



Constitutionally Controlled Governance in the Perspective view of the Indian Constitution: An Analytical Study

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KEYWORDS	ABSTRACT
Constitutionally controlled governance, Indian Constitution, separation of powers, judicial review, federalism, directive principles, fundamental rights, social justice, governance challenges.	Constitutionally controlled governance ensures that governmental power is exercised within the framework of the Constitution, balancing authority and accountability. By articulating the roles of multiple institutions, the delegation of powers, and checks and balances, the Constitution of India offers an effective foundation for governance. With an emphasis on the distinctive elements of the Indian Constitution, especially judicial review, federalism, directive principles of state policy, and fundamental rights, this analytical research explores the essentials of constitutionally managed governance. The paper examines how these principles operate in practice to maintain a democratic structure, promote social justice, and prevent the misuse of power. Special attention is given to landmark judgments that have shaped governance in India and the challenges posed by evolving socio-political dynamics. The study concludes by highlighting the importance of constitutional adherence in fostering equitable and efficient governance in India.

1. Introduction:

The Constitution, which serves as the ultimate law of the land, establishes the fundamental framework and guiding principles of governance in India.

The concept of constitutionally controlled governance refers to a system where governmental powers and functions operate within the bounds of constitutional norms, ensuring adherence to democratic principles, transparency, and accountability. The Indian Constitution, with its unique blend of rigidity and flexibility, creates a dynamic structure for governance that not only

defines the roles and responsibilities of various organs of the state but also safeguards the freedoms and rights of its people.

This study explores the intricacies of constitutionally controlled governance in India, analyzing its foundations, key features, and the mechanisms that ensure compliance with constitutional mandates. It highlights the pivotal role of judicial review, federalism, and decentralized governance in maintaining the rule of law. Moreover, the study critically examines the challenges posed by institutional overreach, corruption, bureaucratic

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inefficiencies, and federal tensions, while emphasizing the evolving role of judicial interpretations, legislative reforms, and technology in governance. By understanding these facets, the study aims to provide a comprehensive view of how constitutionally controlled governance contributes to a democratic, just, and equitable society, as envisioned in the Indian Constitution.

2. Constitutional Foundations of Governance:

The Indian Constitution lays a robust foundation for governance through its structure, principles, and directives:

2.1 Separation of Powers in Context of Constitutionally Controlled Governance:

For the purpose of to provide checks and balances, Articles 50 and 122 explicitly set out the boundaries of jurisdiction among the Legislature, Executive Branch, and Judiciary. An essential cornerstone of constitutional governance, the separation of powers principle ensures that the court, legislative, and executive branches of the government each have their own functions and authorities—are delineated and exercised within constitutional boundaries. This doctrine, rooted in the philosophy of preventing the concentration of power, is vital to the sustenance of democracy, rule of law, and accountability in governance. The Indian Constitution adopts a nuanced approach to the separation of powers, balancing rigidity and flexibility to meet the demands of a dynamic polity. This study explores the doctrine's relevance, its application in India, and its contribution to constitutionally controlled governance.

2.1.1 Concept of Separation of Powers:

The genesis of the division of powers theory can be

perceived in the writings of political philosophers like Aristotle, John Locke, and Montesquieu. Montesquieu's articulation in *The Spirit of Laws* emphasized that liberty could be preserved only if the three functions of the government—legislation, execution, and adjudication—were assigned to distinct entities. The doctrine aims to:

1. Avoid authoritarianism by preventing the consolidation of power in the hands of one person.
2. To ensure accountability, set up a system of checks and balances
3. Promote efficiency by assigning specialized organs to specific duties.

While some countries, like the United States, follow a strict separation of powers, while not in India.

2.1.2 Separation of Powers in the Indian Constitution:

The Indian Constitution, influenced by the Westminster parliamentary system, embodies this principle in a unique manner. It does not explicitly state the doctrine but establishes it implicitly through the structure and provisions. The following features highlight the separation of powers in India:

1. **Legislature:** The primary function of the Legislature is to enact laws (Article 246). It exercises control over the Executive through mechanisms.
2. **Executive (President, Council of Ministers, and Bureaucracy):** The Executive is responsible for implementing laws and policies. It derives its powers from Articles 52 to 78 (at the Union level) and Articles 153 to 167 (at the State level).

The Executive's accountability to the Legislature ensures democratic governance.

3. **The Judiciary (Supreme Court, High Courts, and Subordinate Courts):** According to Articles 124 to 147, interpret the law and adjudicate cases by the judiciary.
4. **Judicial independence:** It is safeguarded through provisions like security of tenure (Article 124) and immunity from legislative discussion (Article 121) by exercising the power of judicial review.

2.1.3 Checks and Balances in the Indian System:

Our Constitution integrates the principle of checks and balances, enabling each organ to oversee and restrain the others within constitutional limits. Examples include:

1. **Judicial Review:** The law in case of violation of the fundamental rights can be struck down by exercising the power of judicial review as established in *Kesavananda Bharati*, (1973).
2. **Legislative Oversight:** The Legislature scrutinizes the Executive through debates, questions, and committees. The impeachment process (Articles 61 and 124) allows the Legislature to hold the President and Judges accountable.
3. **Executive's Role:** The President's power to return a bill for reconsideration (Article 111) and the promulgation of ordinances (Article 123) reflect executive checks on the Legislature.

2.1.4 Attitudes of the judiciary on the division of powers:

The Indian judiciary has played a crucial role in

interpreting and maintaining the separation of powers principle. Key decisions include:

1. **In 1973, Kesavananda Bharati case:** The Apex Court ruled that the separation of powers as well as other basic components of the Constitution were unchangeable.
2. **In 1975, Indira Nehru Gandhi case:** The 39th Constitutional Amendment was declared unconstitutional.
3. **In 1977, State of Rajasthan case:** The Court highlighted that though the idea is not absolute, it is essential for maintaining the Constitution's supremacy.
4. **Judges' Appointment Case (1993 and 2015):** The Supreme Court's assertion of primacy in judicial appointments underlines its role in upholding judicial independence.

2.1.5 Challenges to Separation of Powers:

Notwithstanding its constitutional underpinnings, the Indian setting presents a number of difficulties to maintain this theory:

1. **Overlapping Functions:** The Executive's powers relating to law making through ordinances and delegated legislation blur the lines between legislative and executive functions. Judicial activism, where the Judiciary steps into legislative or executive domains, often raises concerns of judicial overreach.
2. **Institutional Overreach:** (Article 356) have led to accusations of executive overreach. Parliamentary disruptions undermine the Legislature's ability to function effectively as a check on the Executive.
3. **Bureaucratic Challenges:** Bureaucratic inefficiencies and lack of accountability dilute

the Executive's role in implementing laws and policies effectively.

4. **Political Dynamics:** Coalition politics and party loyalties often undermine the Legislature's independence, leading to executive dominance.

