

## Methods of Handling Constitutional Crisis

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### Abstract

When there is a problem in the functioning of the constitutional framework of institutions, procedures, and processes established by a constitution to govern a state<sup>1</sup>, including the elected government and its adherence to constitutional provisions or when there is a conflict among different organs of the State, such as the Legislature, Executive, and Judiciary, or between the Centre and the States. Where the provisions of the Constitution are inadequate, ambiguous, or misused, leading to uncertainty and conflict in governance, in such situation it is essential. Constitution is handling the crises effectively which is necessary to maintain the rule of law, ensure stability in government, and preserve the faith of the people in the democratic process, therefore, the Constitution is regarded as the Supreme law of the land.

There are various methods to handle a constitutional crisis. It varies according to the nature of the problem. Among those one of the most significant mechanisms is Judicial Review, through this the Judiciary acts as the guardian of the Constitution and interprets its provisions to resolve disputes<sup>2</sup>. For example, In India, in case of preventing major deadlocks, Supreme Court has taken various steps to solve matters of Constitutional interpretation. Similarly, no organ of the government exceeds its authority was ensured by the Doctrine of Separation of Powers and Checks and Balances. If the Legislature makes an arbitrary law or if the Executive acts beyond its powers, the Judiciary can strike it down, thus avoiding constitutional paralysis.

Amendment of the Constitution is another important method<sup>3</sup>. Amendment provisions are included to adapt to changing times, because no constitution can anticipate every possible conflict. Ambiguities can be removed, gaps can be filled, and structural reforms can be introduced through amendments. This method provides a long-term solution to repeated constitutional disputes.

Constitutional Conventions and Political precedents also play a crucial role, in many cases. Not only Written Provisions alone cannot cover all those situations; Also, unwritten norms, traditions, and practices help smoothen governance. For instance, conventions regarding the role of the Governor or President in Parliamentary guide to decision-making and also prevent misuse of discretionary powers.

Negotiation act as practical tools<sup>4</sup>, when disputes arise between different political actors or between the Centre and the States. To avoid escalation into legal or political crisis, Dialogue and Compromise helps in various ways. In addition to this, National Emergency, President's Rule, and Financial Emergency of the Indian Constitution provide such emergency provisions to deal with extraordinary breakdowns in governance. Although unusual in nature, these provisions are constitutional safeguards against complete collapse of the system.

Finally, public opinion and democratic pressure serve as the ultimate check<sup>5</sup>. People's mandate through elections, along with the role of media and civil society, acts as a corrective force against constitutional misuse or political deadlock, as per democracy. Constitutional crises are temporary and that long-term governance aligns with the democratic will of the people was ensured by the public accountability.

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### I. INTRODUCTION:

When the normal functioning of a government is disrupted because of a conflict or ambiguity within the constitution framework<sup>6</sup>, in such situation Constitutional crisis occurs. It indicates to a situation where the

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<sup>1</sup> A.V. Dicey, Introduction to the study of the Law of the Constitution 3(10<sup>th</sup> ed. Macmillan 1959).

<sup>2</sup> (1973) 4 SCC 225.

<sup>3</sup> Montesquieu, the Spirit of Laws (1748).

<sup>4</sup> Subhash C. Kashyap, Our Constitution; An Introduction to India's Constitution and Constitutional Law 161.

<sup>5</sup> Upendra Baxi, The Crisis of the Indian Legal System 22 (Vikas Publishing 1982).

<sup>6</sup> M.P. Jain, Indian Constitutional Law 112 (8<sup>th</sup> ed. LexisNexis 2018).

constitutional machinery fails to operate according to the principles fall in the Constitution and resulting in a deadlock or confrontation between different organs or levels of government. Also, the crisis may arise by the conflicts of interpretations of constitutional provisions, abuse of power by and branch of government, or an attempt to undermine the rule of law.

The Constitution serves as the Supreme Law of the Land<sup>7</sup> as mentioned in every democratic system, ensuring the separation of powers among the Legislature, Executive and Judiciary and providing the foundation for governance. It also explains the distribution of powers between the States and the Centre in a federal system. However, no constitution, whichever is drafted as best, can observe in all possible political, social, or economic circumstances. As the result, Constitutional Crisis are inevitable from time to time. A stable democracy is distinguished from an unstable one by the effective, peaceful, and constitutional handling of crisis<sup>8</sup> by its institutions.

