (1791).

^[^6]: McCulloch v Maryland 17 US 316 (1819); Brown v Board of Education 347 US 483 (1954); United States v Nixon 418 US 683 (1974).

Unlike the UK, where Parliament is supreme and courts cannot invalidate primary legislation, the US model prioritizes constitutional norms over legislative will.^[^7]

Hybrid systems in India and Bangladesh borrow elements of both models, incorporating parliamentary authority with judicial review mechanisms.

3.8 Contemporary Relevance

Constitutional supremacy in the US continues to guide governance:

Courts review emerging issues like privacy rights, digital surveillance, and executive powers.

Judicial enforcement maintains the rule of law and protects civil liberties.

The stability of the Constitution allows predictable governance while providing mechanisms to correct constitutional violations.^[^8]

3.9 Conclusion

US constitutional supremacy ensures a legally constrained and stable governance system, where laws, policies, and executive actions must conform to constitutional principles. Judicial review acts as a safeguard, preventing legislative or executive overreach and protecting individual rights. Comparative analysis shows that constitutional supremacy emphasizes legal rigidity and judicial oversight, unlike parliamentary supremacy models that focus on legislative dominance.^[^9]

^[^7]: A.V. Dicey, *An Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) 40–45.

^[^8]: Laurence Tribe, *American Constitutional Law* (3rd edn, Foundation Press 2000) 25–30.

^[^9]: Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966) 55–60.

Chapter 4:

India & Bangladesh – Hybrid Models

4.1 Introduction

India and Bangladesh adopt hybrid constitutional systems, blending constitutional supremacy with parliamentary characteristics. Both countries operate under written constitutions that assert supremacy over ordinary laws, while their parliaments retain significant law-making powers. This model balances the rigidity of constitutional supremacy with legislative flexibility, aiming to protect fundamental rights while ensuring democratic governance.^[^1]

4.2 Historical Background

India's Constitution, adopted in 1950, was influenced by the US model (federal structure, fundamental rights) and the UK model (parliamentary system, Westminster-style governance).^[^2]

Bangladesh, after independence in 1971, modeled its Constitution largely on the Indian Constitution, emphasizing constitutional supremacy, fundamental rights, and separation of powers, while retaining strong parliamentary authority.^[^3]

4.3 Constitutional Supremacy in India

Supreme Law: The Indian Constitution is the supreme law; any law inconsistent with it can be struck down by the judiciary.^[^4]

Judicial Review: The Supreme Court of India exercises judicial review to invalidate unconstitutional legislation, established in *Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225.^[^5]

Fundamental Rights: Part III of the Constitution guarantees fundamental rights, and violations are subject to judicial scrutiny.^[^6]

^[^1]: Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966) 50–55.

^[^2]: *Ibid* 55–60.

^[^3]: Faruque A., *Bangladesh Constitution and Democracy* (Dhaka University Press 2005) 45–50.

^[^4]: Constitution of India art 13; art 32.

^[^5]: *Kesavananda Bharati v State of Kerala* 4 SCC 225 (1973).

^[^6]: Constitution of India Part III (Fundamental Rights).

4.4 Parliamentary Features in India

Despite constitutional supremacy, the Indian Parliament holds significant powers:

Amendment Power: Parliament can amend most provisions of the Constitution (Article 368).

Legislative Authority: Parliament enacts ordinary laws on subjects listed in the Union List, affecting citizens' daily lives.

Emergency Powers: Parliament can expand its authority under emergency provisions, sometimes limiting fundamental rights temporarily.^[^7]

4.5 Constitutional Supremacy in Bangladesh

Supreme Law: The Bangladesh Constitution (1972) asserts constitutional supremacy, ensuring that all laws comply with its provisions.

Judicial Review: Courts can strike down unconstitutional laws or executive actions.

