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BLOG ON THE ROLE OF THE JUDICIARY IN INDIAN DEMOCRACY

~ *Kanchan Kumari Gupta*

INTRODUCTION

The judiciary in India performs a pivotal function in the democratic framework, serving as the mum or dad of the constitution and the protector of person rights. Its characteristic extends beyond mere adjudication to consist of the translation of laws, making sure justice, and preserving the stability of strength most of the branches of presidency. This weblog explores the judiciary's essential position in Indian democracy, highlighting landmark instances and constitutional provisions.

THE CONSTITUTIONAL MANDATE

The Constitution of India establishes the judiciary as an independent and co-equal branch of government. Articles 124-147 in Part V deal with the Supreme Court, while Articles 214-237 in Part VI pertain to High Courts in the states. The independence of the judiciary is a cornerstone of Indian democracy, safeguarded by provisions such as the security of tenure for judges, fixed salaries, and the prohibition against discussions of judicial conduct in the legislature except upon a substantive motion.

JUDICIAL REVIEW

One of the judiciary's most significant powers is judicial review, which allows it to examine the constitutionality of legislative enactments and executive actions. This power ensures that all actions of the government conform to the Constitution. The case of *Keshavananda Bharati v.

State of Kerala (1973) * cemented this principle by establishing the doctrine of the basic structure, which states that certain fundamental aspects of the Constitution cannot be altered by amendment.

GUARDIANSHIP OF FUNDAMENTAL RIGHTS

The judiciary, especially the Supreme Court, is the custodian of fundamental rights enshrined in Part III of the Constitution. Through Public Interest Litigation (PIL), the courts have expanded access to justice, allowing individuals and groups to seek redressal for violations of rights without the usual procedural constraints. Notable cases include *Maneka Gandhi v. Union of India (1978), which broadened the scope of Article 21 (Right to Life and personal Liberty) *Vishaka v. State of Rajasthan (1997) *, which laid down guidelines for preventing sexual harassment at the workplace.

JUDICIAL ACTIVISM

Indian courts often step in to lead activists to make law and administration inconsistent, Although this judicial system is sometimes controversial, it has led to significant advances in social justice. MC Mehta V. The Union of India* has helped solve environmental problems, thereby promoting the implementation of pollution control and conservation of natural resources. Judges determine and balance the powers of the legislative and executive branches to ensure the balance of power in democracies. This duty has arisen in many cases of judicial review of unconstitutional or administrative orders. For example, Indira Nehru Gandhi v. In Raj Narain (1975), the Supreme Court invalidated an amendment that would have shielded elections from judicial review, reiterating the principle that no one is above the law.

BALANCING POWER

The judiciary acts as a check on the powers of the legislature and the executive, maintaining the balance of power fundamental to a democratic system. This role is evident in the various instances where the judiciary has struck down unconstitutional laws or executive orders. For instance, in *Indira Nehru Gandhi v. Raj Narain (1975)*, the Supreme Court invalidated an amendment that sought to immunize the election of the Prime Minister from judicial scrutiny, reaffirming the principle that no one is above the law.

CHALLENGES AND CRITICISM

Despite its pivotal role, the Indian judiciary faces several challenges, including pendency of cases, delays in justice delivery, and allegations of judicial overreach. The backlog of cases remains a significant concern, with millions of cases pending at various levels of the judiciary. Efforts such as the establishment of fast-track courts and the digitization of judicial processes aim to address these issues.

Moreover, judicial activism has sometimes been criticized as judicial overreach, with courts being accused of encroaching upon the domains of the legislature and the executive. Critics argue that such interventions undermine the principle of separation of powers. However, proponents contend that judicial activism is necessary to protect the rights of marginalized sections and uphold the Constitution's spirit.

LANDMARK JUDGEMENTS

Several landmark judgments have shaped Indian democracy by reinforcing the judiciary's role as a sentinel of justice. The **SR Bommai v. Union of India (1994)** case asserted the principle of federalism, limiting the misuse of Article 356 (President's Rule). The **Navtej Singh Johar v. Union of India (2018)** decision decriminalized consensual same-sex relationships, showcasing the judiciary's progressive stance on human rights.

CONCLUSION

The judiciary in India serves as the bulwark of democracy, ensuring that the rule of law prevails and that the fundamental rights of citizens are protected. While it faces numerous challenges, its role in interpreting and upholding the Constitution, reviewing legislative and executive actions, and delivering justice remains indispensable. Through its proactive stance and landmark judgments, the judiciary continues to shape Indian democracy, striving to achieve the ideals enshrined in the Constitution.

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