2.1.6 Contribution to Constitutionally Controlled Governance:

Constitutionally controlled governance is greatly aided by the separation of powers philosophy, which guarantees:

1. **Rule of Law:** It ensures that governance operates within constitutional boundaries, safeguarding citizens' rights and liberties.
2. **Accountability:** Each organ's accountability to the others prevents the abuse of power, promoting transparency.
3. **Efficiency:** Specialization in functions enables each organ to perform its duties effectively, enhancing governance quality.
4. **Democratic Ethos:** By preventing the concentration of power, the doctrine upholds democratic principles and public trust in governance.

2.17 Way Forward:

To strengthen to the separation power and its role in constitutionally controlled governance, as under are essential:

1. **Judicial Restraint:** The Judiciary should exercise self-restraint to avoid encroaching on legislative or executive domains, maintaining institutional harmony.
2. **Legislative Reforms:** Strengthening parliamentary procedures and reducing

disruptions can enhance the Legislature's effectiveness as a check on the Executive.

3. **Bureaucratic Accountability:** Improving transparency and accountability in the bureaucracy can ensure better implementation of policies.
4. **Public Awareness:** Educating citizens about constitutional principles can foster public participation and accountability in governance.
5. **Technological Integration:** Leveraging technology to improve all three branches can bolster governance mechanisms.

In nutshell, the principle of separation, as enshrined in our Constitution, is a linchpin of constitutionally controlled governance. While the Indian model reflects a pragmatic blend of separation and interdependence, the doctrine's relevance remains undiminished in ensuring the rule of law, accountability, and democratic ruling. Despite challenges posed by overlapping functions and institutional overreach, the doctrine continues to evolve through judicial interpretations, legislative reforms, and public engagement. By reinforcing its foundational principles, India can strengthen its constitutional framework, ensuring governance.

2.2 F.R. & DPSPs in the Scope of Constitutionally Controlled Governance:

The Indian Constitution, adopted in 1950, serves as the cornerstone of governance and embodies the vision of a democratic and equitable society. It enshrines F.R. and Fundamental Duties, both of which are essential for the functioning of a constitutionally controlled governance system. Fundamental Rights safeguard individual freedoms and liberties, while Fundamental Duties remind

citizens of their responsibilities toward the state and society. The balance between rights and duties ensures that democratic principles are upheld without compromising collective welfare. The scope of Fundamental Rights and Duties embedded in the governance structure of India, ensuring accountability, participation, and justice. This analytical study explores their interplay, constitutional significance, and judicial interpretations with reference to relevant case laws.

2.2.1 Fundamental Rights: The Pillar of Constitutional Governance:

Inspired by the UDHR, the Constitution's Part III (Articles 12 to 35) enshrines fundamental rights. They serve as checks on the State's authority and protect people's civil liberties.

1.2.2 Scope of Fundamental Rights:

1. **Article 14:** This article prohibits the State from behaving arbitrarily and ensures equality before the law. This provision is based on rule of law. The Apex Court held that arbitrariness violates Article 14, stating that equality is antithetical to arbitrariness¹.
2. **Articles (19–22):** The freedom of speech and expression, the right to congregate, and the right to pursue a career are among the six liberties protected by Article 19. On the other hand, Article 21 protects individual freedom and the right to life. The definition of Article 21 was broadened by *Maneka Gandhi's landmark 1978 lawsuit*, which held that the right to life includes the right to live with dignity².
3. **Articles (23–24):** These articles prohibit adolescents labor and human trafficking. The

Court stressed the need to end child labor and the duty of the government to provide education for children in *M.C. Mehta (1996)*³.

4. **Articles (29-30):** Minorities have right to conserve their culture & establish educational institutions. That fosters pluralism and inclusivity.
5. **Article 32:** Dr. B.R. Ambedkar identified Article 32 as the "heart and soul of the Constitution," since it gives people the ability to petition the Supreme Court to have their Fundamental Rights upheld. The Court reiterated in *L. Chandra* the value of judicial review in defending fundamental rights⁴.

2.2.3 Judicial Interpretation and Expanding Scope:

Over time, Apex Court has broadened ambit of FR through liberal interpretations. For instance: The clean environment as per Article 21 (*Subhash Kumar*, 1991)⁵. Right to education as a FR as per Article 21A (*Unni Krishnan* 1993)⁶. The judiciary's dynamic role in interpreting rights has strengthened constitutional governance and protected individual liberties from state overreach.

2.2.5 Fundamental Duties: Balancing Rights with Responsibilities:

Ten Fundamental Duties for Citizens are listed in Part IVA (Article 51A), that was inserted by the 42nd Constitutional Amendment in 1976. The Soviet Constitution served as the model for these duties, which emphasize the crucial role of people in enabling national development.

2.2.6 Scope and Importance of Fundamental Duties:

Fundamental Duties are not enforceable by courts but act as moral obligations that complement Fundamental Rights. Their importance lies in fostering discipline, patriotism, and social harmony. Key Fundamental Duties include:

1. **Respecting the Constitution and National Institutions:** According to Article 51A(a), citizens are required to uphold Constitution.
2. **Fostering Brotherhood and Harmony:** Article 51A(e) encourages harmony and the renunciation of practices derogatory to women.
3. **Protecting the Environment:** Article 51A(g) highlights citizens' duty to protect the natural environment. In *T.N. Godavarman Thirumulpad*, (1996), the Supreme Court emphasized environmental protection as a joint responsibility of citizens and the State⁷.
4. **Developing Scientific Temper and Humanism:** Article 51A(h) underscores the need for scientific thinking and reformist attitudes.

2.2.6 Judicial Recognition of Fundamental Duties:

While Fundamental Duties are non-justiciable, courts have referred to them in various judgments to interpret laws and enforce responsibilities: In *AIIMS Students Union* (2001), the Supreme Court noted that citizens are reminded to act properly for the interests of society by the Fundamental Duties⁸. In *Rural Litigation and Entitlement Kendra*, (1985), the Judiciary stressed the importance of environmental duties under Article 51A(g).

2.2.8 Interplay Between Fundamental Rights and Duties

Our Constitution strikes a delicate balance between

Fundamental Rights & Duties to ensure harmony in governance. While rights empower individuals, duties instill accountability and responsibility.

1. **Rights Without Duties Lead to Chaos:** Rights are meaningful only when citizens fulfil their duties. For instance, the right to a clean environment aligns the duty to protect the environment (Article 51A(g)).
2. **Duties Strengthen Rights:** Fundamental Duties create a sense of collective responsibility, strengthening the democratic fabric. For example, the duty to uphold the Constitution (Article 51A(a)) ensures respect for constitutional values and safeguards rights. In *Minerva Mills Ltd.*, (1980), the Apex Court emphasized that FR and DPSPs are complementary, ensuring socio-economic justice⁹.

2.2.9 Role of Constitutionally Controlled Governance:

A system in which the legislative, executive, and judicial branches' ability is constrained by constitutional requirements is known as constitutionally limited governance. In this system, fundamental rights and duties are important:

1. **Judicial Review:** This mechanism makes sure that state interacts don't violate upon fundamental rights. As the Basic Structure appeared in *Kesavananda Bharati* (1973), this was reiterated¹⁰.
2. **Accountability and Participation:** Rights empower citizens to participate in governance, while duties ensure accountability toward the State and society.