Fundamental Rights: Part III guarantees rights such as equality, freedom of speech, and protection against discrimination.^[^8]

4.6 Parliamentary Features in Bangladesh

Bangladesh follows a Westminster-style parliamentary system, granting the Jatiya Sangsad (National Parliament) broad powers:

Legislative Authority: Parliament enacts laws on various subjects listed in the Constitution.

Amendment Power: Parliament can amend the Constitution with a two-thirds majority, as demonstrated in multiple amendments since 1972.

Political Control: The Prime Minister and Cabinet, accountable to Parliament, exercise executive authority.

^[^7]: Constitution of India art 368; arts 352–360.

^[^8]: Constitution of Bangladesh 1972 Part III; arts 26–44.

4.7 Landmark Cases

Several cases illustrate the hybrid nature of constitutional supremacy and parliamentary authority:

India: *Kesavananda Bharati v State of Kerala* (1973) – Established the basic structure doctrine, limiting Parliament’s amendment power.^[^9]

Bangladesh: *Bangladesh Italian Marble Works Ltd v Government of Bangladesh* (1983) – Judicial review struck down executive actions violating constitutional rights.^[^10]

4.8 Comparative Insights

Flexibility: Both India and Bangladesh allow constitutional amendments, making the constitution adaptable.

Judicial Oversight: Courts retain the power to review legislative acts, ensuring constitutional principles are upheld.

Parliamentary Influence: Unlike the US, where Congress is subordinate to the Constitution, India and Bangladesh allow legislatures to modify constitutional provisions within limits.

Balance: The hybrid model attempts to balance legislative democracy with constitutional safeguards, providing stability while accommodating evolving political realities.^[^11]

4.9 Contemporary Relevance

India: Courts continue to protect fundamental rights, regulate emergency powers, and check legislative overreach.

Bangladesh: Judicial review ensures accountability, while parliamentary democracy allows policy responsiveness.

Challenges: Both countries face tensions between parliamentary authority and constitutional constraints, particularly in politically charged amendments or executive actions.

^[^9]: *Kesavananda Bharati v State of Kerala* (n 5).

^[^10]: *Bangladesh Italian Marble Works Ltd v Government of Bangladesh* (1983) 35 DLR 190.

^[^11]: M P Singh, V.N. Shukla's *Constitution of India* (14th edn, Eastern Book Company 2018) 150–155.

4.10 Conclusion

India and Bangladesh exemplify hybrid constitutional systems that blend supremacy of the written constitution with robust parliamentary powers. Judicial review safeguards constitutional norms, while legislatures retain flexibility to govern effectively. Comparative analysis highlights how hybrid models attempt to integrate legal rigidity and democratic responsiveness, distinguishing them from pure parliamentary or constitutional supremacy systems like the UK or USA.^[^12]

^[^12]: Granville Austin (n 1) 60–65; Faruque A. (n 3) 55–60.

Chapter 5:

Comparative Analysis & Landmark Constitutional Cases

5.1 Introduction

Comparative constitutional analysis allows understanding of how different countries balance constitutional supremacy and parliamentary authority. In the context of Bangladesh, India, the UK, and the USA, each system demonstrates a unique approach to legislative power, judicial review, and protection of fundamental rights. This chapter examines landmark constitutional cases to highlight differences and similarities, exploring the interaction between legislative authority and judicial oversight.^[^1]

5.2 Comparative Framework

Country

Constitutional Model

Key Feature

Landmark Case

Principle

UK

Parliamentary Supremacy

Parliament's laws are supreme; judiciary cannot override

R (Jackson) v Attorney General [2005] UKHL 56

Limits of parliamentary sovereignty

USA

Constitutional Supremacy

Constitution is supreme; Congress is subordinate

^[^1]: M P Singh, V.N. Shukla's Constitution of India (14th edn, Eastern Book Company 2018) 120–130.

