



IMPACT OF JUDICIAL INTERPRETATION ON INTERGOVERNMENTAL RELATIONS

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Abstract

This paper examines the pivotal role of judicial interpretation in shaping intergovernmental relations within federal systems. It explores how courts define constitutional boundaries and regulatory obligations by clarifying ambiguous statutes and applying doctrines such as the pith and substance test and inter-jurisdictional immunity. By delineating the division of powers among federal, state, and local governments, judicial interpretations prevent overreach while promoting cooperative federalism. The study investigates how courts resolve conflicts between divergent governmental policies and the impact of these decisions on regulatory regimes, funding allocations, and administrative practices. A comparative analysis of activist and restrained judicial models is provided. An activist approach reinterprets laws to protect minority rights and check majority power, though it risks politicizing the judiciary and straining inter-branch relations. In contrast, a restrained model defers to democratically elected officials, preserving legitimacy but potentially allowing repressive policies to persist. The paper reviews key court decisions and examines intergovernmental disputes in systems such as those in Canada, Australia, and India, as well as international cases adjudicated by the International Court of Justice. Ultimately, the analysis demonstrates that judicial interpretation is essential for maintaining constitutional order, ensuring balanced intergovernmental relations, and adapting to contemporary governance challenges effectively globally.

Keywords: Judicial, Court, Federal, Judiciary, Interpretation.

INTRODUCTION

Intergovernmental relations are crucial for resolving conflicts between various branches and levels of government. In view of these, judicial interpretation plays a crucial role in resolving these disputes. Scholars and decision-makers argue that its independence and impartiality are crucial. In particular, Schertzer, (2017) ensuring that conflicting governing systems are resolved peacefully and within the parameters of the constitution. By establishing the distribution of authority among the various political levels, judicial interpretation is essential in forming intergovernmental relations. Courts, particularly constitutional and supreme courts, serve as mediators between federal and state authorities. In contrast, resolving conflicts, clarifying the authority of the legislature, and ensuring that constitutional principles are followed. On the other hand, the way governments cooperate, compete, or operate autonomously is influenced by the way laws, executive orders, and constitutional provisions are interpreted. The impact of judicial interpretation is particularly significant in federal systems, where power is distributed among central and regional governments.

Thus, ensuring both government levels operate within their constitutional limits. Moreover, courts may influence policy implementation by determining the scope of government regulations and administrative responsibilities. In federal systems, courts act as arbiters in disputes involving intergovernmental interactions, including taxation, resource allocation, and environmental restrictions. More importantly, judicial interpretation plays a crucial role in clarifying the division of powers between the federal government and individual states. Hence, courts uphold agreements, encourage collaboration, and set precedents for future dealings. In order to identify collaborative solutions, they also promote communication and compromise across the various governmental levels. For example, the Supreme Court of India has been

involved in disputes between central and state governments, particularly regarding federalism and resource sharing. It is possible to consider judicial interpretation may be hampered by factors like political interference, judicial overreach, and a lack of consistency. As a result, intergovernmental relations may become inconsistent as a result of courts overstepping their bounds, interfering with other parts of government, and interpreting the law differently. Notwithstanding these difficulties, judicial interpretation plays a crucial role in federal systems' interstate relations by offering a means of settling conflicts. Thus, defining jurisdictional limits and encouraging collaboration amongst governmental levels. Stated differently, the judiciary decides which body has the authority to create, carry out, and enforce laws pertaining to a specific topic. This paper examines the role of judicial interpretation in intergovernmental relations, highlighting key judicial decisions that have shaped governance structures. It explores how courts have mediated conflicts, redefined jurisdictional boundaries, resolving conflicts between governmental directives, and influenced policy outcomes, thereby impacting the overall functioning of government institutions. By analysing these judicial interventions, we can better understand the evolving nature of federalism and the legal principles that guide intergovernmental dynamics.