3. Balancing Individual and Collective

Interests: Fundamental Rights protect individual liberties, whereas duties promote collective welfare, ensuring a balance between personal freedom and societal interests.

In nutshell, the Indian Constitution, through Fundamental Rights and Duties, establishes a framework for democratic and constitutionally controlled governance. Fundamental Rights empower individuals by safeguarding their freedoms, while Fundamental Duties remind citizens of their responsibilities toward the nation. This harmonious relationship strengthens constitutional values and ensures justice, equality, and fraternity. Simultaneously, the recognition of Fundamental Duties emphasizes collective responsibility, creating a balanced and inclusive governance system. In conclusion, a citizen-centric approach that balances rights and duties is essential for sustaining constitutional governance. As the Supreme Court observed in *Ranjit Singh, (1980)*, a harmonious interpretation of rights and duties is indispensable for the nation's progress and unity¹¹.

2.3 DPSPs within the Framework of Constitutionally Controlled Governance:

A vital component of the Constitution is the DPSPs. DPSPs, which are enshrined in Part IV (Articles 36 to 51), furnish the State directions to establish a welfare state and achieving socioeconomic justice. While not enforceable by courts, they serve as the foundation for governance, complementing FR under Part III. The concept of DPSPs is inspired by the Irish Constitution and reflects the ideals enshrined in the Preamble. Constitutionally controlled governance emphasizes

the balance between Fundamental Rights and DPSPs, ensuring that State policies aim for the common good while respecting individual liberties. Through landmark judgments, the judiciary has upheld the importance of DPSPs in achieving the goals of equality, justice, and socio-economic development.

2.3.1 Nature and Significance of DPSPs:

Courts cannot enforce the DPSPs because they are non-justiciable. Nonetheless, they are essential to governance and serve as the State's moral and constitutional obligation to carry out policies that promote the welfare of its people. As observed in *State of Madras, (1951)*, DPSPs must yield to Fundamental Rights in case of a conflict¹². However, subsequent amendments and judicial interpretations have emphasized the harmonious relationship between the two. The significance of DPSPs lies in their role as guiding principles for legislative and executive action. They aim to establish economic and social democracy, ensuring that the State acts as a trustee for public welfare.

2.3.2 Classification of Directive Principles:

DPSPs are broadly classified into three categories:

1. **Social and Economic Principles:** All citizens are guaranteed an adequate standard for everyday life in Article 39(a). Article 41: Public aid, education, and employment rights. Article 43 provides workers a living income and a respectable quality of life. In *Minerva Mills (1980)*, the Apex Court stressed that the constitutional system stipulates that DPSPs and Fundamental Rights coexist in harmony¹³.
2. **Gandhian Principles:** Village panchayats (Article 40). Article 47: Prohibition of

intoxicating drinks and drugs. Article 48: Organization of agriculture and animal husbandry. In *State of Gujarat, (2005)*, the Apex Court upheld the ban on cow slaughter under Article 48, emphasizing the importance of agriculture and animal preservation¹⁴.

3. **Uniform Civil Code for Citizens:** Liberal-Intellectual Principles. Article 48A: Environmental protection and enhancement. Article 50: Separation of judiciary from the executive. The Court in *S.R. Bommai, (1994)* highlighted the importance of secularism under Article 44 as part of the Basic Structure of the Constitution¹⁵.

2.3.3 Judicial Recognition of DPSPs:

The judiciary has elevated the importance of DPSPs, ensuring that they are not mere constitutional rhetoric but actionable principles for governance.

1. **Right to Education and DPSPs:** Article 41 and Article 45 emphasize the State's role in providing education. In *Unni Krishnan, (1993)*, Apex Court held that the educational right flows from Article 21 and is further supported by DPSPs¹⁶. This eventually led to the insertion of Article 21A through the 86th Constitutional Amendment, making education a Fundamental Right.
2. **Environmental Protection:** The responsibility of the State and its inhabitants to safeguard the environment is highlighted in Article 48A and Article 51A(g). To stop degradation of the environment, the court in *Rural Litigation and Entitlement Kendra (1985)* mandated that limestone quarries be dismantled¹⁷. Similarly,

in *M.C. Mehta, (1987)*, the Court upheld that it is the duty of the States to protect the environment, drawing from DPSPs.

3. **Living Wage for Workers:** Workers are guaranteed a liveable salary and a respectable level of living under Article 43. The Court stressed in *People's Union for Democratic Rights (1982)* that in order to protect workers' rights, labour legislation must be in line with DPSPs¹⁸.
4. **Separation of Judiciary and Executive:** Article 50: the separation of judiciary to ensure impartiality. In the *Union of India, (1977)*, the Apex Court reaffirmed the importance of this principle in maintaining judicial independence¹⁹.

2.3.4 Role of DPSPs in Constitutionally Controlled Governance:

DPSPs form the basis of constitutionally controlled governance by providing a framework for policy-making and legislation. Their implementation ensures that the State functions as a welfare state, prioritizing the socio-economic needs of its citizens. Key roles include:

1. **Policy Formulation:** DPSPs act as a guide for the legislature and executive in formulating policies that promote equality, justice, and welfare.
2. **Judicial Activism:** The judiciary has increasingly relied on DPSPs to interpret Fundamental Rights expansively.
3. **Welfare State:** DPSPs aim to establish a welfare state where resources are distributed equitably, and the weakest sections of society are uplifted. Articles 39(b) and (c) emphasize the distribution

of material resources & prevention of concentration of wealth.

In summary, India's governance is based on the DPSPs as thrust the State to establish a welfare State and attain socioeconomic justice, even though they are not enforceable. By aligning DPSPs with Fundamental Rights through historic rulings, the judiciary has increased the importance of these agreements. DPSPs serve as a moral compass in the field of constitutionally governed governance, directing State policies to meet the goals of the Constitution.

3. Key Features of Constitutionally Controlled Governance:

3.1. Constitutionally Controlled Governance: Rule of Law

The function of Govt. is within the parameters of the Constitution thanks to the rule of law idea. Article 14 forbids arbitrary state actions and ensures equality before the law. In modern democracy, especially in India, the idea of constitutionally governed governance is essential. It represents a system in which the Constitution is the ultimate law and the state's actions are controlled by a set of laws. The fundamental tenet of this system is Rule of Law, which guarantees that the government operates under the bounds established by the law, avoiding arbitrary & unaccountable acts.

3.1.2 Supremacy of the Constitution:

The Constitution's supremacy is one of the main characteristics of constitutionally governed governments. The Constitutional law is the supreme law of India. In the *Keshavananda Bharati*, (1973) case, the Supreme Court affirmed

this concept by ruling that Parliament lacks authority to change the basic structure of the Constitution. This landmark ruling reaffirmed the Constitution's supremacy in all areas of administration and law by establishing that no action, including constitutional amendments, could go beyond its core values.