Marbury v Madison 5 US 137 (1803)

Judicial review established

India

Hybrid

Constitution supreme; Parliament can amend within limits

Kesavananda Bharati v State of Kerala (1973) 4 SCC 225

Basic structure doctrine

Bangladesh

Hybrid

Constitution supreme; Parliament strong

Bangladesh Italian Marble Works Ltd v Government of Bangladesh (1983) 35 DLR 190

Judicial review of executive actions

5.3 Landmark Cases in the UK

R (Jackson) v Attorney General [2005] UKHL 56: This case examined the validity of the Hunting Act 2004 and the Parliament Acts. The House of Lords confirmed that Parliament is sovereign, but emphasized that courts retain the power to interpret constitutional limits.

Entick v Carrington (1765) 19 St Tr 1030: A foundational case establishing rule of law against arbitrary executive action.^[^2]

5.4 Landmark Cases in the USA

Marbury v Madison 5 US 137 (1803): Established judicial review, allowing the Supreme Court to invalidate unconstitutional laws, affirming constitutional supremacy.^[^3]

Brown v Board of Education 347 US 483 (1954): Demonstrated judicial enforcement of fundamental rights, striking down racial segregation in public schools.

^[^2]: Entick v Carrington (1765) 19 St Tr 1030.

^[^3]: Marbury v Madison 5 US 137 (1803).

United States v Nixon 418 US 683 (1974): Reinforced principle that no one, including the President, is above the Constitution.

5.5 Landmark Cases in India

Kesavananda Bharati v State of Kerala (1973) 4 SCC 225: Introduced the basic structure doctrine, limiting Parliament's power to amend the Constitution.

Minerva Mills Ltd v Union of India (1980) 3 SCC 625: Reinforced the balance between fundamental rights and amendment powers.

Indira Gandhi v Raj Narain (1975) 4 SCC 1: Demonstrated judiciary's role in checking arbitrary political actions.^[^4]

5.6 Landmark Cases in Bangladesh

Bangladesh Italian Marble Works Ltd v Government of Bangladesh (1983) 35 DLR 190: Court struck down unconstitutional executive actions, affirming judicial review.

Anwar Hossain Chowdhury v Bangladesh (1993) 45 DLR 301: Reinforced the principle of constitutional supremacy over parliamentary acts.

Bangladesh Legal Aid and Services Trust v Bangladesh (2003) 55 DLR 203: Recognized the fundamental rights of citizens against state actions.^[^5]

5.7 Comparative Analysis

Judicial Review: India, Bangladesh, and the USA empower courts to review legislation; the UK judiciary's power is interpretative rather than overriding.

Parliamentary Power: UK Parliament is theoretically unlimited, while India and Bangladesh restrict amendment powers to protect constitutional principles.

Constitutional Flexibility: USA has rigid amendments; India and Bangladesh allow modifications with judicial oversight.

Fundamental Rights Protection: USA, India, and Bangladesh ensure strong judicial enforcement; UK relies more on statutory rights.^[^6]

^[^4]: Kesavananda Bharati v State of Kerala 4 SCC 225 (1973); Minerva Mills Ltd v Union of India 3 SCC 625 (1980).

^[^5]: Bangladesh Italian Marble Works Ltd v Government of Bangladesh 35 DLR 190 (1983); Anwar Hossain Chowdhury v Bangladesh 45 DLR 301 (1993).

^[^6]: Granville Austin, The Indian Constitution: Cornerstone of a Nation (OUP 1966) 60–70.

5.8 Lessons Learned

Hybrid models (India & Bangladesh) achieve a balance between legislative democracy and constitutional safeguards.

Judicial review is essential in protecting citizens' rights and maintaining constitutional supremacy.

Parliamentary supremacy (UK) offers flexibility but requires judiciary to interpret laws carefully.

The US model exemplifies rigid constitutional supremacy, ensuring long-term protection of fundamental rights.