Defining Jurisdictional Limits

In federal systems, courts are essential for interpreting the constitution and establishing the authority and boundaries of the federal, state, and local governments. As noted above, our country set precedents that influence the distribution of power among the various governmental levels and direct future interpretations. Inter-jurisdictional immunity and the "pith and substance" test are two examples of doctrine and principles. Nevertheless, these aid in determining whether a certain statute is under the purview of the federal or provincial governments. Subsequently, these theories can restrict or increase the scope of governmental powers. Generally speaking, by ensuring that laws remain within their designated scope, each level of government is prevented from overstepping beyond its authority. In other words, courts are essential in establishing jurisdictional boundaries. In fact, they interpret the Constitution to make it clear which branch of government has jurisdiction over certain issues. Law (2009) asserts that the popular sovereignty foundation of a constitutional government system allows the government to function as the people's representative.

Therefore, using its authority in compliance with the constitution's provisions. To elaborate, the first step in this procedure is to carefully study the constitutional language, which outlines the federal, state, and municipal powers. That is to say, courts interpret confusing statutes by considering the plain sense of the text. Legislative purpose and historical context disagreements correspondingly emerge over matters that may come within overlapping areas of competence. One case that illustrated the significance of preserving a balance between the authority of the federal government and state governments was *S.R. Bommai v. Union of India* (1994). On the contrary, the lines between federal and state jurisdiction were defined by landmark rulings that made clear that the federal government had implied powers. Accordingly, powers are not expressly mentioned but are required to perform its listed responsibilities. Likewise, the federal government has the authority to control interstate trade, which occasionally clashes with state legislation. Stated otherwise, by setting guiding principles for the distribution of governmental authority, these rulings act as precedents that assist courts in resolving future conflicts.

According to Barkow (2006), the linkage of power over the state makes it difficult to evaluate power in government institutions and personnel. Courts frequently use strategies that respect the constitutional division of powers and recognise the pragmatic necessity of collaboration. Across governmental institutions, legislation or regulation appears to infringe upon the

authority of another level of government. In many common law countries, the pith and substance test is used to ascertain the real essence of a legislative provision. For instance, courts have ruled that state laws that aim to regulate bank operations, a major role of the Reserve Bank of India go outside the bounds of the constitution. Courts assess whether a legislation's effect is within the purview of the enacting authority by going beyond the structure of the law. Even if a law unintentionally touches regions outside of the legislative authority, it may be sustained with its "pith and substance" fits within that authority. On the other hand, the legislation could be deemed illegal if its primary goal intrudes on territory designated for a higher level. Inter-jurisdictional immunity is a theory that shields the core operations of one level of government from interference by another. Whereas the core premise is that some aspects of government operations are so essential that they need to be shielded from another government's regulatory authority. Additionally, the idea of inter-jurisdictional immunity and the pith and substance test both act as restraints on overreach. Thus, making sure that one level of government does not infringe upon the duties that the Constitution assigns to another level.

Resolving Conflicts between Governmental Directives

In order to settle conflicts between federal and state policy, judicial interventions are essential. Further, the pith and substance test, statutory and constitutional interpretation, and administrative coherence are all steps in the multi-step study that goes into these rulings. By defining which level bears main responsibility for a particular issue, complimentary to these rulings serve as a road-map for administrative law. Courts indeed, have the authority to determine which core elements of a governmental activity must be under the sole jurisdiction of one level of government.

Subsequently, allowing incidental or peripheral elements to be regulated by a higher level. Florey (2009) contends that state courts regularly apply state law to actions, including commercial ones that take place outside of the state. Nonetheless, different legal interpretations, divergent policy objectives, or inadequate coordination amongst government authority are only a few of the causes of conflicts between directives. For these reason, these disputes may cause misunderstandings for businesses and individuals, obstruct efficient government, or even result in legal issues. For example, *Vishaka v. State of Rajasthan*¹ (1997) and *Justice K.S. Puttaswamy (Retd.) v. Union of India*² (2017), numerous court cases have dealt with the constitution. Conversely, directives that violate higher laws or constitutional principles may be declared unconstitutional by courts.