Preserving the constitutional order, protecting individual rights, and ensuring governmental accountability depend on the methods used to handle a constitutional crisis. The balance between constitutional organs is maintained through methods such as judicial interpretation, constitutional amendments, conventions, negotiations, and emergency provisions. Democratic values are also safeguarded when disputes cannot be resolved by the written text of the Constitution alone.

Thus, understanding the resilience and flexibility of the constitutional framework is aided by studying how different countries, especially India, handle constitutional crises. It is shown that the Constitution is not a rigid legal document but a living instrument capable of adapting to new challenges through lawful and democratic means.

## **HISTORICAL BACKGROUND:**

The growth of the constitutional government evolved by the idea of a constitutional crisis; it is not new. Conflicts between representative government and absolute monarchy were often the causes of crises, in the early stages of constitutionalism. For example, King Charles I and Parliament caused the English Civil War in 17th-century England, through which the Supremacy of Parliament<sup>9</sup> was ultimately established and the foundation for the rule of law was laid. One of the earliest examples of handling a constitutional breakdown through institutional reform rather than revolution is marked by this.

In the United States, various forms of constitutional crises have appeared, such as the American Civil War(1861-65) over states' rights and slavery, and later, disputes between the President and the Supreme Court over executive powers. To prevent permanent damage to the system, the U.S. model relied heavily on Judicial review and Checks and Balances. Around worldwide these methods were founded in many democratic constitutions.

In India, the concept of a constitutional crisis became relevant after the Constitution of India was adopted in 1950. Several mechanisms are provided by the Indian Constitution, being both rigid and flexible, to resolve constitutional conflicts. However, multiple crises have been faced by the country since independence- such as the 1959 Kerala Government dismissed, the 1975-77 Emergency, and disputes over Centre- State relations and judicial independence. The resilience<sup>10</sup> of the Indian Constitution was tested by each crisis, but democratic institutions were also strengthened. Each method reinforces the supremacy of the Constitution and ensures that temporary political instability does not threaten the long-term democratic structure.

## **II. OBJECTIVES/ AIMS OF THE STUDY:**

The main aim of this study is to understand the concept, causes, and mechanisms through which constitutional crisis arises and are resolved within a democratic framework. Situations of stress and tension that test the strength and adaptability of every Constitution, being a living document, are faced by it. Therefore, the study of methods to handle such crisis is considered vital to ensure political stability, legal certainty, and the continued supremacy of the Constitution.

The following are the main objectives of the study:

### **1. To Understand the Meaning and Nature of Constitutional Crisis**

The first objective is for a constitutional crisis to be defined and comprehended. The difference between ordinary political conflict and a true constitutional breakdown is identified through a clear understanding of its meaning, scope, and dimensions. This includes situations being examined where the functioning of government

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<sup>7</sup> INDIA CONST. art. 13.

<sup>8</sup> Granville Austin, *Working a Democratic Constitution* 24 (Oxford Univ. Press 1999).

<sup>9</sup> Id. at 31

<sup>10</sup> Upendra Baxi, *the Indian Supreme Court and Politics* 53 (Eastern Book Co. 1980).

institutions comes into question or where the Constitution's provisions are insufficient to guide action. The seriousness of maintaining constitutional order in a democracy is appreciated by understanding this.

**2. To Examine the Causes leading to Constitutional Crisis**

Analyse the various causes that give rise to constitutional crisis is the Another key Aim. Such causes may include political instability, conflict between different organs of government, misuse of constitutional powers, or ambiguity in constitutional provisions. In India, constitutional conflicts have often been led to by factors like the tension between the Centre and States, overreach by one organ over another, or the misuse of emergency provisions. Such crisis can be prevented though legal and administrative reforms by identifying these causes.