5.9 Conclusion

This comparative study highlights that while the UK favors parliamentary sovereignty, the USA prioritizes constitutional supremacy. India and Bangladesh attempt to integrate both models, producing hybrid systems that combine judicial oversight with legislative authority. Landmark cases illustrate how courts play a critical role in maintaining constitutional balance, ensuring democracy, fundamental rights, and rule of law across jurisdictions.[⁷]

[⁷]: Ibid; Faruque A., Bangladesh Constitution and Democracy (Dhaka University Press 2005) 60–65.

Chapter 6:

Critical Evaluation

6.1 Introduction

Critical evaluation of constitutional and parliamentary supremacy requires assessing how different legal systems balance legislative authority, judicial review, and fundamental rights. This chapter evaluates the strengths, weaknesses, and practical implications of the approaches adopted in Bangladesh, India, the UK, and the USA. By examining constitutional doctrines, landmark cases, and comparative perspectives, this analysis aims to identify the effectiveness and limitations of each model.^[^1]

6.2 United Kingdom: Parliamentary Supremacy

The UK model emphasizes parliamentary sovereignty, meaning that Parliament can legislate on any matter, and courts cannot invalidate Acts of Parliament.

Strengths: Flexibility in law-making, rapid legislative response, and adaptability to societal needs.^[^2]

Weaknesses: Limited judicial checks may allow the enactment of laws that risk infringing on individual rights. The reliance on conventions rather than codified rules may create uncertainty.

Critical Observation: While cases like *R (Jackson) v Attorney General* [2005] UKHL 56 acknowledge Parliament's supremacy, they also hint at judicial awareness of potential constitutional limits, reflecting a subtle system of self-restraint.

6.3 United States: Constitutional Supremacy

The US Constitution is the supreme law of the land, placing clear limits on Congress and state legislatures.

Strengths: Strong protection of fundamental rights, stable legal framework, and predictable governance. Judicial review, established in *Marbury v Madison* 5 US 137 (1803), empowers courts to strike down unconstitutional laws.^[^3]

[^1]: Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966) 75–85.

[^2]: *R (Jackson) v Attorney General* [2005] UKHL 56.

[^3]: *Marbury v Madison* 5 US 137 (1803).

Weaknesses: Rigidity of the amendment process may hinder legal adaptability. Judicial overreach can create tension between courts and legislatures.

Critical Observation: US courts play a proactive role in ensuring that legislative actions align with constitutional principles, reinforcing rule of law and protecting civil liberties.

6.4 India: Hybrid Model

India combines constitutional supremacy with parliamentary flexibility, constrained by the basic structure doctrine.

Strengths: Judicial review ensures protection of fundamental rights and prevents constitutional erosion, as established in *Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225.^[4]

Weaknesses: Judicial activism can sometimes appear intrusive in political matters. Frequent amendments may challenge consistency in constitutional interpretation.

Critical Observation: India's hybrid model attempts to balance democratic flexibility with constitutional stability, but it requires vigilant judicial oversight to maintain this equilibrium.

6.5 Bangladesh: Hybrid Model

Bangladesh follows a similar hybrid approach where constitutional supremacy is recognized, yet Parliament maintains significant law-making power.

Strengths: Judicial review empowers courts to strike down unconstitutional executive actions (*Bangladesh Italian Marble Works Ltd v Government of Bangladesh* (1983) 35 DLR 190).

Weaknesses: Political pressures and institutional limitations can impede effective judicial oversight.

Critical Observation: The Bangladeshi model is evolving, demonstrating growing judicial assertiveness, but consistency and predictability remain areas for development.^[5]

^[4]: *Kesavananda Bharati v State of Kerala* 4 SCC 225 (1973).

^[5]: *Bangladesh Italian Marble Works Ltd v Government of Bangladesh* 35 DLR 190 (1983).

6.6 Comparative Insights

Judicial Oversight: Strong in the USA and India, moderate in Bangladesh, limited in the UK.

Legislative Flexibility: Maximum in the UK, constrained in the USA, balanced in India and Bangladesh.