3.1.3 Rule of Law and Equality Before the Law:

A key theory of governance is the Rule of Law, guarantees the everyone is treated equally before the law and that authority is used in an open and accountable way. The well-known *Maneka Gandhi*, (1978) case served as an example of this idea in relation to personal freedom. Pursuant to the Apex Court's extensive determination the Article 21's guarantee of life and personal liberty, any legislation that denies someone this right must adhere to a fair, reasonable, and just process. In order to safeguard citizens from state abuse and guarantee that government actions are compliant with the rule of law, this decision reaffirmed the notion that laws cannot be whimsical and must follow equitable demands.

3.1.4 Judicial Review and Accountability:

A key aspect of constitutionally regulated government is judicial review. It enables courts to assess whether legislative and executive activities are constitutional and make sure they stay within the limits set forth through the Constitution. The Apex Court upheld the judicial review principle in the seminal decision of *Minerva Mills* (1980), ruling that amendments to the Constitution cannot change its basic structure which includes the idea of judicial review itself. The outcome underlines the importance the court is to upholding checks and balances, making sure that government activities

adhere to constitutional bounds, and encouraging accountability.

3.1.5 Protection of Fundamental Rights

The FRs are the hallmark of constitutionally governed governments. The Indian Constitution's Part III guarantees these rights, which make sure that the government doesn't restrict people's freedoms. The SC underlined the need of defending FRs such as the right to a fair trial, in the *State of Maharashtra, (2008)* case. The ruling also made it clear that these rights are not unqualified and that reasonable limitations are permissible as long as they comply with the law. However, the Court emphasized that such restrictions must always be justified and proportionate, ensuring that individual freedoms are not unduly infringed upon²⁰.

3.1.6 Judicial Independence:

A fundamental component of constitutionally governed governments & rule of law is judicial independence. The judiciary's independence guarantees that judges can interpret the law objectively and are not subject to outside pressures, especially from the legislative or executive departments. The *Advocates-on-Record Association, (1993)* case, the Supreme Court emphasized the value of judicial independence, especially to the selection of judges for the higher judiciary. In order to preserve the judiciary's independence, the ruling stated that judicial nominations should be made by the judiciary itself through the collegium system rather than the executive²¹.

3.1.7 Transparency and Accountability in Governance:

Accountability and openness are crucial under a system of government governed by the constitution. These guidelines guarantee that public officials are held responsible for their acts and that the state's actions are transparent. The idea of Public Interest Litigation (PIL) has made a substantial contribution to increased accountability. The SC stressed the importance of openness in public decision-making and resource distribution in *Public Interest Foundation, (2019)*. The Court affirmed the judiciary's role in enforcing constitutional norms and emphasized the need for accountability in governance by ordering the government to release information about the distribution of natural resources²².

With the rule of law at its centre, the constitutionally controlled governance principle guarantees that the state's acts are conducted within the bounds of the law, preserving individual liberties and avoiding arbitrary behaviour. These principles have been firmly established by seminal rulings like *Keshavananda Bharati, Maneka Gandhi, Minerva Mills*, and *Supreme Court Advocates-on-Record Association*, which have reaffirmed the judiciary's role in enforcing constitutional obligations and encouraging accountability. These decisions uphold the supremacy of the rule of law by ensuring that governance continues to be fair, open, and consistent with the Constitution.

3.2. Constitutionally Regulated the government: Obligation and Transparency:

Constitutionally controlled governance refers the actions of the government are firmly bound by the Constitution. At its core, this system aims to promote accountability and transparency, ensuring that the

state's actions are in line with the rule of law and that public officials are held responsible for their actions. India's legal framework, as established by its Constitution, plays a critical role in ensuring that governance remains transparent, accountable, and just. Landmark judgments by the Indian judiciary have significantly contributed to shaping the contours of accountability and transparency in governance.

3.2.1 Supremacy of the Constitution and Accountability:

At the heart of constitutionally controlled governance lies the supremacy of the Constitution, which guarantees that all governmental actions must be in accordance with the constitutional framework. This supremacy is closely tied to accountability, as public officials and institutions requirement within the limits set by Constitution. The landmark case of *Keshavananda Bharati*, (1973) established the basic structure doctrine, holding that basic structure cannot be amended or undermined by the legislature. This ruling reinforced the idea that the government is accountable to the Constitution and its principles, ensuring that no action, even by the highest authorities, can violate constitutional mandates.

3.2.2 Judicial Review as a Tool for Accountability:

A crucial tool for guaranteeing governmental accountability is review power of judiciary. In *Marbury v. Madison* (1803), this judicial review authority was firmly established²³ and later affirmed in India through the case of *Minerva Mills*, (1980). The Supreme Court in *Minerva Mills* held that JR is part of the basic structure of the

Constitution, which cannot be amended. Public officials are held responsible for activities that surpass their constitutional authority thanks to judicial review, which gives the courts the power to overturn laws, ordinances, or executive actions that violate the Constitution.

3.2.3 Transparency in Governance: Right to Information (RTI):

Public scrutiny of government acts is guaranteed by transparency in governance. A significant piece of legislation that aims to boost openness by providing citizens access to information stored by governmental organizations is the *Right to Information Act (RTI) of 2005*. In the *1975 State of Uttar Pradesh* case, the Supreme Court emphasized the value of openness by holding that the right to know about government actions is a fundamental constitutional right since it is necessary to exercise the right to free speech and expression²⁴. This case emphasized that secrecy cannot be used to shield government actions from public scrutiny. Further, in *Reserve Bank of India*, (2016), the SC directed to RBI to disclose information regarding to regulate bad loans, reinforcing the principle of transparency in governmental operations²⁵.

3.2.4 Public Interest Litigation (PIL) and Accountability:

Public Interest Litigation (PIL) has played a pivotal role in enhancing accountability by empowering citizens to challenge government actions and policies that violate constitutional rights or are detrimental to the public interest. The *Rural Litigation and Entitlement Kendra*, (1985) case is an important example of PIL, where the Supreme Court intervened to stop illegal mining in the Dehradun

hills, recognizing that environmental protection is a public interest issue²⁶. In *M.C. Mehta, (1987)*, it is further expanded the scope of PIL, allowing citizens to seek remedies for issues of environmental degradation and public health, thus holding the government accountable for its failure to act responsibly in such matters²⁷.

3.2.5 Accountability in Public Services: Anti-Corruption Measures:

Corruption is one of the major obstacles to accountability in governance. Judiciary has played a significant role in promoting accountability through its strict stance against corruption. In *Vineet Narain, (1998)*, the SC issued directives to improve the functioning of the Central Bureau of Investigation (CBI) and ensure that its autonomy was maintained²⁸. The case is an example of how judicial intervention can ensure accountability by directing the executive to take steps to prevent corruption and misuse of power. Moreover, the *K. Karunakaran, (1999)* case focused on accountability within government decision-making, reinforcing the need for transparent and fair procedures in public offices²⁹.

3.2.6 Political Accountability and Electoral Transparency:

Political accountability is vital to constitutionally controlled governance. The judiciary has played an instrumental role in ensuring accountability through electoral transparency. The Supreme Court directed that candidate contesting elections must disclose their criminal records, educational qualifications, and financial status³⁰. This decision aimed to ensure transparency in the electoral process and prevent candidates with questionable

backgrounds from entering public office. The Court further emphasized transparency in elections by ordering political parties to disclose their sources of funding, thus enhancing accountability in the political process³¹.