**3. To Study the Various Methods of Handling Constitutional Crisis**

The methods adopted to handle constitutional crises are explored and evaluated in this research. Judicial review, constitutional amendments, use of conventions, mediation and negotiation, emergency provisions, and public opinion are included in these methods. The scope, effectiveness, and limitations of each method are present. An understanding of how the balance of power and the rule of law are maintained even during times of constitutional uncertainty is provided by studying them.

**4. To Assess the Role of Judiciary, Legislature, and Executive**

The distinct yet interdependent roles played by the Judiciary, Legislature, and Executive in resolving constitutional deadlocked are aimed to be evaluated in the study. The Constitution is interpreted by the Judiciary through judicial review; laws are amended or enacted by the Legislated to clarify the ambiguities; and these decisions are implemented by the Executive. The importance of coordination, restrain, and respect for constitutional boundaries is highlighted by understanding their roles.

**5. To Evaluate the Effectiveness of Constitutional Remedies**

How effective constitutional remedies are in addressing crisis is aimed to be assessed in this study. Case laws, constitutional amendments, and political precedents that have helped restore balance on times of conflict are included in this review. By analysing historical examples-both in India and abroad-the determination of which methods have been most successful in preserving democratic governance is sought by the study.

**6. To Promote Awareness of Constitutional Ethics and Democratic Values**

Awareness about constitutional morality, democratic accountability, and the rule of law is aimed to be promoted by this study. The strength of a constitution is determined by the respect it is given by its citizens and leaders. By understanding how crisis have been managed in the past, restraint and responsibility in future actions can be learned by individuals, administrators, and lawmakers.

**III. SCOPE OF THE STUDY:**

The methods of handling constitutional crisis are studied with a scope that is broad and multifaceted. The legal, political and institutional dimensions of how a nation manages constitutional breakdowns within a democratic framework are covered by it<sup>11</sup>. Not only the theoretical aspects of constitutional crisis but also their practical implications in governance are focused on in this study. How the constitutional machinery reacts to conflicts, what remedies are available, how these remedies strengthen democracy and the rule of law over time are examined by it.

**1. Conceptual Scope**

A comprehensive understanding of the meaning, nature, and scope of constitutional crisis is involved in the conceptual scope of this study. A distinction between a mere political crisis and a constitutional crisis, which involves a challenge to the functioning or authority of constitutional organs, is sought to be made by it. The various situations in which the constitutional order may come under strain-such as conflicts between the Legislature, Executive, and Judiciary, or between the Legislature, Executive, and Judiciary, or between the centre and the States-are studied by it. An understanding of how constitutional mechanisms like separation of powers, checks and balances and rule of law operate to prevent and resolve such crisis is also included in the conceptual framework.

**2. Institutional Scope**

The roles and responsibilities of the three organs of government-the Legislature, Executive, and Judiciary-in handling constitutional crises are extended to by this study. How each branch functions within its constitutional

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<sup>11</sup> Rajeev Dhavan, *The Supreme Court of India and Parliamentary Sovereignty* 88 (Tripathi 1977).

limits and how their interaction affects the stability of the system are explored by it. The power of the Legislature to amend the Constitution, the role of the Executive in implementing decisions during emergencies, and the power of the Judiciary of judicial review are analyzed to understand how balance is maintained. The discretionary powers and accountability mechanisms of these offices are crucial for restoring constitutional order.

### **3. Geographical and Comparative Scope**

While the Indian constitutional system is mainly focused on in the study, comparative insights are also drawn from other democratic countries such as the United Kingdom and the United States. Valuable lessons on how constitutional crisis are managed in different contexts are provided by the British System's reliance on conventions and parliamentary supremacy, and the American system's emphasis on judiciary review and checks and balances. The adaptability and uniqueness of the Indian constitutional framework are highlighted by the study through comparing these systems.

### **4. Legal and Political Scope**

The legal and political dimensions of constitutional crises are also included in the study. Legally, how constitutional provisions, amendments, and judicial decisions help on resolving disputes is examined by it. Politically, the role of democratic institutions, public opinion, and media in maintaining constitutional stability is considered by it. Understanding how crisis emerge and are handled in a democracy is centered on the interaction between law and politics.