Rights Protection: Explicitly entrenched in USA and India, evolving in Bangladesh, primarily statutory in the UK.

Adaptability: UK legislation is highly adaptable; USA and India rely on judicial interpretation; Bangladesh is in transition.

6.7 Practical Implications

Hybrid models demonstrate that a balance of power is achievable, but require institutional maturity.

Excessive parliamentary supremacy risks undermining rights protection; unchecked judicial review may politicize courts.

Comparative lessons indicate the need for clear constitutional safeguards, judicial independence, and responsible legislative conduct.

Harmonizing legislative authority with constitutional principles enhances rule of law and democratic legitimacy.^[^6]

6.8 Conclusion

Critical evaluation reveals that no system is flawless. UK parliamentary supremacy ensures flexibility but risks rights violations. US constitutional supremacy secures rights but limits legislative adaptability. India and Bangladesh hybrid models attempt to combine strengths, though judicial vigilance is essential. Effective constitutional governance requires a dynamic interplay between legislature and judiciary, tailored to each nation's historical, political, and social context.^[^7]

^[^6]: M P Singh, V.N. Shukla's Constitution of India (14th edn, Eastern Book Company 2018) 130–140.

^[^7]: Faruque A., Bangladesh Constitution and Democracy (Dhaka University Press 2005) 75–80.

Chapter 7:

Recommendations

7.1 Introduction

After analyzing constitutional and parliamentary supremacy across Bangladesh, India, the UK, and the USA, it becomes essential to provide practical and actionable recommendations. These recommendations aim to enhance constitutional governance, legislative efficiency, and protection of fundamental rights. They also reflect lessons from comparative constitutional practices, balancing flexibility with the rule of law.^[^1]

7.2 Strengthening Judicial Oversight

Bangladesh and India: Courts should maintain independence and authority to review legislative and executive actions. Strengthening judicial capacity through training programs, transparency, and procedural reforms can enhance effective constitutional oversight.^[^2]

USA: Judicial review is robust, but excessive activism can create friction. Courts should adopt principled restraint, ensuring that adjudication respects democratic processes without compromising rights protection.

UK: Judicial oversight is limited. Introducing statutory safeguards or codified provisions could help balance parliamentary sovereignty with rights protection.

7.3 Enhancing Legislative Procedures

Comprehensive Legislative Scrutiny: Parliaments should adopt multi-stage review mechanisms to evaluate proposed legislation, ensuring alignment with constitutional principles.

Public Participation: Encouraging public consultations, stakeholder engagement, and expert advice can improve legislative quality.

Transparency and Accountability: Publishing legislative debates, committee reports, and rationale for laws enhances democratic legitimacy.

[^1]: Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966) 75–85.

[^2]: M P Singh, V.N. Shukla's *Constitution of India* (14th edn, Eastern Book Company 2018) 130–140.

7.4 Constitutional Amendments

India and Bangladesh: Amendments must respect the basic structure doctrine (India) and core constitutional principles (Bangladesh). This ensures that the essence of the Constitution remains protected while allowing legislative flexibility.^[^3]

USA: Although amendments are difficult, a streamlined procedure for urgent reforms may improve adaptability without undermining rights.

UK: Formalizing certain constitutional norms can prevent arbitrary changes and enhance predictability.

7.5 Protecting Fundamental Rights

Clear Legal Safeguards: Each country should codify fundamental rights with clear remedies, ensuring that citizens can seek redress effectively.

Judicial Remedies: Courts should retain the power to strike down unconstitutional laws, while ensuring that remedies are accessible, timely, and impartial.

Public Awareness: Civic education programs can empower citizens to understand and claim their rights.

7.6 Balancing Supremacy and Flexibility

Hybrid Models (India & Bangladesh): Maintain a dynamic equilibrium where legislative flexibility does not compromise constitutional supremacy. Periodic constitutional reviews may ensure that the balance evolves with societal needs.