3.2.7 Accountability in Governance: The Role of the Ombudsman:

The establishment of an ombudsman or a Lokpal has been a crucial step towards ensuring accountability in governance. The Apex court's intervention recognized the importance of judicial and administrative accountability and reiterated that the judiciary should oversee the functioning of institutions like the Lokpal, which are created to promote transparency and hold government officials accountable for their actions³². The Court's stance has led to the establishment of mechanisms that enable citizens to report corruption and administrative inefficiency, ensuring a more accountable government.

In nutshell, the Constitutionally controlled governance is deeply embedded in the principles of accountability and transparency. The Indian judiciary's significance role in shaping this framework by interpreting the Constitution and applying it to contemporary issues of governance. Landmark judgments such as *Keshavananda Bharati, Minerva Mills, Raj Narain, Vineet Narain, and Association for Democratic Reforms* have been instrumental in promoting transparency and holding public officials accountable. These rulings ensure that the state acts within constitutional limits, fostering an environment of justice, fairness, and responsibility in governance.

3.3. Constitutionally Controlled Governance

under the Scope of Judicial Review:

Establishing judicial review- Articles 13, 32, and 226 gives the judiciary the authority to assess whether legislative and executive actions are constitutional and in accordance with the constitution's directives. In order to make sure that laws and executive acts are in line with the Constitution, JR is the basic component of constitutionally managed governance. The idea of judicial review gives the court the authority to assess whether legislative, executive, and administrative actions are legitimate, protecting individuals' fundamental rights and upholding the Constitution's primacy. Judicial review is crucial in India to guarantee with respect of the rule of law.

3.3.1 Judicial Review: Concept and Evolution:

The ability of courts to check if the all three branches of government whether are acting in accordance with the Constitution or not, is known as judicial review. Although not specifically stated in the Constitution, the JR was developed through judicial interpretation, most notably in the *Marbury case (1803)* where the Supreme Court of the United States established the authority of courts to declare legislative acts unconstitutional. The founders of the Indian Constitution, who envisioned an independent judiciary with the authority to defend the Constitution, the rights of the people, incorporated the idea of judicial review. The Constitution is subordinate to it. The SC of India has consistently to the judicial review and it has been seen as a tool to ensure that no law or action is above the Constitution.

3.3.2 Judicial Review as a Mechanism for Constitutional Control:

Verifying that all governmental actions are in accordance with the Constitution. It is the main purposes of JR. This idea was first established in India in 1951 when the Supreme Court ruled in the *Shankari Prasad* case that Parliament can amend any provision of the Constitution, including fundamental rights.³³ The *Keshavananda Bharati (1973)* ruling, however, later reversed this interpretation and ruled that the basic structure theory. The Apex Court held in *Keshavananda Bharati* that constitutional modifications could not change the basic structure of the document. By creating the foundation for JR, this ruling ensured it certain that no presidential or parliamentary action could supersede the core values enshrined in the Constitution. Hence JR is the basic tools for controlling the legislature.

3.3.3 The Doctrine of Basic Structure:

A major decision that defined the parameters of judicial review in India (*Keshavananda Bharati*). The Court decided that while Central Govt. might revise the Constitution, it could not alter its core principles. Judicial review was established under the basic structure theory as a crucial constitutional governance safeguard. Judiciary's interpretation no provision of the Constitution including FRs could be changed in a way that undermined its essential ideas. By extending the reach of judicial review, this decision established the judiciary as the Constitution's protector. In a number of later judgments, including as *Minerva Mills (1980)*, the Court upheld the basic structure theory, holding that any modification that deviates from it is unconstitutional. This doctrine is ensuring that legislative and executive actions cannot infringe upon the essential values of the Constitution.

3.3.4 Judicial Review in the Context of Fundamental Rights:

Judicial review's function in defending FRs is an important one. All citizens are guaranteed FRs and the Apex Court protects these rights against legislative or executive interference through judicial review. One of the main ways judicial review functions in India is through the Court's authority to examine laws that infringe upon basic rights. The SC broadened the purview of JR with regard to due process and personal liberty in the case of *Maneka Gandhi*. The Court determined that the Article 21 is not only protects against capricious governmental action but also mandates that any legislation that denies someone these rights must adhere to a fair, just, and reasonable process. This ruling expanded the concept of judicial review by highlighting the need for laws to uphold the values of justice and equity in addition to the Constitution. In *I.R. Coelho*, (2007), the Supreme Court reinforced judicial review in the context of amendments to the Constitution³⁴. The Court affirmed the judiciary's role in protecting individual rights from legislative excesses by ruling that laws added to the 9th Schedule of the Constitution could still be challenged in court.

3.3.5 Judicial Review and the Role of the Executive:

Another crucial component of executive authority control is judicial review. The executive is subject to judicial review and must function within the parameters of the law. The SC ruled in *Union of India* (2002) that political parties are required to guarantee electoral transparency and reveal the sources of their funding. This ruling demonstrated

the Court's ability to hold the executive branch responsible for decisions that have an impact on the democratic process. *State of Rajasthan*, (1977) is another significant case in this area, when the Supreme Court considered the legitimacy of the state's executive actions in relation to nationalization³⁵. The Court ruled that executive acts must satisfy constitutional demands in addition to staying within the bounds of legislative laws. This case demonstrated how the judiciary keeps the executive branch within the bounds of the constitution by monitoring its use.

3.3.6 Judicial Review in Emergency Situations:

Judicial review assumes critical importance during times of emergency when the government may take drastic actions that affect the fundamental rights of citizens. The *Minerva Mills*, (1980) reaffirmed that even during an emergency, the power of judicial review cannot be suspended. That was a response to the Emergency period (1975-77), during which several constitutional amendments had been made that curtailed civil liberties. In *Indira Gandhi*, (1975), during the Emergency, the SC upheld judicial review by striking down parts of the election laws that gave the Prime Minister immunity from judicial scrutiny. This case was a critical reminder that JR is a safeguard against the abuse of power, even in times of national crisis.

3.3.7 Judicial Review and Administrative Actions:

Administrative activities are also subject to judicial review, in addition to legislative and executive measures. The courts have the authority to examine whether administrative actions are lawful and make sure they don't go beyond the bounds of their legal

authority. The Supreme Court used judicial review in *Rural Litigation and Entitlement Kendra, (1985)* to stop illicit mining in the Dehradun area, highlighting the need for administrative actions to follow the law and constitutional principles³⁶. The Court addressed environmental issues through judicial review in *Indian Council for Enviro-Legal Action, (1996)*, concluding that government entities are required to guarantee adherence to environmental legislation. This case demonstrated the growing reach of judicial review in public welfare cases and made clear that administrative agencies are subject to judicial examination³⁷.