This means that anyone impacted by conflicting directives may file an administrative appeal with higher administrative authorities. Altogether, to resolve ambiguities or contradictions, legislative action might step in and establish new legislation or alter current ones. Put simply, governments may ensure clarity, consistency, and successful governance by utilising a mix of these procedures to address discrepancies across directives. Moreover, several governmental levels are involved in the intricate process of implementing policies at the national level. Courts are as well as essential for settling conflicts and setting guidelines for cooperation. By dividing up regulatory duties, they make sure that local issues are addressed at every level of government while upholding fundamental national interests.

In the same way, this equilibrium permits dynamic policy changes in response to shifting social demands while preserving the integrity of federalism. Thus, judicial involvement in disagreements between governmental policies has two purposes: a) it resolves problems by drawing distinct boundaries between the authorities of the federal, state, and local governments and b) it fosters cooperative federalism by permitting overlap in areas that require joint

regulation. In our federal system, disputes between official mandates are unavoidable, but there are several ways to handle and settle these problems. To ensure smooth and efficient governance, robust judicial monitoring, effective intergovernmental collaboration, and a dedication to reaching mutually acceptable solutions are essential.

Judicial Activism Versus Restraint in Intergovernmental Context

We will now consider a balanced federal government and the rule of law upholding in large part by the judicial system. Judicial interpretation can be divided into two opposing schools: active and restrained. Courts using other activist tactics deliberately reinterpret current laws or constitutional clauses. Thus, extending rights or placing restrictions on majority rulings. This may entail just as going beyond to safeguard the rights of minorities or to stop any one department of government from going too far. Kenney, Reisinger, & Reitz (1999) explained political influence in societies: “Today, at the end of the twentieth century, it is scarcely possible to recount, much less understand, the major political and social developments in industrial societies without attention to legal norms, courts, and judges.”. To simplify, the active judge views the court's function as a protector of democratic values and individual rights in addition to settling conflicts. Intergovernmental relations may be significantly impacted by activist decisions.

Alternatively, they have the ability to change the distribution of power among the various levels of government. Consequently, they might result in more conflict and better rights protection. For example: in the Balbir Singh³ inspector case, the judiciary deferred to the legislative branch's expertise in matters of law enforcement, highlighting the importance of maintaining a balance of powers within the government. Therefore, recognising the executive's authority in this area. The federal government, in view of this, may need to amend their regulations to conform to a new court interpretation. In other words, these rulings may also have an impact on administrative law and policy implementation. Conversely, judicial restraint is the determination of courts to defer to elected authorities' decisions. This method places a strong emphasis on respecting the separation of powers. That is to say, by acknowledging the democratically elected authorities, not judges, are best suited to make policy decisions. Especially those that have a significant impact on vast populations or intricate regulatory issues. Overall, this strategy restricts judicial interventions to blatant constitutional or legal infractions in an effort to prevent judicial overreach and improve stability and predictability.

An activist model prevents majorities from abusing their authority. In more detail, it defends the rights of minorities when political systems fail to protect them. It also encourages reforms in administrative procedures. However, overturning the decisions of democratically elected officials may lead to tensions between governments. It could also politicise the court. This politicisation might erode public confidence in an institution that is supposed to be unbiased. Abraham (2019) argues that the current deadlock in liberal government is largely due to the nation's inability to regulate modern socialism, despite its emphasis on culture and minority rights. A restricted model follows the concept of separation of powers. It specifically minimises disputes between levels of government. Also of importance is that it promotes cooperative federalism. To be more precise, it defers to elected institutions on policy questions. This model preserves democratic legitimacy.

Nevertheless, if the political branches do nothing, minority rights could not be adequately preserved. Excessive deference may impede required court involvement in circumstances requiring quick adaptation. Significant changes occur in the distribution of power across governmental levels. For instance, Pradhan Mantri Gram Sadak Yojana⁴ and Swachh Bharat