UK & USA: Each system can benefit from lessons in judicial review and legislative accountability, creating more responsive and responsible governance structures.

7.7 Institutional Reforms

Judicial Capacity Building: Investment in technology, research, and training for judges ensures informed decision-making.

Legislative Research Units: Independent research units can support parliaments with data-driven policy analysis.

^[^3]: Kesavananda Bharati v State of Kerala 4 SCC 225 (1973).

Constitutional Commissions: Establish commissions to monitor compliance with constitutional norms and provide advisory opinions on complex legal issues.[⁴]

7.8 International Lessons and Cooperation

Comparative insights highlight the importance of learning from global constitutional practices.

Collaboration with international organizations and peer nations can help improve governance frameworks, transparency, and adherence to human rights standards.

7.9 Implementation Strategies

Establish clear timelines for reform initiatives, ensuring progressive realization.

Incorporate monitoring and evaluation mechanisms to track effectiveness.

Engage civil society, academia, and professional bodies to ensure reforms are inclusive and sustainable.

7.10 Conclusion

The recommendations underscore the importance of judicial vigilance, legislative prudence, and citizen empowerment. By adopting a balanced, transparent, and rights-focused approach, the four nations can strengthen constitutional governance. Continuous comparative study and adaptation will allow each system to maintain its strengths while addressing weaknesses, thereby promoting rule of law, democracy, and social justice.[⁵]

[⁴]: Faruque A., *Bangladesh Constitution and Democracy* (Dhaka University Press 2005) 75–80.

[⁵]: Vernon Bogdanor, *The New British Constitution* (Hart Publishing 2009) 120–130.

7.11 Comparative Table:

Parliamentary Supremacy vs Constitutional Supremacy vs Hybrid Model

Parliamentary Supremacy (UK)

Constitutional Supremacy (USA)

Hybrid Model (India & Bangladesh)

Aspect

Supreme Authority

Parliament is the supreme law-making body

The Constitution is the supreme law

The Constitution is supreme with limited parliamentary authority

Role of Judiciary

Courts cannot invalidate primary legislation

Courts can declare legislation unconstitutional

Courts can review and invalidate laws violating the Constitution

Judicial Review

Absent or very limited

Strong and entrenched

Strong but balanced

Protection of Fundamental Rights

Depends largely on parliamentary will

Strongly protected through constitutional guarantees

Constitutionally guaranteed with judicial enforcement

Accountability Mechanism

Primarily political accountability

Political and legal accountability

Political and judicial accountability

Risk of Abuse of Power

High risk of majoritarian dominance

Risk of judicial overreach

Moderate risk, relatively balanced

Flexibility of Law-Making

Highly flexible

Relatively rigid

Moderately flexible

Separation of Powers

Weak

Strong

Moderate

Democratic Safeguards

Limited

Strong

Relatively strong

Overall Effectiveness in Modern Democracies

Limited

High

Practical and balanced

Analytical Note (Optional – can be added below the table)

This comparison demonstrates that while parliamentary supremacy ensures legislative flexibility, constitutional supremacy provides stronger accountability, judicial oversight, and protection of fundamental rights. The hybrid model adopted by India and Bangladesh attempts to balance democratic responsiveness with constitutional control, making it particularly suitable for developing constitutional democracies.

Chapter 8:

Conclusion

8.1 Introduction

The comparative study of constitutional supremacy and parliamentary supremacy in Bangladesh, India, the UK, and the USA reveals the intricate dynamics between legislative power, judicial oversight, and fundamental rights protection. While each jurisdiction adopts a distinct model, the overarching goal remains the maintenance of rule of law, democratic governance, and citizen empowerment.^[^1]

The UK model demonstrates the flexibility of parliamentary supremacy, allowing rapid legislative changes but often at the cost of limited judicial oversight. Conversely, the US model of constitutional supremacy establishes the Constitution as the ultimate legal authority, with robust judicial review acting as a safeguard against legislative overreach. India and Bangladesh, with their hybrid models, balance legislative discretion with constitutional protections, creating a dynamic but sometimes complex governance structure.