3.3.8 The Future of Judicial Review in Constitutionally Controlled Governance:

A key component of constitutionally controlled governance is JR action of the government may go against the Constitution. The SC has reaffirmed the notion that judicial review is crucial to upholding constitutional supremacy and safeguarding fundamental rights via seminal judgments like *Keshavananda Bharati, Maneka Gandhi, Minerva Mills, and Shankari Prasad*. By ensuring that governance is transparent, responsible and JR stops the State from arbitrarily. By guaranteeing that no government action—legislative, executive, or administrative—can contravene the Constitution, judicial review is a fundamental component of constitutionally managed governance. The premise that judicial review is necessary to uphold constitutional supremacy and safeguard fundamental rights has been reaffirmed by the Supreme Court in seminal decisions such as *Keshavananda Bharati, Maneka Gandhi, Minerva Mills, and Shankari Prasad*. By keeping the state

from using its power arbitrarily, judicial review guarantees that governance is open, responsible, and subject to the law.

3.4 Constitutionally Controlled Governance under the Scope of Decentralization and Federalism:

The Constitution promotes decentralized governance through the federal structure (Seventh Schedule) and Panchayati Raj institutions (Part IX). These frameworks ensure participatory governance and local autonomy. Federalism and decentralization are fundamental concepts in a constitutionally controlled governance framework. In order to preserve regional variety, advance democracy, and avoid the consolidation of power in one place, these principles are essential for making sure that power is distributed across the many tiers of government. The Indian Constitution, which delineates a federal framework, divides up the Union's and the States' powers and responsibilities. In order to ensure that the Union and State governments carry out their respective constitutional tasks, the court has been instrumental in interpreting and bolstering the scope of decentralization and federalism.

3.4.1 Federalism in the Indian Constitution:

The Union List, State List, and Concurrent List, which appear in the Seventh Schedule of the Constitution, provide a separation of authority between the Union and the States, defining the limits of what the Union and the States can and cannot enact. This structure lays the groundwork for decentralized governance, even though the Indian Constitution is federal in nature. The Supreme Court emphasized in the landmark decision of *State of West Bengal (1964)* that the federal framework that

is the Constitution is based on the idea of cooperation between the Union and the States³⁸. India's federalism is not absolute and that both the Union and the States must strike a balance between regional diversity and national unity.

3.4.2 Decentralization of Powers and the Role of the States:

One of the main characteristics of federalism is decentralization, which entails giving local governments more authority. It enables more effective service delivery, more local governance, and decision-making autonomy. In India, the organization of Panchayats and Municipalities, respectively, reflects decentralization. Stronger local self-government was made possible by the 73rd and 74th Constitutional Amendments (1992), which gave both urban and rural districts the freedom to conduct their own affairs. In *T.N. Godavarman Thirumulpad*, (1997), the Supreme Court recognized the importance of decentralization in environmental governance³⁹. The Court ruled that local bodies, such as Panchayats and Municipalities, must be involved in the decision-making process concerning environmental conservation, illustrating how decentralization empowers local authorities to contribute to governance, especially in areas that directly affect them. Moreover, in *Union of India*, (2013), the Court emphasized that the State governments have the responsibility to enable local bodies to perform their functions effectively, recognizing that decentralized governance is essential to ensure responsiveness and accountability in local affairs⁴⁰.

3.4.3 The Supreme Court's Interpretation of

Federalism:

Even though the Indian Constitution creates a federal structure, courts have frequently questioned the Union government's hegemony. The SC has continuously upheld the Union's authority for enactment of laws on matters of national concern while simultaneously interpreting the Constitution to prevent federalism from being compromised. The Supreme Court favoured the federalism principle in *S.R. Bommai*, (1994) by holding that the authority to overthrow a state government is not unlimited and that the installation of the President's Rule (Article 356) in a State must be supported by verifiable evidence.⁴¹ The Court's ruling emphasized that the federal structure might be threatened by the arbitrary exercise of central power and that federalism necessitates a careful balance between Union and State powers. Furthermore, the Court ruled in *State of Rajasthan*, (1977) that although the Union can enact laws on issues of national significance, it cannot infringe on issues that belong to the States. This ruling strengthened the notion of a decentralized governance system by highlighting the necessity of adhering to the Constitution's power allocation⁴².

3.4.4 Union's Powers and the Doctrine of Parliamentary Sovereignty:

Despite the federal structure of the Constitution, the Union frequently has more authority than the States, especially in national significance. In context of that the SC has construed the Constitution that strikes a balance between the States' rights and the Union's legislative authority. Significant authority over several topics has been given to the Union, especially during national emergencies or security

threats. The SC ruled in *Re: Special Reference No. 1 of 1964 (1964)* that Article 356- the Union government could exercise its authority over States in the case of a national emergency⁴³. In order to preserve the integrity and security of the country, the Court acknowledged that although federalism entails the pooling of authorities, in extreme situations, such as emergencies, the Union's sovereignty takes precedence. The Court has underlined, nevertheless, that the federal system cannot be weakened by the utilization of emergency powers. This idea was further supported in the *S.R. Bommai* case.

3.4.5 Conflict Resolution in Federalism:

In a federal system, disputes between the Union and the States are inevitable. By interpreting the Constitution and defending the rights of both governmental branches, the court is essential in settling these kinds of conflicts. In order to preserve the constitutional balance between the Union and the States, Apex Court has settled disputes. In *K.K. Verma, (1954)*, the Court resolved a conflict regarding the interpretation of the Constitution's provisions with regard to the distribution of legislative powers⁴⁴. The Court clarified that matters in the Concurrent List could be legislated upon by both the Union and the States, but in case of conflict, Union law would prevail. This judgment helped define the scope of federal powers and the relationship between Union and State legislations. Further, it has emphasized the role of the judiciary in resolving conflicts between the Union and States, particularly in matters relating to constitutional provisions on taxation and resource allocation⁴⁵. This case

illustrated how judicial intervention ensures that the spirit of federalism is respected and that conflicts are resolved through constitutional means rather than political power struggles.

3.4.6 Panchayats and Municipalities: Empowering Local Governance:

By the (73rd & 74th) amendments acknowledge the significance of giving local government entities such as municipalities and panchayats, more authority. These amendments give constitutional recognition to local self-government, empowering local bodies to manage their affairs and resources. Local governance has proven to be an effective means of addressing regional issues, as these bodies are better positioned to respond to local needs. In *M. Nagaraj, (2006)*, the Apex Court examined the extent to which the central government could impose conditions on the States regarding the reservation of seats in local bodies⁴⁶. The Court held that decentralization is essential for inclusive governance, and it affirmed that local bodies must have autonomy in determining their policies, provided they do not violate the constitutional principles of equality and justice. In *Tamil Nadu, (2015)*, the Court ruled that the Union government must ensure that the States comply with the constitutional requirements related to local self-government, which highlighted the importance of decentralization in creating a more accountable and transparent governance structure⁴⁷.