Mission⁵ are the central sponsored scheme. The changes are a result of both aggressive and restrained judicial methods. Such methods can sometimes lead to disputes. As a result, they can also provoke legislative retaliation. They can also act as a spur for change. They guarantee that constitutional rights are upheld. They work even when governmental regulations change swiftly. In contrast, restrained rulings clearly defer to political procedures. This often promotes more harmonious intergovernmental relations. However, if the judiciary is too reluctant to act, it may allow potentially repressive practices to continue. In conclusion, the effects on interstate relations of both aggressive and restrained judicial methods are significant. Although an active judiciary can safeguard the rights of individuals and minorities and restrain the excesses of the majority. Consequently, it can also disturb the balance of power and cause conflict across tiers of government. To look at this another way, a constrained judiciary yields to elected branches. This helps additionally maintain democratic legitimacy. Notwithstanding, it risks under-protecting vulnerable populations. Hence, it may also permit uncontrolled policy decisions. To review, knowing these models makes it easier to see how judicial interpretation plays a dynamic role in upholding the rule of law and a federal government that is balanced.

Implications for Policy and Administration

In the following section, we will elaborate on intergovernmental programs that are funded by the federal government, and the judicial decisions can impact budgetary allocations. The dynamics between the various parts of government, as well as public administration and governance, are greatly influenced by judicial interpretations. In addition, courts elucidate vague wording in laws. They compel administrative bodies to modify their rules. In the same way, they also require changes in enforcement procedures. Courts, in doing so, interpret legislation and regulations. This interpretation alternatively gives them authority. Changes to industry standards and agency guidelines may result from this. Courts, on the other hand, decide the legitimacy of financial allocations and financing systems. For example, the Court has stepped in to ensure that funding for rural job possibilities is allocated and used effectively through its intervention in the NREGA implementation. These decisions consequently affect intergovernmental initiatives that rely on federal funds. Courts altogether improve the integrity of public administration and enhance its efficacy.

They do so more precisely by establishing precedents. These precedents significantly direct the operations of the federal government. As noted above, they guarantee that administrative decisions follow constitutional guidelines. Court rulings, in fact, define constitutional limits and regulatory obligations. Mostly, they impact the planning of intergovernmental initiatives. Also, they affect how these initiatives are executed. The smooth operation of intergovernmental initiatives is facilitated by judicial interpretations. According to Pollack (2017), there has been a heated discussion in recent decades over the overlapping accusations of prejudice, judicial activism, faulty legal reasoning, and opacity at the court. Following this, the judiciary clarifies constitutional boundaries and explains regulatory responsibilities. Courts also enhance collaboration between federal, state, and local entities. It results in more effective and focused public policies. As we shall see, the way courts engage with the legislative and executive branches has an impact on inter-branch dynamics. It can be seen that courts reinterpret laws to safeguard rights. That aside, courts check legislative and executive authority. Because of this, courts prevent majority choices from overruling minority rights. However, if elected bodies believe that court rulings are unnecessarily restricting their ability to make policy, such interference may lead to conflict. Maintaining democratic legitimacy and efficient government requires promoting communication rather than escalating hostilities. Overall, for both efficient government and democratic legitimacy to be maintained, these strategies must be balanced.

Case Studies and Comparative Perspectives

It is now necessary to move to various case studies from domestic to international perspectives. International relations and federal systems both frequently include intergovernmental conflicts⁶. Additionally, conflicts between different sovereign states may also be addressed through international legal mechanisms, such as treaties or agreements. By examining these case studies, we can better understand the complexities of federal systems and international relations, and the role that legal decisions play in resolving conflicts and maintaining order. In Canada, the separation of powers between the federal and provincial governments is often at the heart of intergovernmental conflicts. Especially when it comes to resource management, healthcare, and the environment. More specifically, the Canadian Constitution uses the pith and substance theory to judge whether a piece of law is constitutional. There are constant discussions over the distribution of power between the Commonwealth and the states in Australia.

The Constitution importantly, gives the federal government a lot of authority. Moreover, in Australia, disagreements about the allocation of authority between the states and the Commonwealth have been settled by the High Court. In order to maintain a balance between local autonomy and national policy, the Indian Supreme Court arbitrates disputes between state and federal laws. Examples from other countries include *Bosnia and Herzegovina v. Serbia and Montenegro*⁷ (2007) and *Nicaragua v. United States*⁸ (1986). Cases involving population swaps raise complex legal issues. They also present moral dilemmas like the rights of displaced people. It often question state duties and highlight the international community's responsibility to assist refugees. International treaties also emphasise the significance of precise wording, efficient dispute settlement procedures, and the function of international law in controlling state conduct. As globalisation increases, cross-border regulatory issues involving consumer protection, trade, and environmental protection are occurring more often. It is essential to comprehend and resolve intergovernmental conflicts in order to preserve peace, stability, and collaboration both inside and between countries.