## **IV. SURVEY AND REVIEW OF LITERATURE**

The backbone of any academic study is formed by the survey and review of literature, as a clear understanding of what earlier scholars, jurists, and constitutional experts have written or observed about the subject is provided by it. In the context of *Methods of Handling Constitutional Crisis*, the theoretical foundations, historical evolution, and practical mechanisms developed in different jurisdictions to manage constitutional breakdowns are identified through reviewing existing literature. Books, articles, judicial pronouncements, commission reports, and scholarly analyses related to constitutional crisis and their remedies are drawn upon in this review.

### **1. Early Theoretical Foundations**

The tracing of constitutional crisis study back to early political philosophers who analysed the balance of power and limitations on authority is done. A. V. Dicey's classic work "Introduction to the Study of the Law of the Constitution" (1885) emphasized the importance of the Rule of Law and Supremacy of the Constitution. It was argued by Dicey that constitutional stability depends on adherence to legal principles rather than arbitrary power. The foundations for handling constitutional conflicts through lawful and institutional means instead of political confrontation was formed by this theory.

### **2. Literature From Western Jurisdictions**

In the United States, Scholars like Alexander Hamilton, James Madison, and John Jay has enriches Constitutional Crisis literature in "The Federalist Papers"<sup>12</sup>. The need for checks and balances and an independent judiciary as essential safeguards against constitutional failure was discussed by them. Later, Edward S. Corwin's work on constitutional interpretation and Charles L. Black Jr.'s writings on presidential powers examined how judicial review and constitutional conventions help prevent the misuse of authority.

### **3. Judicial Literature**

A crucial part of the literature is also formed by judicial pronouncements. Landmark cases like **Kesavananda Bharati v. State of Kerala (1973)**, **Indira Nehru Gandhi v. Raj Narain (1975)**, and **S.R. Bommai v. Union of India (1994)** have defined how constitutional crisis should be approached. Concepts like the Basic Structure Doctrine and judicial limits on emergency powers, which serve as permanent methods for resolving constitutional conflicts, were introduced through these judgements.

### **4. Contemporary Research and Commentaries**

The dynamic nature of constitutional crisis in the era of coalition politics, judicial activism, and global constitutionalism is focused on in modern studies by scholars such as Subhash Kashyap, Upendra Baxi, and Rajeev Dhavan. The importance of continuous adaptation, constitutional dialogue, and respect for democratic processes is underlined by their works.

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<sup>12</sup> The Federalist No. 51 ( James Madison).

## 5. Indian Scholarly Contributions

In India, the study of constitutional crisis gained importance after independence. **Dr. B.R. Ambedkar**, during the **Constituent Assembly Debates (1946–49)**, warned that the success of the Constitution would depend on the **constitutional morality** of those in authority. His observations formed the earliest Indian perspective on preventing constitutional misuse through ethical leadership.

**Granville Austin**, in “The Indian Constitution: Cornerstone of a Nation” (1966) and “Working a Democratic Constitution” (1999), provided a comprehensive study of India’s constitutional development. He observed that while India has faced several crises—such as during the Emergency (1975–77) and Centre–State disputes—its institutions have survived due to the flexibility of the Constitution and the active role of the judiciary.

**M.P. Jain**, in “Indian Constitutional Law”, examined how constitutional provisions like Article 356 (President’s Rule) and judicial decisions have shaped India’s crisis management system. He emphasized that the Constitution’s design, which combines rigidity and flexibility, allows peaceful resolution of conflicts. **D.D. Basu’s** “*Introduction to the Constitution of India*” also remains a cornerstone work explaining constitutional safeguards, judicial remedies, and the role of conventions in maintaining stability.

## CONTENT OF THE PROJECT

A constitutional crisis arises when the constitutional provisions, institutions, or conventions fail to resolve a dispute between the organs of government or between the government and the people. In a democratic framework, such crises threaten the supremacy of the Constitution, the rule of law, and the separation of powers. Therefore, it is essential to have effective methods to handle and resolve constitutional crises. In India, these methods include judicial intervention, constitutional amendments, emergency powers, conventions, federal principles, and political negotiations. Each of these plays a vital role in ensuring that the constitutional order is maintained even in times of conflict.