3.4.7 Conclusion: Balancing Federalism and Decentralization:

Constitutionally controlled governance under the scope of decentralization and federalism in India has evolved through the landmark judgments. The Apex

Court has played a vital role in interpreting and reinforcing the federal framework, ensuring that both Union and State governments act within their constitutional boundaries. While the Union government has certain overriding powers, judicial interventions have ensured that federal principles are respected, and decentralization remains a means to empower local governments and protect regional autonomy. Through decisions like *S.R. Bommai*, *K.K. Verma*, and *M. Nagaraj*, the Court has emphasized the importance of balancing central control with state autonomy, ensuring that India's federal structure remains dynamic and responsive to the needs of its diverse population. Decentralization, as reflected in the strengthening of Panchayats and Municipalities, plays a key role in ensuring that governance is more participatory, transparent, and efficient.

4. Mechanisms Ensuring Constitutionally Controlled Governance: Constitutional Bodies:

Constitutionally controlled governance in India is achieved through a well-defined framework of institutions and mechanisms. Among these, constitutional bodies play a critical role in ensuring checks and balances, accountability, transparency, and adherence to the principles of constitutional supremacy. These bodies operate independently to control different facets of governance and receive their legitimacy and authority from the Constitution itself. Among the key constitutional agencies are the National Commissions for SC, ST, and OBC; the Election Commission; the Comptroller and Auditor General (CAG); the Union Public Service Commission (UPSC); and the Finance Commission. Through a number of

significant rulings, the court has repeatedly underlined its independence and the need to maintain its integrity.

4.1 Election Commission of India:

Article 324 assigns the Election Commission of India (ECI) the responsibility of holding free and fair elections for the President and Vice President's offices, the State Legislatures, and the Parliament. By guaranteeing impartiality and justice in electoral processes, it plays a crucial function in maintaining the democratic process. In *Seshan*, (1995), the Apex Court held that the Chief Election Commissioner and Election Commissioners form a collective body and must work in unison⁴⁸. The Court underlined the Election Commission's independence to carry out its duties fearlessly and without bias. This ruling reaffirmed the Commission's independence and made it clear that neither executive nor political interference could compromise it. By requiring which computational voting machines have the "None of the Above" (NOTA) option, the *People's Union for Civil Liberties*, (2003) rendered another historic ruling that guaranteed voter empowerment⁴⁹. This ruling emphasized the Election Commission's responsibility to maintain openness and permit voters' freedom of speech. In *T.N. Seshan*, (1995), the Court maintained the necessity of fixed tenures and security of service for the Election Commissioners, thus protecting the Election Commission's independence and preventing political manipulation of the organization⁵⁰.

4.2 Comptroller and Auditor General (CAG):

According to Article 148, the CAG is in charge of auditing public sector projects as well as the Union and State governments' financial statements. As a

watchdog over public finances, the CAG makes sure that government spending is transparent and accountable. The Supreme Court reaffirmed in *Subramanian Swamy, (2014)* the value of the CAG in holding the government responsible for misusing or embezzling public monies⁵¹. The Court ruled that in order to maintain constitutional government, the legislature and executive branch must give careful consideration to the CAG's reports. The SC revoked licenses in the 2G Spectrum case (*Centre for Public Interest Litigation, 2012*) as a result of the CAG's audit report that exposed corruption and irregularities⁵². This case illustrated how important the CAG is in exposing corruption and advancing sound governance. Similarly, the CAG's findings were essential in revealing financial irregularities in the Common Cause (2017) case involving coal block allocations⁵³. The judiciary stressed the importance of accountability and openness in the distribution of natural resources, using the CAG's findings as support.

4.3 Union Public Service Commission (UPSC):

The UPSC, established under Article 315, ensures merit-based and impartial recruitment to the civil services. By conducting competitive examinations, the UPSC promotes fairness and efficiency in public administration. In *Union of India, (1985)*, the Supreme Court recognized the role of the UPSC in safeguarding civil servants' rights, particularly in disciplinary proceedings. The Court underscored that the recommendations of the UPSC must be given due consideration to uphold the principles of justice and fair procedure⁵⁴. Further, in *P.K. Ramachandra Iyer, (1984)*, the

Court ruled that appointments to government posts must adhere to the principle of meritocracy and that the UPSC's recommendations must not be disregarded arbitrarily. This judgment reinforced the UPSC's autonomy in maintaining integrity and efficiency in public services⁵⁵.

4.4 Finance Commission:

The Finance Commission, created under Article 280, develops recommendations in the distribution of financial resources among the Union and the States. It plays a vital role in guaranteeing fair resource distribution and advancing fiscal federalism. In *Bihar, (1990)*, the Supreme Court highlighted the Finance Commission's role in strengthening federal governance by ensuring a fair allocation of resources to the States⁵⁶. The Court emphasized that the recommendations of the Finance Commission, though advisory, must be respected to preserve the cooperative federal structure. The Court ruled the financial autonomy of the States is essential for effective governance. The Finance Commission ensures this autonomy through a transparent and fair mechanism for resource sharing⁵⁷.

4.5 National Commissions for SCs, STs, and Backward Classes:

The Constitution creates commissions to protect the rights of groups that are underrepresented, such as OBCs, SC, ST. These commissions examine into grievances, keep an eye on how safeguards are currently utilized, and advance socioeconomic equality. In *Indra Sawhney, (1992)*, the SC upheld the role of the National Commission for Backward Classes in identifying and protecting socially and educationally backward classes⁵⁸. The Court underlined the necessity of these commissions in

order to guarantee social justice and substantive equality. In Madhuri Patil (1994), the Apex Court acknowledged the function of commissions in protecting the rights of legitimate beneficiaries and prohibiting the abuse of caste certificates⁵⁹. This case underscored the significance of these constitutional bodies in promoting fairness and justice.

4.6 The Judiciary: Guardian of Constitutional Bodies:

The judiciary serves as the ultimate protector of constitutional governance by ensuring that constitutional bodies function independently and effectively. JR as established in *Marbury* case and upheld in *Kesavananda Bharati*, (1973), ensures that these institutions remain free from executive interference and operate within constitutional parameters. Apex Court reaffirmed the judiciary's responsibility in preserving the independence of constitutional authorities in *L. Chandra Kumar*, (1997), holding that tribunal and commission decisions must be scrutinized by the courts to avoid abuse of authority.

In nutshell, the Constitutionally controlled governance in India is underpinned by the effective functioning of constitutional bodies such as the Election Commission, CAG, UPSC, Finance Commission, and National Commissions. These bodies act as pillars of accountability, transparency, and fairness, making certain that the government stays within the bounds of the constitution. Through historic rulings, the judiciary has consistently safeguarded the independence and integrity of these institutions, preventing their erosion due to executive or political influence.

Together, these organizations support institutional autonomy and constitutional supremacy, which strengthen democratic government and the rule of law in India.

5. Challenges in Constitutionally Controlled Governance:

Constitutionally controlled governance is the cornerstone of a democratic system. The Indian Constitution establishes a system of checks and balances to uphold accountability, openness, and the rule of law. However, despite these safeguards, challenges persist in achieving constitutionally controlled governance. These challenges arise from various factors, including executive overreach, judicial overburden, corruption, lack of transparency, and conflicts between different branches of government. This article examines these challenges in light of landmark judicial pronouncements.