When it comes to settling disputes between countries, international courts are essential. As explored below, they consider cases concerning territorial disputes, treaty interpretation, and cross-border regulatory problems. Similarly, binding rulings provide guidance on handling intricate cross-border matters. They ensure that countries follow established legal norms. Advisory opinions also help clarify states' legal responsibilities under international law. These instances occur both locally and internationally. They show how judicial interpretation affects policy execution. Another point to consider is they promote collaboration between governments and settle disputes among governments and countries. To sum up, international courts define the distribution of political authority.

Future Challenges and Trends

Modern issues such as rapid technological advancements, environmental regulation challenges, and public health crises stretch the traditional methods of judicial interpretation. Courts once relied primarily on the original text and historical context when interpreting laws. Today, however, issues like digital privacy, cyber security, and the impacts of climate change require courts to look beyond the plain meaning of the words. Public health emergencies, for instance, demand that courts interpret laws in a way that accommodates swift and flexible governmental responses. To address these challenges, courts are increasingly adapting their interpretive methods. They incorporate interdisciplinary insights and expert testimony to understand the broader purpose behind a law. This adaptive approach allows courts to apply constitutional

principles in a way that is sensitive to contemporary realities. As a result, judicial interpretations evolve over time, ensuring that regulations and statutes remain effective and relevant for modern governance. Judicial legitimacy is crucial for maintaining public trust in the legal system and ensuring the smooth functioning of intergovernmental relations. In an era marked by heightened political polarization, courts must balance independence with accountability. On one hand, judicial independence ensures that judges can decide cases impartially without undue political influence. In contrast, accountability requires that judicial decisions be transparent and well-grounded in legal reasoning, so that the public and other government branches can understand and trust those decisions. When courts strike the right balance, they check potential abuses of power by the legislative and executive branches without overstepping democratic boundaries. Restraining judicial intervention in cases that fall squarely within the competence of elected bodies helps preserve the separation of powers. However, when judicial decisions appear biased or excessively activist, they risk undermining public trust and deepening inter-branch conflicts. Ultimately, decisions that are both independent and accountable reinforce intergovernmental cooperation and uphold democratic legitimacy.

Critical Perspective

Courts that intrude too far into policy-making risk upsetting the democratic balance. They may overturn decisions made by elected officials. This can lead to conflicts between the judiciary and the political branches. Critics argue that such overreach undermines the principle of separation of powers. They claim that judges, who are not elected, should not replace legislative decision-making. There are also concerns about political bias. Some studies suggest that judges sometimes allow their ideological leanings to influence their interpretations. This perceived bias can erode public trust in the judicial system. Judicial interpretation is essential for protecting constitutional order and minority rights. Courts act as a safeguard when majorities attempt to impose policies that may harm vulnerable groups. They check legislative and executive actions that might otherwise infringe on individual rights. To maintain neutrality, courts rely on legal principles, precedent, and careful analysis of the Constitution. Although judges are independent, they also use transparent reasoning to explain their decisions. This process helps balance their role as neutral arbiters with the need to influence intergovernmental relations. Ultimately, judicial independence reinforces the rule of law while ensuring that diverse voices are protected in a democratic society.

Footnotes

- 1) *Vishaka v. State of Rajasthan* (1997). The court's proactive approach to tackling social concerns was seen in *Vishaka v. State of Rajasthan*, which created standards for employers to prevent and handle sexual harassment.
- 2) *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017). *Puttaswamy v. Union of India* established a flexible interpretation of basic rights in light of the evolving social and technical landscape by recognising privacy as a fundamental right.
- 3) *Balbir Singh Inspector v. State of NCT of Delhi & Anr.* (2024)
- 4) The Pradhan Mantri Gram Sadak Yojana is a central scheme. It aims to improve rural connectivity. However, it has faced criticism. Critics say it centralizes decision-making. They argue that it reduces state governments' ability to prioritize local needs.
- 5) The Swachh Bharat Mission is another central scheme. It focuses on sanitation and hygiene. It has also been accused of undermining state autonomy. Critics claim it imposes top-down directives on local governments.
- 6) *McCulloch v. Maryland* (1819), *Gibbons v. Ogden* (1824), *United States v. Lopez* (1995), and *Gonzales v. Raich* (2005) are significant rulings of the U.S. Supreme Court.

