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THE ROLE OF THE JUDICIARY IN INDIAN DEMOCRACY

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Introduction

In a democratic system, the judiciary is essential for upholding the rule of law and safeguarding individual rights against arbitrary actions. Democracy is rooted in governance by and for the people, with a key principle being the separation of powers among the executive, legislature, and judiciary.¹ While each branch has its own responsibilities, their collaboration ensures the maintenance of a just and thriving democracy. The judiciary acts as a guardian of democracy, preserving constitutional values and ensuring that the executive and legislative branches operate within their designated boundaries. In India, the judiciary's role is particularly crucial due to the diverse and intricate social, political, and economic landscape of the country.

A comprehensive understanding of the role of the judiciary in Indian democracy can be achieved by examining its historical evolution, constitutional foundations, and practical manifestations in contemporary society. To begin with, this analysis will explore the historical perspective, tracing the growth and development of the judiciary in India. Next, it will examine the specific examples and significant case laws that emphasize the judiciary's crucial function. Finally, the attention will turn to the judiciary's role and its interaction with other branches of government and its significance in the present era.

The Roots of the Judicial Developments

The judiciary in India has a rich historical background dating back to the ancient India, where the principles of Dharma or laws were influenced by the Vedas.² The Vedas encompassed

¹‘Constitutional Law of India - Chapter 2 - Salient Features of the Indian Constitution’ (Manupatra) <http://student.manupatra.com/Academic/Abk/Constitutional-Law-of-India/CHAPTER-2.htm> accessed 2 April 2024).

²Sohan Lal Meena, ‘Relationship Between State and Dharma in Manusmriti’, (*The Indian Journal of Political Science* July – Sept 2008) <https://www.jstor.org/stable/41856150>, accessed 31 March 2024.

guidelines for behaviour and rituals, which were compiled in Dharma Sutras and followed in various branches of Vedic schools.³ Then the medieval period came where religious leaders aimed to shape Islam into a legalistic religion, yet rulers, who held the responsibility of dispensing justice, made the Sharia courts subservient to their own authority. However, the present judicial system in India finds its roots in the colonial era. The East India Company established courts with European judges who applied English law, introducing the common law system and establishing institutions such as the Sadar Diwani Adalat. The establishment of high courts and the enactment of the Regulating Act of 1773 by the King of England further solidified the judicial framework, ultimately leading to the establishment of the Supreme Court of Judicature in Calcutta and subsequently, the Supreme Courts in Madras and Bombay.⁴

The inception of the Supreme Court in Calcutta in 1774 marked the formalization of the judicial system.⁵ Following independence, the architects of the Indian Constitution aimed to create a strong and autonomous judiciary to maintain the rule of law and safeguard the rights of the people. The Indian Constitution, which came into effect in 1950, serves as the bedrock of the nation's democratic structure. It laid down a comprehensive framework for the operation of the Indian government and outlines the powers and duties of the executive, legislative, and judicial branches. The autonomy of the judiciary is a crucial element of this framework, ensuring its ability to interpret and uphold the Constitution without any external interference.

Judiciary as the guardian

The judiciary's role in safeguarding the Constitution is of utmost importance in upholding India's democratic framework. Through the power of judicial review which is implicitly defined in the constitution of India, the judiciary guarantees that all laws and executive actions adhere to constitutional principles. This role was firmly established in the landmark Kesavananda Bharati case,⁶ which introduced the basic structure doctrine. This doctrine restricts Parliament's authority to amend the Constitution, ensuring the preservation of its fundamental features. Moreover, the judiciary plays a crucial role in safeguarding fundamental rights, adapting to contemporary challenges. For instance, in the Puttaswamy case, the right to

³ Justice SS Dhawan, Judicial System in India, Allahabad High Court, https://www.allahabadhighcourt.in/event/TheIndianJudicialSystem_SSDhawan.html, accessed on June 1, 2024.

⁴ Mahendra Pal Singh, Niraj Kumar, Tracing the History of the Indian Legal system in India, Oxford Academic, <https://academic.oup.com/book/32396/chapter-abstract/268688552?redirectedFrom=fulltext>, accessed on June 1, 2024.

⁵ VD Kulshrestha, 'The Regulating Act, Landmarks in Indian Legal and Constitutional History, pg 274, (12th ed.).

⁶ Kesavananda Bharati Sripadagalvaru vs. State of Kerala and anr, 1973 4 SCC 225.

privacy was recognized as an inherent aspect of the right to life and personal liberty.⁷ Additionally, the judiciary maintains a balance of power between the central and state governments, a vital aspect of federalism. The S.R. Bommai case serves as an example, as the Supreme Court established stringent guidelines for the imposition of President's Rule, preventing its misuse.⁸

Additionally, Public Interest Litigations (PILs) have demonstrated a model for equal access to the legal system, empowering individuals to request legal action in cases of public concern. This mechanism has empowered the judiciary to address a wide range of issues, from social justice to environmental protection. These actions highlight the judiciary's unwavering commitment to upholding constitutional principles and ensuring justice for all citizens. Despite facing challenges such as delays and allegations of corruption, the judiciary consistently endeavors to reform and enhance its functioning.

The Role of an Independent Judiciary

The autonomy of the judiciary is a fundamental element of a well-functioning democracy, guaranteeing that judicial rulings are made free from external influences or coercion. This autonomy is crucial for instilling public trust in the legal system and upholding the rule of law. In India, the Constitution enshrines the independence of the judiciary through various measures, such as ensuring judges' security of tenure, establishing fixed service conditions, and implementing a distinct process for their appointment and removal. These safeguards prevent undue interference from the executive and legislative branches, enabling judges to render impartial judgments based on legal principles and justice.⁹

An autonomous judiciary serves as a check on the powers of other branches of government, ensuring they do not overstep their constitutional boundaries or infringe upon individual rights. Landmark rulings, such as the Kesavananda Bharati case, demonstrate how an autonomous judiciary can uphold constitutional values even in the face of powerful political interests. Furthermore, an independent judiciary cultivates an environment where justice is dispensed impartially and fairly, which is essential for safeguarding the rights of minority and marginalized communities. By ensuring that justice remains uninfluenced by political or social

⁷ Justice K.S.Puttaswamy(Retd.) vs, Union of India,AIR 2018 SC (SUPP)1841, 2019.

⁸ S.R. Bommai vs.Union of India,1994,2 SCR 644.

⁹ Bruce Ackerman, 'The New Separation of Powers' Harvard Law Review 113 633.

pressures, an independent judiciary bolsters the democratic framework and advances the ideals of justice, equality, and fairness.

Conclusion

The conclusion underscores the significant role of the judiciary in the Indian democracy, as it is responsible for safeguarding the Constitution, defending fundamental rights, and ensuring checks and balances. The independence of the judiciary is essential for delivering fair and unbiased justice, although it is a subject of ongoing debate. Critics raise concerns about the transparency and accountability of the collegium system, which oversees judicial appointments. This debate emphasizes the necessity for reforms to strengthen the judiciary's independence while maintaining its effectiveness within a democratic structure. Despite the obstacles, the judiciary remains a fundamental pillar of India's democratic principles, dedicated to promoting justice and equality.