5.1 Executive Overreach and Abuse of Power:

The executive's propensity to overreach is one of the main obstacles to constitutionally governed governance. This overreach weakens democratic institutions and violates the separation of powers. The judiciary has frequently intervened to protect constitutional governance and limit executive arbitrary actions. Apex Court established the basic structure concept in *Kesavananda Bharati*, (1973), guaranteeing that even constitutional modifications cannot change the core principles of the Constitution. This historic ruling served as a safeguard against excessive legislative authority and executive domination. The Court reaffirmed the importance of constitutional primacy in upholding democratic governance. In a similar vein, Apex Court invalidated the 39th Amendment to the

Constitution in *Indira Gandhi (1975)*, which attempted to shield the election of the prime minister from judicial scrutiny. The Court determined that by encouraging executive discretion, such revisions run outside the basic structure of the Constitution. These cases demonstrate how important the judiciary is in stopping the executive branch from abusing its authority. Yet, cases of executive excess still pose a threat of authority under the constitution.

5.2 Judicial Overburden and Delayed Justice:

The judiciary is crucial to preserving constitutionally regulated government since it is the guardian of the Constitution. However, the increasing backlog of cases and delayed justice hinder its effectiveness. Judicial delays weaken constitutional governance by prolonging the enforcement of rights and undermining public trust. Apex Court tackled the issue of undertrial inmates lingering in jails as a result of postponed trials in *Hussainara Khatoon (1979)*.⁶⁰ The Court determined that, in accordance with Article 21 of the Constitution, prompt justice constitutes a basic right. However, despite such pronouncements, the pendency of cases remains a significant concern. The situation was further emphasized in *All India Judges' Association, (1992)*, where the Court highlighted the need for judicial reforms to ensure timely disposal of cases. The judiciary's burden poses a challenge to its role as an effective check on other branches of governance.

5.3 Corruption and Lack of Accountability:

The basis of constitutionally regulated governance is undermined by corruption in public institutions

and the government. Transparency and the rule of law are undermined when public officials abuse their authority and fail to answer for their actions. In order to combat corruption, independent organizations like the CAG play a critical role. The SC invalidated the capricious distribution of telecom licenses based on the CAG's report in the *Center for Public Interest Litigation, (2012)* (2G Spectrum Case), revealing widespread corruption. The Court underlined how crucial accountability and openness are to public management. Similar to this, the Supreme Court issued extensive directions to guarantee the independence of investigative agencies like the CBI in the *Vineet Narain, (1997)* case, sometimes referred to as the Jain Hawala case. The Court stressed that investigative bodies must function free from political interference to combat corruption effectively. Despite judicial interventions, corruption continues to challenge governance, calling for institutional reforms and stricter enforcement of accountability mechanisms.

5.4 Federalism and Center-State Conflicts:

Another challenge to constitutionally controlled governance arises from tensions between the Central and State Govts. The Constitution's fundamental element of federalism is frequently disrupted by disagreements over financial resources and power distribution. The Supreme Court affirmed the Union's sovereignty in areas of national interest in the *State of West Bengal, (1963)*. However, the Court also recognized the importance of cooperative federalism, which requires harmonious functioning between the Centre and States⁶¹. In *SR Bommai, (1994)*, the Court limited the scope of Article 356 (President's Rule) to prevent misuse of power by the

Centre. Judgment laid down strict guidelines for the dismissal of State governments, ensuring federalism's protection from executive overreach. Despite such safeguards, disputes over fiscal federalism, legislative competence, and resource allocation remain persistent challenges. The ongoing difficulties in upholding cooperative federalism are exemplified by recent disputes over GST revenue-sharing and State laws pertaining to topics in the Concurrent List.

5.5 Weakening of Independent Institutions:

In order to preserve checks and balances in governance, constitutional agencies are crucial. However, the independence of these institutions is sometimes undermined by political interference and lack of autonomy. In *T.N. Seshan, (1995)*, the Supreme Court upheld the Election Commission's independence and emphasized its role in conducting free and fair elections. The Court clarified that the Chief Election Commissioner cannot act arbitrarily but must ensure transparency and impartiality. Similarly, the Supreme Court has highlighted the CAG's role as a watchdog of public finance in cases like the *2G Spectrum Case*. Yet, political interference and institutional erosion continue to threaten the independence of these bodies, weakening constitutional governance.

5.6 Transparency and Access to Information:

Transparency as well access to information both are fundamental requirement of constitutionally controlled governance. The Right to Information (RTI) Act, 2005, marked a significant step towards ensuring transparency. However, challenges persist in implementing the RTI effectively. Apex Court

of India (2002) ordered that voter be informed of candidates' criminal histories, assets, and liabilities. This judgment reinforced the electorate's right to information and promoted transparency in the electoral process. Despite such progress, resistance to RTI compliance, delays in providing information, and recent attempts to dilute the Act's provisions undermine its effectiveness. Transparency remains a challenge in achieving constitutionally controlled governance.

In nutshell, the Challenges to constitutionally controlled governance arise from various fronts, including executive overreach, judicial delays, corruption, weakening of institutions, and conflicts between the Centre and States. The judiciary, through landmark judgments such as *Kesavananda Bharati*, *Indira Gandhi v. Raj Narain*, and *SR Bommai*, has acted as a custodian of constitutional governance. However, persistent challenges require systemic reforms to strengthen the independence of institutions, ensure timely justice, and promote transparency and accountability. Addressing these challenges is essential to preserve the Constitution's supremacy and uphold democratic values.

6. Conclusion:

Constitutionally controlled governance in India represents the backbone of its democratic framework, ensuring that power is exercised within the limits as prescribed by the Constitution. The Constitution establishes a delicate balance among the legislature, executive, and judiciary, with each organ entrusted to function within its domain while maintaining accountability to the people. By embedding principles such as the rule of law, separation of powers, federalism, and fundamental

rights, the Constitution ensures that governance remains transparent, accountable, and responsive.

The role of judiciary in upholding constitutionally controlled governance. Through landmark judgments like *Kesavananda Bharati*, (1973), the basic structure doctrine prevents any organ from altering the core values of the Constitution. Similarly, in cases like *S.R. Bommai*, (1994) and *Maneka Gandhi*, (1978), the Supreme Court reinforced federal principles, individual rights, and procedural fairness, thereby safeguarding the democratic ethos of the nation.

Despite this robust constitutional framework, challenges persist. Issues like executive overreach, judicial delays, corruption, and weakening of independent institutions pose serious concerns to constitutionally controlled governance. The rising

backlog of cases, political interference in independent bodies, and erosion of transparency threaten to weaken the system.

To address these challenges, all organs of governance must work collaboratively while adhering to constitutional principles. Strengthening institutions, promoting transparency, ensuring judicial efficiency, and upholding the rule of law are vital to preserving constitutional governance. A vigilant judiciary and informed citizenry are essential to hold the state accountable.

In conclusion, constitutionally controlled governance is not merely a legal requirement but a foundational pillar of India's democracy. Its preservation is essential to ensure justice, equality, and liberty for all citizens, safeguarding the Constitution's vision of a vibrant, inclusive, and accountable democracy.

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