- 7) The International Court of Justice found Serbia guilty of failing to prevent genocide during the Bosnian War in the 1990s, ruling in favour of Bosnia and Herzegovina. In addition to holding Serbia responsible for its deeds, this court ruling gave the victims and their families a feeling of justice and closure. It acts as a reminder of how crucial legal procedures are to maintaining international law and guaranteeing national responsibility.
- 8) The United States was found to have violated international law by aiding the Contra rebels in Nicaragua, according to the International Court of Justice's decision in this case. This decision reaffirmed the need of following international law and assisted in holding the US responsible for its deeds. All things considered, these examples show how important international legal systems are to preserving justice and peace on a worldwide basis.

References

- 1) Abraham, D. (2019). Minority rights through or against majorities in immigrant welfare states. University of Miami Legal Studies Research Paper Forthcoming. <https://doi.org/10.2139/ssrn.3428818>
- 2) Barkow, R. E. (2006). Separation of Powers and the Criminal Law. *Stanford Law Review*, 58, 989–1053. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/stflr58&div=46&id=&page=>
- 3) Florey, K. (2009). State Courts, State territory, State power: Reflections on the extraterritoriality principle in choice of law and Legislation. *Notre Dame Law Review*, 84(3), 78. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2224208
- 4) Law, D. S. (2009). A theory of judicial power and judicial review. *The Georgetown Law Journal*, 97, 723–793. <http://ssrn.com/abstract=1112613>
- 5) Levinson, D. J. (2016). Foreword: Looking for power in public law. *Harvard Law Review*, 130(1), 33. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2867668
- 6) Poirier, J. (2018, November 26). Intergovernmental relations in federal systems: ubiquitous, idiosyncratic, opaque and essential - 50 shades of federalism. *50 Shades of Federalism*. Retrieved February 11, 2025, from <https://50shadesoffederalism.com/theory/intergovernmental-relations-in-federal-systems-ubiquitous-idiosyncratic-opaque-and-essential/>
- 7) Pollack, M. A. (2017). The legitimacy of the Court of Justice of the European Union. Harlan Cohen and Nienke Grossman, Eds., *Legitimacy and International Courts* (Cambridge University Press, Forthcoming). <https://doi.org/10.2139/ssrn.2911836>
- 8) Schertzer, R. (2017). Federal Arbiters as Facilitators: Towards an Integrated federal and judicial theory for diverse states. *International Journal of Constitutional Law*, 15(1), 110–136. <https://academic.oup.com/icon/article/15/1/110/3068325?login=false>
- 9) Testbook, T. (2025, January 8). Doctrine of Pith and Substance - origin, features, components & more. Testbook. Retrieved February 10, 2025, from <https://testbook.com/ias-preparation/doctrine-of-pith-and-substance#:~:text=Importance%20of%20Doctrine%20of%20Pith%20and%20Substance&It%20ensures%20that%20the%20legislative,are%20clearly%20defined%20and%20respected.>
- 10) Vision IAS, V. (2024, March 27). S.R. Bommai Judgement (1994) by nine judge Bench of Supreme Court (SC) completes 30 years | Current Affairs | Vision IAS. Current Affairs | Vision IAS. Retrieved February 10, 2025, from <https://visionias.in/current-affairs/news-today/2024-03-11/polity-and-governance/sr-bommai-judgement-1994-by-nine-judge-bench-of-supreme-court-sc-completes-30-years#:~:text=President's%20power%20to%20dismiss%20a,illegality%2C%20malafide%2C%20extraneous%20considerations%2C>