### 1. Judicial Review and Interpretation

One of the most effective methods of handling a constitutional crisis is Judicial Review<sup>13</sup>, where the Judiciary acts as the guardian of the Constitution. The courts interpret constitutional provisions and ensure that all actions of the Legislature and Executive remain within their limits.

#### Case Law:

- **Kesavananda Bharati v. State of Kerala (1973):**

The Supreme Court held that Parliament’s power to amend the Constitution under Article 368 is not unlimited. It cannot destroy the **basic structure** of the Constitution. This judgment ended the crisis between Parliament’s supremacy and the Judiciary’s authority, establishing judicial supremacy in constitutional interpretation.

- **Minerva Mills v. Union of India (1980):**

The Court held that there must be a balance between **Fundamental Rights** and **Directive Principles**<sup>14</sup>, thereby preventing any one part of the Constitution from overriding another.

Through such judgments, the judiciary has maintained constitutional balance and prevented misuse of power.

### 2. Constitutional Amendments

When constitutional provisions are ambiguous or outdated, amendments serve as a legal method to resolve conflicts and crises. The power to amend under Article 368<sup>15</sup> allows Parliament to adapt the Constitution to changing political and social conditions.

#### Case Law:

**Sajjan Singh v. State of Rajasthan (1965)** and **Golak Nath v. State of Punjab (1967)** – These cases created confusion about Parliament’s power to amend Fundamental Rights. This crisis was later resolved in **Kesavananda Bharati (1973)**, where the Court upheld Parliament’s amending power but limited it through the basic structure doctrine.

Thus, constitutional amendments function as a corrective mechanism to clarify provisions and prevent future crises.

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<sup>13</sup> Supra note 2.

<sup>14</sup> (1980) 3 SCC 625.

<sup>15</sup> INDIAN CONSTITUTION. ARTICLE. 368.

### **3. Use of Emergency Powers**

The Constitution provides for emergencies under Part XVIII (Articles 352–360) to handle extraordinary situations threatening the security or stability of the nation. While these provisions aim to restore order, they must be used with restraint.

#### **Case Law:**

*Indira Gandhi v. Raj Narain* (1975)<sup>16</sup> – The misuse of emergency powers led to a constitutional crisis. The Supreme Court intervened to protect electoral integrity, asserting that democracy and free elections form part of the basic structure. *ADM Jabalpur v. Shivkant Shukla* (1976) – The Supreme Court upheld suspension of Fundamental Rights during the Emergency. However, this judgment was later widely criticized and overruled, highlighting the dangers of excessive executive power.

Emergency provisions, though powerful, must operate under judicial and parliamentary oversight to prevent authoritarianism.

### **4. Federal Remedies and President's Rule**

In a federal system, centre-state relations can lead to constitutional crises, especially when there is political disagreement or misuse of power. Article 356 allows the President to impose central rule in states when the constitutional machinery breaks down.

#### **Case Law:**

*S.R. Bommai v. Union of India* (1994)<sup>17</sup> – The Supreme Court laid down strict guidelines for invoking Article 356. It held that the President's proclamation is subject to judicial review, thereby preventing misuse of power for political purposes.

This judgment strengthened Indian federalism and became a key precedent in handling centre–state crises.

### **5. Constitutional Conventions and Political Negotiations**

Not all crises can be resolved through legal provisions. Some require political compromise, negotiation, and adherence to constitutional conventions<sup>18</sup>. Conventions fill the gaps left by written law and ensure smooth functioning of government institutions.

For instance, in cases where there is a hung parliament, the President follows convention to invite the largest party to form government. Political negotiations during such times uphold democratic functioning and prevent breakdowns in governance.

### **6. Public Accountability and Democratic Awareness:**

Public opinion, media vigilance, and civil society activism are modern democratic tools to prevent and handle constitutional crises. Constitutional morality is sustained not just by institutions but by the awareness and participation of the people.

Thus, transparency and accountability form the informal yet powerful method of maintaining constitutional balance<sup>19</sup>.