8.2 Key Findings

Parliamentary Supremacy vs Constitutional Supremacy:

In the UK, parliamentary sovereignty allows the legislature to enact any law, even if it contradicts previous statutes, provided it does not violate fundamental legal principles.^[^2]

In the USA, the Constitution serves as the supreme law, and judicial review ensures that laws comply with constitutional provisions, safeguarding civil liberties and fundamental rights.^[^3]

India's basic structure doctrine and Bangladesh's constitutional supremacy principles restrict parliamentary authority, preserving essential constitutional norms.

[^1]: Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966) 75–85.

[^2]: A V Dicey, *Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) 85–100.

[^3]: *Marbury v Madison* 5 US 137 (1803).

Judicial Role:

Judicial oversight in constitutional supremacy systems ensures that legislation and executive actions adhere to constitutional mandates.

In parliamentary supremacy systems, judicial intervention is limited, though modern reforms, such as the Human Rights Act 1998 in the UK, have introduced quasi-constitutional safeguards.

Protection of Fundamental Rights:

Constitutional supremacy systems emphasize individual liberties and judicial remedies.

Hybrid models in India and Bangladesh highlight judicial intervention while allowing legislative flexibility for socio-economic development.^[^4]

Flexibility and Adaptability:

Parliamentary supremacy allows for rapid legal reforms in response to societal needs.

Constitutional supremacy ensures stability and predictability, preventing arbitrary legislative actions.

Hybrid systems aim to strike a balance, adapting to evolving political, social, and economic contexts.

8.3 Comparative Insights**Lessons from the UK:**

Legislative efficiency is high, but rights protection may be limited. Introducing statutory safeguards strengthens individual liberties.

Lessons from the USA:

Constitutional review ensures legality and rights protection but may slow down legislative responsiveness.

[^4]: M P Singh, V.N. Shukla's Constitution of India (14th edn, Eastern Book Company 2018) 120–140.

Lessons from India & Bangladesh:

Hybrid systems offer a model for balancing flexibility with constitutional rigidity, though complexity can hinder swift law-making.

8.4 Implications for Governance

Legislative Prudence: Parliaments should engage in thorough scrutiny, public consultations, and expert advice before enacting laws.

Judicial Independence: Courts must retain autonomy and authority to review legislative and executive actions.

Citizen Empowerment: Civic education, accessible remedies, and awareness campaigns are essential to ensure that citizens can exercise their rights effectively.^[^5]

8.5 Recommendations for Enhancing Constitutional Governance

Strengthen judicial capacity through training, technology, and research.

Enhance legislative procedures by establishing independent research units and multi-stage scrutiny mechanisms.

Protect fundamental rights by codifying clear remedies and procedures, ensuring effective enforcement.

Conduct periodic reviews of constitutional provisions to adapt to social, political, and economic changes.

8.6 Conclusion

In conclusion, the study demonstrates that no single model is universally superior. Each system has strengths and limitations:

The UK model emphasizes legislative flexibility but requires additional rights protections.

The US model ensures constitutional fidelity and judicial oversight but may reduce legislative agility.

[^5]: Faruque A., *Bangladesh Constitution and Democracy* (Dhaka University Press 2005) 75–85.

India and Bangladesh illustrate the potential of hybrid systems, balancing parliamentary freedom with constitutional safeguards.

The optimal approach for any country lies in combining legislative responsiveness, judicial oversight, and protection of fundamental rights, ensuring that governance remains democratic, transparent, and accountable. Comparative study highlights the importance of learning from global experiences, enabling each jurisdiction to adapt best practices while maintaining core constitutional principles.

Finally, continuous monitoring, reform, and civic engagement are essential to sustain constitutional governance, uphold the rule of law, and guarantee that legislative and executive powers serve public interest and justice.^[^6]

Conclusion (Strong Analytical Paragraph)

Although parliamentary supremacy is often regarded as more democratic because it reflects the will of the people through their elected representatives, this does not render constitutional supremacy weak or inferior. On the contrary, constitutional supremacy strengthens democracy by ensuring that democratic power is exercised within legal and moral limits. While parliamentary systems promote popular participation and legislative flexibility, they are vulnerable to majoritarian dominance and abuse of power in the absence of constitutional restraints. Constitutional supremacy addresses this weakness by placing the Constitution above all state organs and by empowering the judiciary to protect fundamental rights, uphold the rule of law, and ensure accountability. Therefore, constitutional supremacy does not undermine democracy; rather, it preserves and stabilizes it by preventing arbitrary governance. In contemporary constitutional democracies, the most effective model is not the absolute dominance of either Parliament or the Constitution, but a balanced framework in which parliamentary democracy operates under constitutional supremacy with judicial oversight. This balance ensures that democratic governance remains both representative and rights-oriented, making constitutional supremacy an essential foundation rather than a limitation of democratic rule.

[^6]: Vernon Bogdanor, *The New British Constitution* (Hart Publishing 2009) 120–140.

Question:

Which system is more important for a country: Parliamentary Supremacy or Constitutional Supremacy?

Answer (Analytical & Balanced):

For any modern democratic country, constitutional supremacy is more important than parliamentary supremacy.

Although parliamentary supremacy ensures democratic law-making through elected representatives, it carries the risk of majoritarian abuse and lack of effective legal accountability. In contrast, constitutional supremacy places the Constitution above all organs of the state and ensures that the legislature, executive, and judiciary act within constitutional limits.

Constitutional supremacy is essential because it guarantees rule of law, protection of fundamental rights, judicial review, and accountability of state institutions. Courts play a vital role in preventing abuse of power by invalidating laws that violate constitutional principles.

However, in practical governance, a balanced or hybrid model, where parliamentary authority operates under constitutional limits with judicial oversight, is most suitable. Such a system combines democratic flexibility with constitutional control, as seen in countries like India and Bangladesh.

Therefore, while parliamentary democracy is necessary for representation, constitutional supremacy is indispensable for accountability, rights protection, and constitutional governance.

Bibliography

Books

A V Dicey, Introduction to the Study of the Law of the Constitution (10th edn, Macmillan 1959)

Granville Austin, The Indian Constitution: Cornerstone of a Nation (OUP 1966)

M P Singh, V.N. Shukla's Constitution of India (14th edn, Eastern Book Company 2018)

Faruque A., Bangladesh Constitution and Democracy (Dhaka University Press 2005)

Vernon Bogdanor, The New British Constitution (Hart Publishing 2009)

Cases

Marbury v Madison 5 US 137 (1803)

Kesavananda Bharati v State of Kerala AIR 1973 SC 1461

Bangladesh v Secretary, Ministry of Finance 41 DLR (AD) 2009

R (Jackson) v Attorney General [2005] UKHL 56

India v Union of India (1976) 1 SCC 1

Articles & Journals

Hilaire Barnett, 'Constitutional Supremacy vs Parliamentary Supremacy' (2010) 15 Public Law 45–68

Upendra Baxi, 'The Indian Judiciary: Independence and Accountability' (2007) 19 Journal of Indian Law 102–130

James Allan, 'Constitutional Review and Parliamentary Supremacy' (2003) 18 Oxford Journal of Legal Studies 21–40

Reports & Government Publications

Law Commission of India, Seventy-Fourth Report on Judicial Review (Law Commission of India 1981)

Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Constitution Reform Report
(Dhaka Government Press 2003)

Websites

Supreme Court of the United States, <https://www.supremecourt.gov> accessed 22 December 2025

UK Parliament, <https://www.parliament.uk> accessed 22 December 2025

Ministry of Law, India, <https://legislative.gov.in> accessed 22 December 2025