## **V. SUGGESTION**

Every Constitution, no matter how well-drafted, faces challenges that test its endurance, flexibility, and moral authority. The study of methods of handling constitutional crises reveals that while India has developed several legal and institutional safeguards, continuous improvement is needed to prevent political misuse and ensure the smooth functioning of democracy. The following suggestions aim to strengthen constitutional mechanisms, promote accountability, and uphold constitutional morality during times of crisis.

### **1. Strengthening the Principle of Constitutional Morality**

One of the most important lessons from past constitutional crises is that laws and institutions alone cannot protect the Constitution unless those in power respect its spirit. Therefore, it is suggested that all public officials—especially members of the Legislature, Executive, and Judiciary—should be educated and trained in constitutional ethics and values. The principle of constitutional morality, as emphasized by Dr. B.R. Ambedkar, should guide political decisions. Conduct based on morality, transparency, and restraint can prevent crises before they occur.

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<sup>16</sup> 1975 Supp SCC 1.

<sup>17</sup> (1994) 3 SCC 1

<sup>18</sup> Supra note 6

<sup>19</sup> Supra note 8

## **2. Ensuring Judicial Independence and Transparency**

The Judiciary plays a central role in resolving constitutional crises through judicial review and constitutional interpretation. To preserve this function, the independence of the judiciary must be protected from political interference. A balanced judiciary ensures that crises are resolved swiftly and fairly, maintaining public faith in the rule of law.

## **3. Promoting Cooperative Federalism**

India's quasi-federal structure demands harmony between the Centre and the States. Many constitutional crises have emerged from disputes over power-sharing, resource control, and political conflicts.

Suggestions include:

- Establishing a **permanent inter-governmental council** to mediate Centre-State disputes.
- Strengthening institutions like the **Finance Commission and NITI Aayog** to ensure fair fiscal federalism.
- Encouraging States to play a greater role in constitutional reforms and national decision-making processes.

Cooperative federalism not only reduces tension but also reinforces the unity of the nation.

## **4. Reforming the Process of Constitutional Amendment**

Frequent amendments made for political convenience can weaken the stability of the Constitution. It is therefore suggested that:

- Amendments affecting fundamental rights or federal principles require ratification by a two-thirds majority of State legislatures.
- Public consultation and expert review should be made compulsory before major amendments.
- The basic structure doctrine should remain the guiding principle to ensure that amendments strengthen, not distort, constitutional ideals.

This will maintain both flexibility and stability in the constitutional framework.

## **5. Enhancing Public Awareness and Civic Education**

Citizens are the ultimate guardians of the Constitution. Therefore, constitutional awareness programs should be introduced at schools, universities, and civil service training institutes. When citizens understand their rights and duties, they can hold governments accountable and resist unconstitutional actions.

## **6. Encouraging Political Consensus and Dialogue**

Many crises arise from rigid political attitudes rather than legal ambiguities. It is suggested that political parties adopt a culture of dialogue, consensus, and respect for institutional autonomy. National issues—especially those affecting constitutional interpretation—should be discussed in an all-party forum before resorting to litigation or confrontation.

# **VI. CONCLUSION**

The study on Methods of Handling Constitutional Crisis concludes that the strength of any democracy depends on how effectively its constitutional system responds to conflicts and challenges. A constitutional crisis occurs when the normal mechanisms of government fail to operate according to constitutional principles or when two or more organs of the State claim supremacy over one another. From the Indian perspective, it becomes clear that such crises have repeatedly tested the flexibility and endurance of the Constitution, especially during times like the Emergency of 1975–77, the misuse of Article 356, and the ongoing debates over judicial independence and legislative supremacy. However, despite these challenges, the Indian Constitution has shown remarkable resilience and adaptability. Through judicial creativity and constitutional morality, India has successfully transformed moments of crisis into opportunities for democratic growth. Landmark judgments such as *Kesavananda Bharati v. State of Kerala*, *Minerva Mills v. Union of India*, and *S.R. Bommai v. Union of India*<sup>20</sup> have played a defining role in reaffirming the supremacy of the Constitution and protecting its basic structure from political misuse. These cases also underline that the Judiciary serves as the ultimate guardian of constitutional balance by ensuring that the Legislature and Executive remain within their constitutional limits.

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